SUPPLEMENTARY INFORMATION: VA published in the **Federal Register** of October 5, 1993 (58 FR 51798–99) a proposed amendment to 38 CFR 3.309(d) to define the term "urinary tract" for purposes of implementing the presumption of service connection for urinary tract cancers based on exposure to ionizing radiation established in the Radiation Exposure Amendments of 1992, Public Law 102–578. Interested parties were invited to submit written comments on or before November 4, 1993. Since no comments were received on the proposed rule, the final rule is adopted as proposed, effective October 1, 1992, the date provided by Public Law 102–578.

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

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

List of Subjects in 38 CFR Part 3

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

Approved: January 31, 1994.

Jesse Brown,

Secretary of Veterans Affairs.

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

PART 3—ADJUDICATION

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

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

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

2. In § 3.309, paragraph (d)(2)(xv), add a note at the end to read as follows:

§ 3.309 Disease subject to presumptive service connection.

* * * * *

(d) * * *

(2) * * *

(xv) Cancer of the urinary tract.

Note: For the purposes of this section, the term "urinary tract" means the kidneys, renal pelves, ureters, urinary bladder, and urethra.

* * * * *

[FR Doc. 94–11759 Filed 5–13–94; 8:45 am]

BILLING CODE 8320–01–P

---

38 CFR Part 3

RIN 2900–AG51

Returned and Canceled Checks

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its regulations concerning returned and canceled checks. The amendment will assure that the regulations clearly reflect the requirements of the governing statutes as interpreted in a precedent opinion of VA's General Counsel. The intended effect of the amendment is to ensure that the amount represented by a benefit check received but unnegotiated prior to a beneficiary's death is properly distributed.

EFFECTIVE DATE: This amendment is effective June 15, 1994.

FOR FURTHER INFORMATION CONTACT: Steven Thornberry, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 233–3005.

SUPPLEMENTARY INFORMATION: VA published a proposal to amend 38 CFR 3.1003 in the **Federal Register** of September 3, 1993 (58 FR 46920–21). Interested persons were invited to submit written comments on or before October 4, 1993. No comments were received, and the amendments are adopted as proposed with the exception of the following technical amendment. Section 3.1003(a), as here amended, will provide that the amount represented by a returned and canceled check will be payable to the living person or persons in the order of precedence listed in § 3.1000(a)(1)–(4), which deals with accrued benefits. Section 3.1000(a)(4) provides, in effect, that, where there is no living person in the classes identified in § 3.1000(a)(1)–(3), the amount of accrued benefits payable is limited to the amount necessary to reimburse the person who bore the expense of last sickness or burial. We are adding to § 3.1003(a), as originally proposed, a similar statement to ensure that there is no confusion on the amount of a returned and canceled check that may be paid in such a situation.

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

There is no affected Catalog of Federal Domestic Assistance program number.

List of Subjects in 38 CFR Part 3

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

Approved: January 31, 1994.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR Part 3 is amended to read as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, Dependency and Indemnity Compensation

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

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

2. Section 3.1003 is revised to read as follows:

§ 3.1003 Returned and canceled checks.

Where the payee of a check for benefits has died prior to negotiating the check, the check shall be returned to the issuing office and canceled.

(a) The amount represented by the returned check, or any amount recovered following improper negotiation of the check, shall be payable to the living person or persons in the order of precedence listed in § 3.1000(a)(1) through (4), except that the total amount payable shall not include any payment for the month in which the payee died (see § 3.500(g)), and payments to persons described in § 3.1000(a)(4) shall be limited to the amount necessary to reimburse such persons for the expenses of last sickness and/or burial.

(1) There is no limit on the retroactive period for which payment of the amount represented by the check may be made, and no time limit for filing a claim to obtain the proceeds of the check or for furnishing evidence to perfect a claim.

(2) Nothing in this section will preclude payment to an otherwise

entitled claimant having a lower order of precedence under § 3.1000(a)(1) through (4), if it is shown that the person or persons having a higher order of precedence are deceased at the time the claim is adjudicated.

(b) Subject to the limitations in § 3.500(g) of this part, any amount not paid in the manner provided in paragraph (a) of this section shall be paid upon settlement by the General Accounting Office to the estate of the deceased payee, provided that the estate, including the amount paid under this paragraph, will not escheat.

(c) The provisions of this section do not apply to checks for lump sums representing amounts withheld under § 3.551(b) or § 3.557. These amounts are subject to the provisions of § 3.1001 and § 3.1007, as applicable.

(Authority: 38 U.S.C. 501(a), 5122)

[FR Doc. 94–11761 Filed 5–13–94; 8:45 am]

BILLING CODE 8320–01–M

38 CFR Part 20

RIN 2900–AG42

Rules of Practice; Attorneys' and Agents' Fees

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs has amended its regulation to cover an exception to the requirements for charging a fee in connection with a proceeding before the Department with respect to benefits administered by the Secretary. These fee agreements will be treated similarly to other fee agreements for administrative efficiency.

EFFECTIVE DATE: June 15, 1994.

FOR FURTHER INFORMATION CONTACT: Steven L. Keller, Counsel to the Chairman, Board of Veterans' Appeals, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 (202–233–2978).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 7, 1993, at pages 47100 through 47101, VA published a proposed rule to implement an exception regarding the requirements for charging a fee in connection with a proceeding before the Department in cases arising out of certain loans. The amendment regarding the exception was created by section 303 of Public Law 102–405. Interested persons were invited to submit written comments, suggestions or objections on or before October 7, 1993. Since no comments were received, the final rule is adopted as proposed.

There are no Catalogs of Federal Domestic Assistance numbers associated with these final regulatory amendments.

List of Subjects in 38 CFR Part 20

Administrative practice and procedure, Claims, Lawyers, Legal Services, Veterans.

Approved: January 25, 1994.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 20 is amended as set forth below:

PART 20—BOARD OF VETERANS' APPEALS: RULES OF PRACTICE

1. The authority citation for part 20 continues to read as follows:

Authority: 38 U.S.C. 501(a).

2. In § 20.609 paragraph (d) is redesignated as paragraph (d)(2), and a new paragraph (d)(1) is added reading as set forth below; and in paragraph (e) introductory text, the first sentence, the words "under paragraph (c)" are removed.

§ 20.609 Rule 609. Payment of representative's fees in proceedings before Department of Veterans Affairs field personnel and before the Board of Veterans' Appeals.

* * * * *

(d) *Exceptions*—(1) *Chapter 37 loans.* With respect to services of agents and attorneys provided after October 9, 1992, a reasonable fee may be charged or paid in connection with any proceeding in a case arising out of a loan made, guaranteed, or insured under chapter 37, United States Code, even though the conditions set forth in paragraph (c) of this section are not met.

* * * * *

(Authority: 38 U.S.C. 5902, 5904, 5905)

(Approved by the Office of Management and Budget under control number 2900–0085)

[FR Doc. 94–11760 Filed 5–13–94; 8:45 am]

BILLING CODE 8320–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD16–1–5967; A–1-FRL–4884–4]

Approval and Promulgation of Air Quality Implementation Plans; Maryland Small Business Stationary Source Technical Environmental Compliance Assistance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM). This SIP revision was submitted by the State to satisfy the Federal mandate of the Clean Air Act ("CAA" or "the Act") which lists specific program criteria to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with CAA. The rationale for EPA's approval is set forth in this document; additional information is available at the address indicated below. This action is being taken in accordance with CAA.

DATES: This final rule will become effective July 15, 1994 unless notice is received on or before June 15, 1994 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Air Docket, 6102, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Maryland Department of the Environment, Air and Radiation Management Association, 2500 Broening Highway, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Makeba Morris at (215) 597–2923. U.S. Environmental Protection Agency, Region III (3AT11), 841 Chestnut Building, Philadelphia, PA 19107.

SUPPLEMENTARY INFORMATION:

I. Background

Implementation of the provisions of CAA, as amended in 1990, will require regulation of many small businesses so that areas may attain and maintain the National ambient air quality standards (NAAQS) and reduce the emission of air toxics. Small businesses frequently lack the technical expertise and financial resources necessary to evaluate such regulations and to determine the appropriate mechanisms for

compliance. In anticipation of the impact of these requirements on small businesses, section 507 of CAA requires that states adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), and submit this PROGRAM as a revision to the federally approved SIP. In addition, section 507 of CAA directs EPA to oversee these small business assistance programs and report to Congress on their implementation. The requirements for establishing a PROGRAM are set out in section 507 of title V of the CAA. In February 1992, EPA issued *Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments*, in order to delineate the Federal and state roles in meeting the new statutory provisions, and as a tool to provide further guidance to the states on submitting acceptable SIP revisions.

On November 13, 1992, the State of Maryland submitted a SIP revision to EPA in order to satisfy the requirements of section 507. In order to gain full approval, the state submittal must provide for each of the following PROGRAM elements: (1) The establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses; (2) the establishment of a state Small Business Ombudsman to represent the interests of small business stationary sources in connection with the implementation of CAA; and (3) the creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP and the state Small Business Ombudsman.

II. Analysis

1. Small Business Assistance Program

Sections 1–402, 1–404 and 2–201 of the Code of Maryland authorizes the Secretary of the Maryland Department of the Environment (MDE) to establish a Small Business Stationary Source Technical and Environmental Compliance Assistance Program which meets the requirements of section 507 of CAA. In developing Maryland's PROGRAM submittal, the Secretary of MDE has delegated the majority of its functions to the Department of the Environment, Air Management Administration (AMA) which will establish a small business assistance office.

Section 507(a) of CAA sets forth seven requirements that states must meet to have an approvable SBAP. Six requirements will be discussed in this section of this document, while the seventh requirement, establishment of a state Small Business Ombudsman, will be discussed in the next section.

The first requirement is to establish adequate mechanisms for developing, collecting and coordinating information concerning compliance methods and technologies for small business stationary sources, and programs to encourage lawful cooperation among such sources and other persons to further compliance with CAA. The second requirement is to establish adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products and methods of operation that help reduce air pollution.

The State has met these first two requirements by charging the AMA SBAP with the responsibility of serving as a clearinghouse for information related to compliance methods and control technologies, pollution prevention and accidental release prevention and detection. Information on pollution prevention/accidental release will focus on the requirements under the accidental release provisions of title III of CAA, the Emergency Planning and Community Right-to-Know Act of 1986, the Occupational Safety and Health Administration (OSHA) process safety standards, using the Pollution Prevention Information Clearinghouse (PPIC) and the Chemical Emergency Preparedness and Prevention Office (CEPPO) as resources. Relevant clearinghouse material will be translated into layman's terms and organized into information packets. The AMA will also use as resources EPA's Control Technology Center (CTC), Emissions Measurement Technical Information Center (EMTIC), as well as other state organizations, such as the University of Maryland's Technology Extension Service. The AMA will work closely with other state agencies, particularly the Maryland Department of Economic and Employment Development (DEED) to optimize information exchange and program effectiveness. Information dissemination shall take two forms. The proactive portion of the program (Information Outreach Network) will utilize industry groups, trade associations, Maryland's Small Business Development Center (SBDC) and additional avenues as needed to disseminate information to eligible small business stationary sources. The AMA will also disseminate information in a reactive manner by establishing an Information Clearinghouse, via a toll-free telephone hotline, which will be responsible for answering questions directly or referring such questions to appropriate agency experts.

The third requirement is to develop a compliance and technical assistance program for small business stationary sources which assists small businesses in determining applicable requirements and in receiving permits under CAA in a timely and efficient manner. The AMA has met this requirement by planning to develop pamphlets and information packets, as well as sponsoring seminars detailing general permit requirements, new and existing regulatory requirements and methods of pollution prevention and accidental release prevention and detection. These informational packages will be disseminated in a timely manner by the Information Outreach Network described in the preceding paragraph. Specific questions about permitting responsibilities and procedures will be directed to appropriate experts in the AMA.

The fourth requirement is to develop adequate mechanisms to assure that small business stationary sources receive notice of their rights under the Act in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final regulation or standards issued under CAA. The fifth requirement is to develop adequate mechanisms for informing small business stationary sources of their obligations under the CAA, including mechanisms for referring such sources to qualified auditors or, at the option of the State, for providing audits of the operations of such sources to determine compliance with CAA. The AMA has met these requirements by planning to maintain a database of all small business stationary sources and small business membership groups subject to Federal and/or state requirements and notify these sources, in a timely manner by the proactive mechanisms described above, of rights and obligations under CAA. In support of said PROGRAM, the AMA will also conduct periodic surveys, to solicit feedback from the small business community. In addition, the AMA will provide material, through the Information Outreach Network and the Information Clearinghouse, on environmental auditors to assist small businesses in meeting the requirements of CAA. AMA staff will also be available to provide limited on-site assistance.

The sixth requirement is to develop procedures for consideration of requests from a small business stationary source for modification of: (A) Any work

practice or technological method of compliance, or (B) the schedule of milestones for implementing such work practices or compliance methods. The AMA will meet this requirement by establishing a mechanism in accordance with section 507(a)(7) of CAA to receive, review and process requests for work practice, compliance method or milestone modifications.

2. Ombudsman

Section 507(a)(3) of CAA requires the designation of a state office to serve as the Ombudsman for small business stationary sources. Maryland's Secretary of the Department of the Environment has designated the Office of Community Assistance to serve as Ombudsman for small business concerns as they relate to the SBAP. The Office of Community Assistance presently coordinates the Department outreach activities, and serves a problem mediation function for private citizens, industry, and local organizations, etc. The Ombudsman will be readily accessible to small businesses and, on their behalf, be authorized to provide reports to and communicate with state air pollution control authorities and the Secretary of the Department of the Environment. It is anticipated that the Ombudsman's office will be adequately staffed and funded to fulfill its function with existing personnel.

3. Compliance Advisory Panel

Section 507(e) of CAA requires the state to establish a Compliance Advisory Panel (the CAP) that must include two members selected by the Governor who are not owners or representatives of owners of small businesses; four members selected by the state legislature who are owners, or represent owners, of small businesses; and one member selected by the head of the agency in charge of the Air Pollution Permit Program. The Compliance Advisory Panel will be established by the Governor of the State of Maryland, through an executive order to be issued no later than September 1, 1994. The Panel will include seven members who will be chosen consistent with the requirements of section 507(e) of the CAA.

In addition to establishing the minimum membership of the CAP, CAA delineates four responsibilities of the Panel: (A) To render advisory opinions concerning the effectiveness of the SBAP, difficulties encountered and the degree and severity of enforcement actions; (B) to review and assure that information for small business stationary sources is easily understandable; (C) to develop and disseminate the reports and advisory opinions made through the SBAP; and (D) to periodically report to EPA concerning the SBAP's adherence to the principles of the Paperwork Reduction Act, the Equal Access to Justice Act, and the Regulatory Flexibility Act. (Section 507(e)(1)(B) requires the CAP to report on the compliance of the SBAP with these three statutes. However, since state agencies are not required to comply with them, EPA believes that the state PROGRAM must merely require the CAP to report on whether the SBAP is adhering to the general principles of these Federal Statutes.)

Upon review of the November 13, 1992 formal SIP revision submittal EPA has determined that Maryland specifically satisfies these requirements. Section 4.0 of the SIP revision states that: (1) The CAP will render advisory opinions concerning measures to enhance the effectiveness of the program; (2) prepare periodic reports to the EPA on compliance status of the program with the Federal Paperwork Reduction Act, the Regulatory Flexibility Act and the Equal Access to Justice Act; and (3) review information directed to small businesses stationary sources to assure such information is understandable to the layperson. The SBAP will serve as the Secretariat for the development and dissemination of Panel reports and advisory opinions.

The Compliance Advisory Panel will be established by the Governor of the State of Maryland, through an executive order to be issued no later than September 1, 1994. If the executive order for the establishment of the Compliance Advisory Panel is not issued by September 1, 1994, the EPA will issue a SIP call, pursuant to 110(k)(5), to ensure its timely issuance.

4. Eligibility

Section 507(c)(1) of CAA defines the term "small business stationary source" as a stationary source that:

(A) Is owned or operated by a person who employs 100 or fewer individuals;

(B) Is a small business concern as defined in the Small Business Act;

(C) Is not a major stationary source;

(D) Does not emit 50 tons per year (tpy) or more of any regulated pollutant; and

(E) Emits less than 75 tpy of all regulated pollutants.

Except for source categories which the EPA Administrator or the State of Maryland determines (in accordance with sections 507(c)(3)(A) and (B)), to have sufficient financial and technical capabilities to meet the requirements of the Act without PROGRAM assistance, all small business stationary sources located in Maryland will be eligible to receive assistance under the PROGRAM. Maryland's PROGRAM criteria for defining a "small business stationary source" is equivalent to the criteria listed in section 507(c)(1) of CAA. The State of Maryland has not provided for the extension of eligibility for assistance under the PROGRAM beyond the requirements of sections 507(c)(1)(C)-(E). However, the State may provide "unofficial" program assistance to any source that requests help if resources are available.

III. Summary of SIP Revision

The State of Maryland has submitted a SIP revision implementing each of the PROGRAM elements required by section 507 of CAA. The Small Business Assistance Program (SBAP) will be administered by the Maryland Department of the Environment (MDE), Air and Radiation Management Administration. Program implementation will begin no later than November 15, 1994. The Compliance Advisory Panel will be established by the Governor of the State of Maryland through an executive order to be issued no later than September 1, 1994. The Panel will be appointed by no later than November 15, 1994. By this action, EPA is hereby approving the SIP revision submitted by the State of Maryland. Accordingly, § 52.1110 is added to 40 CFR part 52, subpart V in order to reflect EPA's approval action and the fact that it is considered part of the Maryland SIP.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective July 15, 1994 unless, by June 15, 1994, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent documents. One document will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on July 15, 1994.

IV. Final Action

The Agency has reviewed Maryland's request for revision of its federally-approved SIP and found it to be in conformance with CAA, including sections 507 and 110(a)(2)(E) thereof. EPA is approving Maryland's plan for the establishment of a Small Business Stationary Source Technical and

Environmental Compliance Assistance Program. Accordingly, § 52.1110 is added to 40 CFR part 52, subpart V-Maryland to reflect EPA's approval action.

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

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 not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

By this action, EPA is approving a state program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The program being approved does not impose any new regulatory burden on small businesses; it is a program under which small businesses may elect to take advantage of assistance provided by the state. Therefore, because EPA's approval of this program does not impose any new regulatory requirements on small businesses, the Administrator certifies that it does not have a economic impact on any small entities affected.

This action has been classified as a Table 2 action for signature by the Acting Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for a period of two years. The EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request is still applicable under Executive Order 12866, which superseded Executive Order 12291 on September 30, 1993.

Under section 307(b)(1) of CAA, petitions for judicial review of this action to approve the Maryland Small Business Stationary Source Technical and Environmental Compliance Assistance Program must be filed in the United States Court of Appeals for the appropriate circuit by [Insert date 60 days from date of publication]. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Small business assistance program.

Dated: December 30, 1993.

Elaine B. Wright,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart V—Maryland

2. Section 52.1110 is added to subpart V to read as follows:

§ 52.1110 Small business stationary source technical and environmental compliance assistance program.

On November 13, 1992 the Acting Director of the Air and Radiation Management Administration, Maryland Department of the Environment submitted a plan for the establishment and implementation of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program as a state implementation plan (SIP) revision, as required by title V of the Clean Air Act Amendments. EPA approved the Small Business Stationary Source Technical and Environmental Compliance Assistance Program on [Insert date of publication] and made it part of the Maryland SIP. As with all components of the SIP, Maryland must implement the program as submitted and approved by EPA.

[FR Doc. 94–11752 Filed 5–13–94; 8:45 am]

BILLING CODE 6560–50–F

---

40 CFR Part 52

[OR39–1–6366; FRL–4882–1]

Approval and Promulgation of State Implementation Plans; Oregon

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving the revisions to the State of Oregon Implementation Plan (SIP) which were submitted on February 4, 1994 by the Oregon Department of Environmental Quality (ODEQ). These revisions to OAR Chapter 340 Division 34 (Residential Woodheating and the Woodstove Certification Program) eliminate the State's independent Woodstove Certification program. The State instead will rely on the Federal woodstove certification program which is fully equivalent to Oregon's woodstove certification requirements. The revisions also eliminate Oregon's requirement for separate efficiency testing and labeling. The elimination of the State Certification Program will eliminate the duplication of program efforts between the Federal program and the State program.

DATES: This final rule will be effective on July 15, 1994 unless notice is received by June 15, 1994 that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30-day comment.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Air & Radiation Branch (AT–082), EPA, Docket # OR39–1–6366, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Air & Radiation Branch, 1200 Sixth Avenue (AT–082), Seattle, Washington 98101, and State of Oregon Department of Environmental Quality, 811 SW., Sixth Avenue, Portland, Oregon 97204–1390.

FOR FURTHER INFORMATION CONTACT: Kelly McFadden, Air & Radiation Branch (AT–082), EPA, Seattle, Washington, (206) 553–1498.

SUPPLEMENTARY INFORMATION:

I. Background

EPA first established a Federal New Source Performance Standard (NSPS) for New Residential Wood Heaters February 26, 1988. (53 FR 5873) codified at 40 CFR part 60, subpart AAA. Oregon's Woodstove Certification Rules were first approved by EPA on August 2, 1985 (50 FR 31368) prior to promulgation of the NSPS. On

November 15, 1991 revisions to the Woodstove Certification Rules were submitted by ODEQ that included renumbering, a new requirement for temporary labeling for overall efficiency, and provisions prohibiting the sale of used non- certified woodstoves. By these revisions, ODEQ also retained its laboratory efficiency accreditation requirement as well as its overall retail enforcement authority. These revisions were approved by EPA on June 9, 1992 (57 FR 24373).

The current SIP approved Woodstove Certification rules (OAR 340–34–005 through 115) require the ODEQ to maintain a woodstove certification program separate from the Federal Woodstove Certification Program. Moreover, Oregon's program requires the testing and labeling of a woodstove's heating efficiency. EPA's NSPS does not have this requirement. By approving the revision to the State of Oregon's Air Quality Control Plan Volume 2, Oregon would eliminate the requirement for separate efficiency testing and labeling and accept the Federal Woodstove Certification Program.

This revision was adopted by the Oregon Environmental Quality Commission on December 10, 1993 and submitted to EPA by the Oregon Department of Environmental Quality on February 4, 1994. The woodstove provisions are intended to reduce particulate emissions statewide. However, by eliminating the state testing and labeling of heating efficiency, no reduction in the amount of environmental protection will be lost since there is not an efficiency standard that must be met. The Federal woodstove emission standard is as stringent as the Oregon standard for catalytic woodstoves, and is more stringent than the Oregon emission standard for noncatalytic woodstoves. Therefore, by the state deferring to the Federal certification program, the amount of environmental protection would in no way be reduced.

II. EPA Action

EPA is approving the revisions to Division 34 Residential Woodheating and Woodstove Certification Program (OAR 340–34–005 through 115). The revision includes the adoption of the rule OAR 340–34–45 into the SIP. The revision also includes the repeal of OAR 340–34–55, OAR 340–34–65 as well as OAR 340–34–075 through 340–34–115.

III. Administrative Review

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 H. 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 Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for two 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.

The public should be advised that this action will be effective on July 15, 1994. However, if notice is received by June 15, 1994 that someone wishes to submit adverse or critical comments on any or all of these revisions approved herein, the action on these revisions will be withdrawn and two subsequent documents will be published before the effective date. One document will withdraw the final action on those revisions and another will begin a new rulemaking by announcing a proposal of the action on these revisions and establish a comment period.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 15, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607 (b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

Note: Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of **Federal Register** on July 1, 1982.

Dated: April 26, 1994.

Jane S. Moore,

Acting Regional Administrator.

Part 52, chapter I, title 40 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 MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c) (106) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(106) On February 4, 1994 the Oregon Department of Environmental Quality (ODEQ) submitted the formal SIP revision to Oregon's Administrative Rules (OAR) 340–34–005 through 340–34–115 (Residential Woodheating and Woodstove Certification Program). This revision includes the repeal of OAR 340–34–55, OAR 340–34–65 as well as OAR 340–34–075 through 340–34–115

(i) Incorporation by reference.

(A) February 4, 1994 letter from the Director of ODEQ to EPA Region 10 submitting a revision to the Woodstove Certification and Efficiency Testing Program.

(B) OAR 340–34–005 through 115, Residential Woodheating and Woodstove Certification Program, adopted on December 10, 1993 and effective on January 3, 1994.

3. Section 52.1977 is revised to read as follows:

§ 52.1977 Content of approved State submitted implementation plan.

The following sections of the State air quality control plan (as amended on the dates indicated) have been approved and are part of the current state implementation plan.

STATE OF OREGON

AIR QUALITY CONTROL PROGRAM

Volume 2–The Federal Clean Air Act Implementation Plan(and Other State Regulations)

Section

1. Introduction (1–86)

2. General Administration (1–86)

2.1 Agency Organization (1–86)
2.2 Legal Authority (1–86)
2.3 Resources (1–86)
2.4 Intergovernmental Cooperation and Consultation (1–86)
2.5 Miscellaneous Provisions (1–86)

3. Statewide Regulatory Provisions

3.1 Oregon Administrative Rules–Chapter 340 (1–86)

Division 12–Civil Penalties

Sec. 030 Definitions (11–8–84)
Sec. 035 Consolidation of Proceedings (9–25–74)
Sec. 040 Notice of Violation (12–3–85)
Sec. 045 Mitigating and Aggravating Factors (11–8–84)
Sec. 050 Air Quality Schedule of Civil Penalties (11–8–84)
Sec. 070 Written Notice of Assessment of Civil Penalty; When Penalty Payable (9–25–74)
Sec. 075 Compromise or Settlement of Civil Penalty by Director (11–8–84)

Division 14–Procedures for Issuance, Denial, Modification, and Revocation of Permits (4–15–72)

Sec. 005 Purpose (4–15–72)
Sec. 007 Exceptions (6–10–88)
Sec. 010 Definitions (4–15–72), except (3) "Director" (6–10–88)
Sec. 015 Type, Duration, and Termination of Permits (12–16–76)
Sec. 020 Application for a Permit (4–15–72), except(1), (4)(b), (5) (6–10–88)
Sec. 025 Issuance of a Permit (4–15–72), except(2), (3), (4), (5), (6) (6–10–88)
Sec. 030 Renewal of a Permit (4–15–72)
Sec. 035 Denial of a Permit (4–15–72)
Sec. 040 Modification of a Permit (4–15–72)
Sec. 045 Suspension or Revocation of a Permit (4–15–72)
Sec. 050 Special Permits (4–15–72)

Division 20–General

Sec. 001 Highest and Best Practicable Treatment and ControlRequired (3–1–72)
Sec. 003 Exceptions (3–1–72)

Registration

Sec. 005 Registration in General (9–1–70)
Sec. 010 Registration requirements (9–1–70)
Sec. 015 Re-registration (9–1–70)

Notice of Construction and Approval of Plans

Sec. 020 Requirement (9–1–70)
Sec. 025 Scope (3–1–72)
Sec. 030 Procedure (9–1–72), except (4)(a) Order Prohibiting Construction (4–14–89)
Sec. 032 Compliance Schedules (3–1–72)

Sampling, Testing, and Measurement of Air Contaminant Emissions

Sec. 035 Program (9–1–70)
Sec. 037 Stack Heights & Dispersion Techniques (5–12–86)
Sec. 040 Methods (9–11–70)
Sec. 045 Department Testing (9–1–70)
Sec. 046 Records; Maintaining and Reporting (10–1–72)
Sec. 047 State of Oregon Clean Air Act, Implementation Plan (9–30–85)
Sec. 136 Owners of Gasoline at Terminals, Distributors and Retail Outlets Required to Have Indirect Source Operating Permits (11–1–92)

Air Contaminant Discharge Permits

Sec. 140 Purpose (1–6–86)
Sec. 145 Renumbered to OAR 340–28–110
Sec. 150 Notice Policy (6–10–88)
Sec. 155 Permit Required (5–31–83)
Sec. 160 Multiple-Source Permit (1–6–76)
Sec. 165 Fees (3–14–86)
Sec. 170 Procedures For Obtaining Permits (1–11–74)
Sec. 175 Other Requirements (6–29–79)
Sec. 180 Registration Exemption (6–29–79)
Sec. 185 Permit Program For Regional Air Pollution Authority (1–6–76)

Conflict of Interest

Sec. 200 Purpose (10–13–78)
Sec. 205 Definitions (10–13–78)
Sec. 210 Public Interest Representation (10–13–78)
Sec. 215 Disclosure of Potential Conflicts of Interest (10–13–78)

New Source Review

Sec. 220 Applicability (9–8–81)
Sec. 225 Renumbered to OAR 340–28–110
Sec. 230 Procedural Requirements (10–16–84), except (3)(d) (6–10–88)
Sec. 235 Review of New Sources and Modifications for Compliance With Regulations (9–8–81)
Sec. 240 Requirements for Sources in Nonattainment Areas (4–18–83)
Sec. 245 Requirements for Sources in Attainment or Unclassified Areas (Prevention of Significant Deterioration) (10–16–85)
Sec. 250 Exemptions (9–8–81)
Sec. 255 Baseline for Determining Credit for Offsets (9–8–81)
Sec. 260 Requirements for Net Air Quality Benefit (4–18–83)
Sec. 265 Emission Reduction Credit Banking (4–18–83)
Sec. 270 Fugitive and Secondary Emissions (9–8–81)
Sec. 275 Repealed
Sec. 276 Visibility Impact (10–16–85)

Plant Site Emission Limits

Sec. 300 Policy (9–8–81)
Sec. 301 Requirement for Plant Site Emission Limits (9–8–81)
Sec. 305 Renumbered to OAR 340–28–110
Sec. 310 Criteria for Establishing Plant Site Emission Limits (9–8–81)
Sec. 315 Alternative Emission Controls (9–8–81)
Sec. 320 Temporary PSD Increment Allocation (9–8–81)

Stack Heights and Dispersion Techniques

Sec. 340 Definitions (4–18–83)
Sec. 345 Limitations (4–18–83)
Sec. 350 Purpose and Applicability (1–2–91)
Sec. 355 Renumbered to OAR 340–28–110
Sec. 360 Planned Startup and Shutdown (1–2–91)
Sec. 365 Scheduled Maintenance (1–2–91)
Sec. 370 Upsets and Breakdowns (1–2–91)
Sec. 375 Reporting Requirements (1–2–91)
Sec. 380 Enforcement Action Criteria (1–2–91)

Parking Offsets in the Portland Central Business District

Sec. 405 Scope (12–19–90)
Sec. 410 Definitions (12–19–90)
Sec. 420 Requirements for Parking Offsets (12–19–90)
Sec. 430 Overall Monitoring and Contingency Plan (12–19–90)

Division 21–General Emission Standards for Particulate Matter

Sec. 005 Definitions (1–16–84)
Sec. 010 Special Control Areas (7–11–70)
Sec. 015 Visible Air Contaminant Limitations (7–11–70)
Sec. 020 Fuel Burning Equipment Limitations (9–1–82)
Sec. 025 Refuse Burning Equipment Limitations (1–6–84)
Sec. 027 Municipal Waste Incinerator in Coastal Areas (1–16–84)
Sec. 030 Particulate Emission Limitations for Sources Other Than Fuel Burning and Refuse Burning Equipment (3–1–72)

Particulate Emissions From Process Equipment

Sec. 035 Applicability (3–1–72)
Sec. 040 Emission Standard (3–1–72)
Sec. 045 Determination of Process Weight (3–1–72)

Fugitive Emissions

Sec. 050 Definitions (3–1–72)
Sec. 055 Applicability (3–1–72)
Sec. 060 Requirements (3–1–72)

Upset Conditions

Sec. 070 Repealed
Sec. 075 Repealed

Industrial Contingency Requirements for PM–10 Nonattainment Areas

Sec. 200 Purpose (11–13–91)
Sec. 205 Relation to Other Rules (11–13–91)
Sec. 210 Applicability (11–13–91)
Sec. 215 Definitions (11–13–91)
Sec. 220 Compliance Schedule for Existing Sources (11–13–91)
Sec. 225 Wood-Waste Boilers (11–13–91)
Sec. 230 Wood Particulate Dryers at Particleboard Plants (11–13–91)
Sec. 235 Hardboard Manufacturing Plants (11–13–91)
Sec. 240 Air Conveying Systems (11–13–91)
Sec. 245 Fugitive Emissions (11–13–91)

Division 22–General Gaseous Emissions Sulfur Content of Fuels

Sec. 005 Definitions (3–1–72)
Sec. 010 Residual Fuel Oils (8–25–77)
Sec. 015 Distillate Fuel Oils (3–1–72)
Sec. 020 Coal (1–29–82)
Sec. 025 Exemptions (3–1–72)

General Emission Standards for Sulfur Dioxide

Sec. 050 Definitions (3–1–72)
Sec. 055 Fuel Burning Equipment (3–1–72)
Sec. 300 Reid Vapor Pressure for Gasoline, except that in Paragraph (6) only sampling procedures and test methods specified in 40 CFR part 80 are approved (6–15–89)

Motor Vehicle Fuel Specifications for Oxygenated Gasoline

Sec. 440 Policy (11–1–92)
Sec. 450 Definitions (11–1–92)
Sec. 460 Purpose and General Requirements (11–1–92)
Sec. 470 Control Areas (11–1–92)
Sec. 480 Average Oxygen Content Standard (11–1–92)
Sec. 490 Sampling, Testing and Oxygen Content (11–1–92)

Sec. 500 Alternative Compliance Options (11–1–92)
Sec. 510 Minimum Oxygen Content (11–1–92)
Sec. 520 Oxygenated Gasoline Blending (11–1–92)
Sec. 530 Registration (11–1–92)
Sec. 540 CAR, Distributor and Retail Outlet Operating Permits (11–1–92)
Sec. 550 Recordkeeping (11–1–92)
Sec. 560 Reporting (11–1–92)
Sec. 570 Prohibited Activities (11–1–92)
Sec. 580 Inspection and Sampling (11–1–92)
Sec. 590 Liability For Violation of a Prohibited Activity (11–1–92)
Sec. 600 Defenses For Prohibited Activities (11–1–92)
Sec. 610 Inability to Product Conforming Gasoline Due to Extraordinary Circumstances (11–1–92)
Sec. 620 Quality Assurance Program (11–1–92)
Sec. 630 Attest Engagements Guidelines When Prohibited Activities Alleged (11–1–92)
Sec. 640 Dispenser Labeling (11–1–92)

Division 23–Rules for Open Burning

Sec. 022 How to Use These Open Burning Rules (9–8–81)
Sec. 025 Policy (9–8–81)
Sec. 030 Definitions (6–16–84) (15) "Disease and Pest Control" (11–13–91)
Sec. 035 Exemptions, Statewide (6–16–84)
Sec. 040 General Requirements Statewide (9–8–81)
Sec. 042 General Prohibitions Statewide (6–16–84)
Sec. 043 Open Burning Schedule (11–13–91)
Sec. 045 County Listing of Specific Open Burning Rules (9–8–81)

Open Burning Prohibitions

Sec. 055 Baker, Clatsop, Crook, Curry Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties (9–8–81)
Sec. 060 Benton, Linn, Marion, Polk, and Yamhill Counties (6–16–84)
Sec. 065 Clackamas County (6–16–84)
Sec. 070 Multnomah County (6–16–84)
Sec. 075 Washington County (6–16–84)
Sec. 080 Columbia County (9–8–81)
Sec. 085 Lane County (6–16–84)
Sec. 090 Coos, Douglas, Jackson and Josephine Counties (11–13–91)
Sec. 100 Letter Permits (6–16–84)
Sec. 105 Forced Air Pit Incinerators (9–8–81)
Sec. 110 Records and Reports (9–8–81)
Sec. 115 Open Burning Control Areas (6–16–84)

Division 24–Motor Vehicles Motor Vehicle Emission Control Inspection Test Criteria, Methods and Standards

Sec. 300 Scope (4–1–85)
Sec. 301 Boundary Designations (9–12–88)
Sec. 305 Definitions (4–1–85)
Sec. 306 Publicly Owned and Permanent Fleet Vehicle Testing Requirements (12–31–83)
Sec. 307 Motor Vehicle Inspection Program Fee Schedule (8–1–81)
Sec. 310 Light Duty Motor Vehicle Emission Control Test Method (9–12–88)
Sec. 315 Heavy Duty Gasoline Motor Vehicle Emission Control Test Method (12–31–83)
Sec. 320 Light Duty Motor Vehicle Emission Control Test Criteria (9–12–88)
Sec. 325 Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria (9–12–88)
Sec. 330 Light Duty Motor Vehicle Emission Control Cutpoints or Standards (8–1–81) Subpart (3) (9–12–86)
Sec. 335 Heavy Duty Gasoline Motor Vehicle EmissionControl Emission Standards (9–12–86)
Sec. 340 Criteria for Qualifications of Persons Eligible to Inspect Motor Vehicles and Motor Vehicle Pollution Control Systems and Execute Certificates (12–31–83)
Sec. 350 Gas Analytical System Licensing Criteria (9–12–88)

Division 25–Specific Industrial Standards Construction and Operation of Wigwam Waste Burners

Sec. 005 Definitions (3–1–72)
Sec. 010 Statement of Policy (3–1–72)
Sec. 015 Authorization to Operate a Wigwam Burner (3–1–72)
Sec. 020 Repealed
Sec. 025 Monitoring and Reporting (3–1–72)

Hot Mix Asphalt Plants

Sec. 105 Definitions (3–1–73)
Sec. 110 Control Facilities Required (3–1–73)
Sec. 115 Other Established Air Quality Limitations (3–1–73)
Sec. 120 Portable Hot Mix Asphalt Plants (4–18–83)
Sec. 125 Ancillary Sources of Emission–Housekeeping of PlantFacilities (3–1–73)

Kraft Pulp Mills

Sec. 155 Statement of Policy (3–1–73)
Sec. 160 Highest and Best Practible Treatment and Control Required (3–1–73)
Sec. 165 Emission Limitations (3–1–73)
Sec. 170 More Restrictive Emission Limits (3–1–73)
Sec. 175 Plans and Specifications (3–1–73)
Sec. 180 Monitoring (3–1–73)
Sec. 185 Reporting (3–1–73)
Sec. 190 Upset Conditions (3–1–73)
Sec. 195 Other Established Air Quality Limitations (3–1–73)

Primary Aluminum Plants

Sec. 255 Statement of Purpose (6–18–82)
Sec. 260 Definitions (6–18–82)
Sec. 265 Emission Standards (6–18–82)
Sec. 270 Special Problem Areas (12–25–73)
Sec. 275 Highest and Best Practical Treatment and ControlRequirement (12–25–73)
Sec. 280 Monitoring (6–18–82)
Sec. 285 Reporting (6–18–82)

Specific Industrial Standards

Sec. 305 Definitions (11–13–91)
Sec. 310 General Provisions (4–11–77)
Sec. 315 Veneer and Plywood Manufacturing Operations (11–13–91)
Sec. 320 Particleboard Manufacturing Operations (3–22–77)
Sec. 325 Hardboard Manufacturing Operations (3–22–77)

Regulations for Sulfite Pulp Mills

Sec. 350 Definitions (5–23–80)
Sec. 355 Statement of Purpose (5–23–80)
Sec. 360 Minimum Emission Standards (5–23–80)
Sec. 365 Repealed
Sec. 370 Monitoring and Reporting (5–23–80)
Sec. 375 Repealed
Sec. 380 Exceptions (5–23–80)

Laterite Ore Production of Ferronickel

Sec. 405 Statement of Purpose (3–1–72)
Sec. 410 Definitions (3–1–72)
Sec. 415 Emission Standards (3–1–72)
Sec. 420 Highest and Best Practicable Treatment and ControlRequired (3–1–72
Sec. 425 Compliance Schedule (3–1–72)
Sec. 430 Monitoring and Reporting (3–1–72)

Division 26–Rules for Open Field Burning (Willamette Valley)

Sec. 001 Introduction (7–3–84)
Sec. 003 Policy (3–7–84)
Sec. 005 Definitions (3–7–84)
Sec. 010 General Requirement (3–7–84)
Sec. 011 Repealed
Sec. 012 Registration, Permits, Fees, Records (3–7–84)
Sec. 013 Acreage Limitations, Allocations (3–7–84)
Sec. 015 Daily Burning Authorization Criteria (3–7–84)
Sec. 020 Repealed
Sec. 025 Civil Penalties (3–7–84)
Sec. 030 Repealed
Sec. 031 Burning by Public Agencies (Training Fires) (3–7–84)
Sec. 035 Experimental Burning (3–7–84)
Sec. 040 Emergency Burning, Cessation (3–7–84)
Sec. 045 Approved Alternative Methods of Burning (PropaneFlaming) (3–7–84)

Division 27–Air Pollution Emergencies

Sec. 005 Introduction (5–20–88)
Sec. 010 Episode State Criteria for Air Pollution Emergencies (5–20–88)
Sec. 012 Special Conditions (5–20–88)
Sec. 015 Source Emission Reduction Plans (10–24–83)
Sec. 020 Repealed
Sec. 025 Regional Air Pollution Authorities (10–24–83)
Sec. 035 Operation and Maintenance Manual (10–24–83)

Division 28–Stationary Source Air Pollution Control and Permitting Procedures

Sec. 110 Definitions (11–4–93)
Sec. 1500 Purpose and Applicability (11–4–93)
Sec. 1510 Requirements (11–4–93)
Sec. 1520 Submission of Emission Statement (9–24–93)

Division 30–Specific Air Pollution Control Rules for the Medford-Ashland Air Quality Maintenance Area

Sec. 005 Purposes and Application (11–13–91)
Sec. 010 Definitions (11–13–91)
Sec 012 Application (11–13–91)
Sec. 015 Wood Waste Boilers (11–13–91) except (3)(c)
Sec. 021 Veneer Dryer Emission Limitations (11–13–91)
Sec. 025 Air Conveying Systems (9–7–89)

Sec. 030 Wood Particle Dryers at Particleboard Plants (11–13–91)
Sec. 031 Hardwood Manufacturing Plants (5–6–81)
Sec. 035 Wigwam Waste Burners (10–29–80)
Sec. 040 Charcoal Producing Plants (9–7–89)
Sec. 043 Control of Fugitive Emissions (Medford-Ashland Only) (11–13–91)
Sec. 044 Requirement for Operation and Maintenance Plans (Medford-Ashland Only) (11–13–91)
Sec. 045 Repealed
Sec. 046 Emission Limits Compliance Schedules (11–13–91)
Sec. 050 Continuous Monitoring (11–13–91)
Sec. 055 Source Testing (11–13–91)
Sec. 060 Repealed
Sec. 065 New Sources (11–13–91)
Sec. 070 Open Burning (4–7–78)
Sec. 115 Dual Fuel Feasibility Study for Wood-Waste Boilers (11–13–91)
Sec. 200 Application (11–13–91)
Sec. 205 Compliance Schedule for Existing Sources (11–13–91)
Sec. 210 Woodwaste Boilers (11–13–91)
Sec. 215 Wood Particle Dryers At Particleboard Plants (11–13–91)
Sec. 220 Hardboard Manufacturing Plants (11–13–91)
Sec. 225 Air Conveying Systems (11–13–91)
Sec. 230 Fugitive Emissions (11–13–91)

Division 31–Ambient Air Quality Standards

Sec. 005 Definitions (3–1–72)
Sec. 010 Purpose and Scope of Ambient Air Quality Standards (3–1–72)
Sec. 015 Suspended Particulate Matter (3–1–72)
Sec. 020 Sulfur Dioxide (3–12–72)
Sec. 025 Carbon Monoxide (3–1–72)
Sec. 030 Ozone (1–29–82)
Sec. 035 Hydrocarbons (3–1–72)
Sec. 040 Nitrogen Dioxide (3–1–72)
Sec. 045 Repealed
Sec. 050 Repealed
Sec. 055 Ambient Air Quality Standard for Lead (1–21–83)

Prevention of Significant Deterioration

Sec. 100 General (6–22–79)
Sec. 110 Ambient Air Increments (6–22–79)
Sec. 115 Ambient Air Ceilings (6–22–79)
Sec. 120 Restrictions on Area Classifications (6–22–79)
Sec. 125 Repealed
Sec. 130 Redesignation (6–22–79)

Division 34–Residential Wood Heating

Sec. 001 Purpose (11–13–91)
Sec. 005 Definitions (1–3–94)
Sec. 010 Requirements for Sale of Woodstoves (1–3–94)
Sec. 015 Exemptions (1–3–94)
Sec. 020 Civil Penalties (11–13–91)

Woodstove Certification Program

Sec. 045 Applicability (1–3–94)
Sec. 050 Emission Performance Standards & Certification (1–3–94)
Sec. 055 Repealed
Sec. 060 General Certification Procedures (1–3–94)
Sec. 065 Repealed
Sec. 070 Labelling Requirements (1–3–94)
Sec. 075 Repealed
Sec. 080 Repealed
Sec. 085 Repealed
Sec. 090 Repealed
Sec. 095 Repealed
Sec. 100 Repealed
Sec. 105 Repealed
Sec. 110 Repealed
Sec. 115 Repealed

Woodburning Curtailment

Sec. 150 Applicability (11–13–91)
Sec. 155 Determination of Air Stagnation Conditions (11–13–91)
Sec. 160 Prohibition on Woodburning During Periods of Air Stagnation (11–13–91)
Sec. 165 Public Information Program (11–13–91)
Sec. 170 Enforcement (11–13–91)
Sec. 175 Suspension of Department Program (11–13–91)

Woodstove Removal Contingency Program for PM–10 Nonattainment Areas

Sec. 200 Applicability (11–13–91)
Sec. 205 Removal and Destruction of Uncertified Stove Upon Sale of Home (11–13–91)
Sec. 210 Home Seller's Responsibility to Verify Stove Destruction (11–13–91)
Sec. 215 Home Seller's Responsibility to Disclose (11–13–91)

3.2 Lane Regional Air Pollution Authority Regulations

Title 11 Policy and General Provisions

11–005 Policy (10–9–79)
11–010 Construction and Validity (10–9–79)

Title 12 General Duties and Powers of Board and Director

12–005 Authority of the Agency (11–8–83)
12–010 Duties and Powers of the Board of Directors (11–8–83)
12–020 Duties and Function of the Director (11–8–83)
12–025 Conflict of Interest (9–9–88)
12–035 Public Records and Confidential Information (11–8–83)

Title 12 Definitions (2–13–90)

Title 14 Definitions (7–12–88)

Title 15 Enforcement Procedure and Civil Penalties

15–001 Policy (2–13–90)
15–005 Definitions (2–13–90)
15–010 Consolidation of Proceedings (2–13–90)
15–015 Notice of Violation (2–13–90)
15–020 Enforcement Actions (2–13–90)
15–025 Civil Penalty Schedule Matrices (2–13–90)
15–030 Civil Penalty Determination Procedure (Mitigating and Aggravating Factors) (2–13–90)
15–035 Written Notice of Assessment of Civil Penalty–When Penalty Payable (2–13–90)
15–040 Compromise or Settlement of Civil Penalty by Director (2–13–90)
15–045 Stipulated Penalties (2–13–90)
15–050 Air Quality Classification of Violation (2–13–90)
15–055 Scope of Applicability (2–13–90)
15–060 Appeals (2–13–90)

Title 32 Emission Standards

32–005 General (9–14–82)
32–010 Restriction on Emission of Visible Air Contaminants; Including Veneer Dryers (9–14–82)
32–025 Exceptions–Visible Air Contaminant Standards (9–14–82)
32–030 Particulate Matter Weight Standards (9–14–82)
32–035 Particulate Matter Weight Standards–Existing Sources (9–14–82)
32–040 Particulate Matter Weight Standards–New Sources (9–14–82)
32–045 Process Weight Emission Limitations (9–14–82)
32–055 Particulate Matter Size Standard (9–14–82)
32–060 Airborne Particulate Matter (9–14–82)
32–065 Sulfur Dioxide Emission Limitations (9–14–82)
32–100 Plant Site Emission Limits Policy (9–14–82)
32–101 Requirement for Plant Site Emission Limits (9–14–82)
32–102 Criteria for Establishing Plant Site Emission Limits (9–14–82)
32–103 Alternative Emission Controls (Bubble) (9–14–82)
32–104 Temporary PSD Increment Allocation (11–8–83)
32–800 Air Conveying Systems (1–8–85)
32–990 Other Emissions (11–8–83)

Title 33 Prohibited Practices and Control of Special Classes

33–020 Incinerator and Refuse Burning Equipment (5–15–79)
33–025 Wigwam Waste Burners (5–15–79)
33–030 Concealment and Masking of Emissions (5–15–79)
33–045 Gasoline Tanks (5–15–79)
33–055 Sulfur Content of Fuels (5–15–79)
33–060 Board Products Industries (5–15–79)
33–065 Charcoal Producing Plants (5–15–79)
33–070 Kraft Pulp Mills (9–14–82)

Title 34 Air Contaminant Discharge Permits

34–001 General Policy and Discussion (1–9–90)
34–005 Definitions (2–13–90)
34–010 General Procedures for Obtaining Permits (1–9–90)
34–015 Special Discharge Permit Categories (1–9–90)
34–020 Discharge Permit Duration (1–9–90)
34–025 Discharge Permit Fees (1–9–90)
34–030 Source Emission Tests (1–9–90)
34–035 Upset Conditions (1–9–90)
34–040 Records (1–9–90)
34–045 General Procedures for Registration (1–9–90)
34–050 Compliance Schedules for Existing Sources Affected by New Rules (1–9–90)

Title 38 New Source Review

38–001 General Applicability (2–13–90)
38–005 Definitions (2–13–90)
38–010 General Requirements for Major Sources and Major Modifications (2–13–90)
38–015 Additional Requirements for Major Sources or Major Modifications Located in Nonattainment Areas (2–13–90)
38–020 Additional Requirements for Major Sources or Major Modifications in Attainment or Unclassified Areas (Prevention of Significant Deterioration) (2–13–90)
38–025 Exemptions for Major Sources and Major Modifications (2–13–90)

38–030 Baseline for Determining Credits for Offsets (2–13–90)
38–035 Requirements for Net Air Quality Benefit for Major Sources and Major Modifications (2–13–90)
38–040 Emission Reduction Credit Banking (2–13–90)
38–045 Requirements for Non-Major Sources and Non-Major Modifications (2–13–90)
38–050 Stack Height and Dispersion Techniques (2–13–90)

Title 47 Rules for Open Outdoor Burning

47–001 General Policy (8–14–84)
47–005 Statutory Exemptions from These Rules (8–14–84)
47–010 Definitions (8–14–84)
47–015 Open Burning Requirements (8–14–84)
47–020 Letter Permits (8–14–84)
47–025 Records and Reports (8–14–84)
47–030 Summary of Seasons, Areas, and Permit Requirements for Open Outdoor Burning (8–14–84)

Title 50 Ambient Air Standards

50–005 General (7–12–88)
50–015 Suspended Particulate Matter (7–12–88)
50–025 Sulfur Dioxide (7–12–88)
50–030 Carbon Monoxide (7–12–88)
50–035 Ozone (7–12–88)
50–040 Nitrogen Dioxide (7–12–88)
50–045 Lead (7–12–88)

Title 51 Air Pollution Emergencies

51–005 Introduction (7–12–88)
51–010 Episode Criteria (7–12–88)
51–015 Emission Reduction Plans (7–12–88)
51–020 Preplanned Abatement Strategies (7–12–88)
51–025 Implementation (7–12–88)

3.3 OAR Chapter 629–43–043 Smoke Management Plan Administrative Rules (12–12–86)

4. Control Strategies for Nonattainment Areas (1–86)

4.1 Portland-Vancouver AQMA-Total Suspended Particulate (12–19–80)
4.2 Portland-Vancouver AQMA-Carbon Monoxide (7–16–82)
4.3 Portland-Vancouver AQMA-Ozone (7–16–82)
4.4 Salem Nonattainment Area-Carbon Monoxide (7–79)
4.5 Salem Nonattainment Area-Ozone (9–19–80)
4.6 Eugene-Springfield AQMA-Total Suspended Particulate (1–30–81)
4.7 Eugene-Springfield AQMA-Carbon Monoxide (6–20–79)
4.8 Medford-Ashland AQMA-Ozone (1–85)
4.9 Medford-Ashland AQMA-Carbon Monoxide (8–82)
4.10 Medford-Ashland AQMA-Particulate Matter (4–83)
4.11 Grants Pass Nonattainment-Carbon Monoxide (10–84)

5. Control Strategies for Attainment and Nonattainment Areas (1–86)

5.1 Statewide Control Strategies for Lead (1–83)
5.2 Visibility Protection Plan (10–24–86)
5.3 Prevention of Significant Deterioration (1–86)

6. Ambient Air Quality Monitoring Program

6.1 Air Monitoring Network (1–86)
6.2 Data Handling and Analysis Procedures (1–86)
6.3 Episode Monitoring (1–86)

7. Emergency Action Plan (1–86)

8. Public Involvement (1–86)

9. Plan Revisions and Reporting (1–86)

Volume 3–Appendices

Statewide Regulatory Provisions and Administration (Appendix A)

Directive 1–4–1–601 Operational Guidance for the Oregon SmokeManagement Program/Slash Burning Smoke Management Plan (App. A1)
Field Burning Smoke Management Plan (App. A2)
Interagency Memoranda of Understanding Lead Agency Designations (App. A3)
Source Sampling Manual (App. A4)
Air Quality Monitoring Quality Assurance Procedures Manual (App. A5)
Continuous Monitoring Manual (App. A6)

Control Strategies for Nonattainment Areas (Appendix B)

Portland-Vancouver AQMA (App. B1)

Legal Definition of TSP Nonattainment Area Boundaries (App. B1–1)
Carbon Monoxide Monitoring Program (App. B1–2)
Carbon Monoxide Emission Inventories (App. B1–3)
Volatile Organic Compound Emission Inventories (App. B1–4)
Input Factors Used to Develop Motor Vehicle EI's (App. B1–5)

Salem Nonattainment Area (App. B2)

Study Area (App. B2–1)
Emission Inventories (App. B2–2)
Existing Programs and Plans (App. B2–3)
Carbon Monoxide Analysis (App. B2–4)

Eugene-Springfield AQMA (App. B3)

Unpaved Road Dust Inventory (App. B3–1)
Phase II Work Plans (App. B3–2)

Medford-Ashland AQMA (App. B4)

Legal Description of the Medford-Ashland AQMA (App. B4–1)
Documentation of Ozone Standard Attainment Projection (App. B4–2)
Air Quality Work Plan (App. B4–3)
Volatile Organic Compound Emissions Inventory (App. B4–4)
Carbon Monoxide Emission Inventory (App. B4–5)
Reasonably Available Transportation Measures (App. B4–6)
Description of the Projected TSP Nonattainment Area (App. B4–7)
Attainment Dates for Newly Designated Nonattainment Areas (App. B4–8)

Statewide Control Strategies (Appendix C)

Lead (App. C1)
Lead Emission Inventories for Portland-Vancouver AQMA (App. C1–1)

[FR Doc. 94–11751 Filed 5–13–94; 8:45 am]
BILLING CODE 6560–50–F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7049

[ID–943–4060–02; IDI–04790–01]

Partial Revocation of Public Land Order No. 1703; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order insofar as it affects 60 acres of National Forest System land withdrawn by the Department of the Army, Corps of Engineers, for the Albeni Falls Dam Project in the Kaniksu National Forest. The land is no longer needed for the purpose for which it was withdrawn. This action will open the land to surface entry and mining, and will permit the Forest Service to dispose of the land by exchange. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: June 15, 1994.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706–2500, 208–384–3166.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order No. 1703, which withdrew National Forest System land for the Department of the Army, Corps of Engineers' Albeni Falls Dam Project, is hereby revoked insofar as it affects the following described land:

Boise Meridian

T. 56 N., R. 4 W.,
Sec. 34, lots 3 and 4.

The area described contains 60 acres in Bonner County.

2. At 9 a.m. on June 15, 1994, the land shall be opened to such forms of disposition as may by law be made of National Forest System land, including location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are

governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: May 4, 1994.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 94–11811 Filed 5–13–94; 8:45 am]

BILLING CODE 4310–GG–M

43 CFR Public Land Order 7050

[AK–932–4210–06; A–026010]

Partial Revocation of Public Land Order No. 1094; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order insofar as it affects approximately 50 acres of National Forest System land withdrawn for use by the Forest Service, Department of Agriculture, for the Ingram Creek Recreation Area. The land is no longer needed for the purpose for which it was withdrawn. This action also allows the conveyance of the land to the State of Alaska, if such land is otherwise available. Any land described herein that is not conveyed to the State is opened and will be subject to the terms and conditions of the national forest reservation and any other withdrawal of record.

EFFECTIVE DATE: May 16, 1994.

FOR FURTHER INFORMATION CONTACT: Sue Wolf, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513–7599, 907–271–5477.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order No. 1094, which withdrew National Forest System land for recreational purposes, is hereby revoked insofar as it affects the following described land:

Seward Meridian

Chugach National Forest

T. 9 N., R. 2 E., unsurveyed, within Secs. 22, 23, 26, and 27, more particularly described as:

A tract extending 10 chains on each side of the centerline of the Seward-Anchorage Highway, beginning at Station 452+79 Section E and extending along and parallel to the highway centerline to Station 515+00 Section E, approximate latitude 60°51′ N., longitude 149°4′ W., excluding the following parcel:

All that part of the above described land lying south and east of the left bank of the Ingram Creek. This parcel contains approximately 8.5 acres.

The area described, less the exclusion, contains approximately 50 acres.

2. The State of Alaska application for selection made under section 6(a) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. note prec. 21 (1988), and under section 906(e) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(e) (1988), becomes effective without further action by the State upon publication of this public land order in the **Federal Register**, if such land is otherwise available. Land not conveyed to the State is opened and will be subject to the terms and conditions of the Chugach National Forest reservation, and any other withdrawal of record.

Dated: May 4, 1994.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 94–11812 Filed 5–13–94; 8:45 am]

BILLING CODE 4310–JA–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 76

[ET Docket No. 93–7; FCC 94–80]

Implementation of Section 17 of the Cable Television Consumer Protection and Competition Act of 1992; Compatibility Between Cable Systems and Consumer Electronics Equipment

AGENCY: Federal Communications Commission.

ACTION: Final rules.

SUMMARY: The Commission has adopted rules for assuring compatibility between consumer electronics equipment and cable systems, as required by the Section 17 of the Cable Television Consumer Protection and Competition Act of 1992. These new rules are intended to ensure compatibility between consumer equipment and cable systems, consistent with the need to prevent theft of cable service, so that cable subscribers will be able to enjoy the full benefits of both the programming available on cable systems and the functions available on their television receivers and video cassette recorders (VCRs).

EFFECTIVE DATE: These regulations are effective June 15, 1994. The incorporation by reference of a publication listed in the regulations is approved by the Director of the Federal Register as of June 15, 1994.

FOR FURTHER INFORMATION CONTACT: Alan Stillwell (202–632–7060) or Robert Bromery (301–653–7315), Office of Engineering and Technology.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's First Report and Order in ET Docket No. 93–7, FCC 93–495, adopted April 4, 1994 and released May 4, 1994. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision also may be purchased from the Commission's duplicating contractor, International Transcriptions Service, 2100 M Street NW., Washington, DC 20036, (202) 857–3800.

Summary of the Notice of Proposed Rule Making

1. Section 17 of the Cable Television Consumer Protection and Competition Act of 1992 (1992 Cable Act) requires that the Commission issue regulations to ensure compatibility between consumer equipment and cable systems. The goal of Section 17 is to ensure that cable subscribers will be able to enjoy the full benefits and functions of their television receivers and VCRs when receiving cable service.

2. Problems between cable systems and consumer TV equipment generally tend to arise from conflicts between new features in consumer television equipment and the techniques used by cable systems to address security and other technical operating considerations. Examples of TV receiver features affected by cable operating methods and devices include functions that permit the subscriber:

—To watch a program on one channel while simultaneously recording a program on another channel;
—To record two programs that appear on different channels; or,
—To use advanced features such as picture in picture.

3. The rules adopted by the Commission are based on the findings and recommendations in its "Report to Congress on Means for Assuring Compatibility Between Cable Systems and Consumer Electronics Equipment" and information provided in comments submitted in response to the Notice of Proposed Rule Making (Notice) in this proceeding, 58 FR 65153, December 3, 1993. These rules include measures that will assure improved compatibility between existing cable system and consumer TV equipment. They also

include provisions for achieving more effective compatibility through new cable and consumer equipment. The specific provisions of these regulations are essentially the same as those proposed in the *Notice*, with a number of modifications that address issues raised in the record. The new rules for improving compatibility between existing cable system and consumer equipment require that cable operators:

(1) Refrain from scrambling program signals carried on the basic tier of service;

(2) Offer subscribers supplemental equipment to enable them to use the special features and functions of their TV equipment with cable service; this includes providing subscribers the option of having simultaneous access to all signals that do not need to be processed by a set-top device;

(3) Provide a consumer education program to inform subscribers of potential compatibility problems and methods for resolving such problems; this includes notice that remote controls and supplemental equipment compatible with the set-top devices used by the cable system are available from third-party vendors; and

(4) Allow set-top devices that incorporate remote control capability to be operated with subscriber-owned remote controls or otherwise take no action that would prevent the use of such remote controls, including changing the infrared codes used to operate the remote control capabilities of the set-top devices they employ so as to adversely affect the operation of consumer-purchased remote controls.

The compatibility rules for new equipment provide technical standards for "cable ready" consumer TV equipment and require that both "cable ready" consumer TV equipment and cable systems use a standard cable channel plan.

4. The Commission also concluded that more effective compatibility between consumer TV equipment and cable systems that use scrambling can be achieved through use of a standard interface connector, or "Decoder Interface," in "cable ready" consumer TV equipment and associated component descrambler/decoder devices to be provided by cable systems. Used together, the Decoder Interface and component descrambler/decoder devices can eliminate the need for use of a set-top cable box. However, based on indications that the cable and consumer electronics industries are close to agreement on a new Decoder Interface standard that will serve both existing analog cable operations and also incorporate flexibility to support new technologies and services, including digital cable service, the Commission found that it would be appropriate to allow an additional period of time for the industries to complete their work on the new standard. The Commission therefore did not act on the Decoder Interface standard and related issues now, but rather will allow industry parties an additional 90 days to complete the new standard.[1] The Commission stated that would develop rules establishing a standard for a Decoder Interface connector and requirements for its use after that period.

5. As a policy matter, the Commission also found that standards for cable digital transmissions are desirable. These standards will be needed to ensure that compatibility is maintained as new digital cable technologies and services are introduced. The Commission stated that it was not, however, adopting technical standards or other rules in this area at this time, as developmental work on cable digital technologies and services has not reached a stage where it would be reasonable to attempt to specify such regulations. It stated that it will continue to monitor progress by the industries in this area and will initiate a separate action on these issues as is necessary to assure continuing compatibility in the future.

6. The Commission indicated that the actions in this First Report and Order will allow consumers to utilize equipment offered by a variety of suppliers, including the cable system operator, in a competitive market. Thus, a number of manufacturers and retailers will be able to increase their participation in markets to which they previously had limited access. Opening these markets to competitive equipment providers will give product developers and manufacturers, as well as cable system operators, the ability and incentives to introduce new products and to respond to consumer demand. In return, consumers will have greater access to technology with new features and functions. Most importantly, consumers will be assured that the equipment they buy will work with their cable system.

7. The Commission further indicated that open entry for equipment provision ensures that the equipment market remains competitive. In addition to open markets and incentives for innovation, another key component of competition is information. The new regulations ensure not only that the marketplace will be open and equipment options available to consumers, but that consumers will be informed about their choices. Competition could be stifled unless consumers are informed about their equipment options. By structuring the regulations to promote innovation and competition, the Commission expects increased investment in new technology development and increased economic activity as consumers purchase the new, competitively priced equipment.

8. Accordingly, it is ordered that parts 15 and 76 of the Commission's rules are amended as set forth below, effective 30 days after the publication of this final rule in the **Federal Register**. This action is taken pursuant to authority provided in sections 4(i), 7(a), 302, 303(c), 303(f), 303(g), 303(r) and 324A of the Communications Act of 1934, as amended 47 U.S.C. 154(i), 157(a), 302, 303(c), 303(f), 303(g), 303(r) and 324A.

List of Subjects

47 CFR Part 15

Communications equipment, Incorporation by reference, Television receivers, TV interface devices.

47 CFR Part 76

Cable television, Incorporation by reference.

Amendments to the Rules

Parts 15 and 76 of chapter I of title 47 of the Code of Federal Regulations are amended as follows:

PART 15—RADIO FREQUENCY DEVICES

1. The authority citation for part 15 is revised to read as follows:

Authority: Secs. 4, 302, 303, 304, 307 and 624A of the Communications Act of 1934, as amended, 47 U.S.C. 154, 302, 303, 304, 307 and 544A.

2. Section 15.3 is amended by adding a new paragraph (aa) to read as follows:

§ 15.3 Definitions.

* * * * *

(aa) *Cable ready consumer electronics equipment.* Consumer electronics TV receiving devices, including TV receivers, videocassette recorders and similar devices, that incorporate a tuner capable of receiving television signals and an input terminal intended for receiving cable television service, and are marketed as "cable ready" or "cable compatible." Such equipment shall comply with the technical standards specified in § 15.118.

[1] If the industry parties do not complete their work in the 90-day period, we will establish a standard using our own resources.

3. Section 15.19 is amended by adding a new paragraph (d) to read as follows:

§ 15.19 Labeling requirements.

* * * * *

(d) Consumer electronics TV receiving devices, including TV receivers, videocassette recorders and similar devices, that incorporate features intended to be used with cable television service, but do not fully comply with the technical standards for cable ready equipment set forth in § 15.118 are subject to the following labeling requirements:

(1) Such equipment shall be labeled with an advisory indicating that the device does not fully comply with the Federal Communications Commissions standards for cable ready consumer electronics equipment. The advisory must appear on the device and on its packaging. This requirement applies to consumer TV receivers, videocassette recorders and similar devices manufactured or imported for sale in this country on or after June 30, 1997.

(2) Such equipment shall not be marketed with terminology that describes the device as "cable ready" or "cable compatible," or that otherwise conveys the impression that the device is *fully* compatible with cable service. This requirement applies to consumer TV receivers, videocassette recorders and similar devices manufactured or imported for sale in this country on or after October 31, 1994.

4. Section 15.115 is amended by revising paragraph (c)(1)(*i*) and adding new paragraphs (h) and (i) to read as follows:

§ 15.115 TV interface devices, including cable system terminal devices.

* * * * *

(c) * * *

(1) * * *

(*i*) For a cable system terminal device or a TV interface device equipped for use with a cable system or a master antenna, as defined in paragraph (b)(3) of this section, the isolation between the antenna and cable input terminals shall be at least 80 dB from 54 MHz to 216 MHz, at least 60 dB from 216 MHz to 550 MHz and at least 55 dB from 550 MHz to 806 MHz. The 80 dB standard applies at 216 MHz and the 60 dB standard applies at 550 MHz. In the case of a transfer switch requiring a power source, the required isolation shall be maintained in the event the device is not connected to a power source or power is interrupted. The provisions of this paragraph regarding frequencies in the range 550 MHz to 806 MHz are applicable as of June 30, 1997.

* * * * *

(h) Stand-alone switches used to alternate between cable service and an antenna shall provide isolation between the antenna and cable input terminals that is at least 80 dB from 54 MHz to 216 MHz, at least 60 dB from 216 MHz to 550 MHz and at least 55 dB from 550 MHz to 806 MHz.The 80 dB standard applies at 216 MHz and the 60 dB standard applies at 550 MHz. In the case of stand-alone switches requiring a power source, the required isolation shall be maintained in the event the device is not connected to a power source or power is interrupted. The provisions of this paragraph are applicable as of June 30, 1997.

(i) Switches and other devices intended to be used to by-pass the processing circuitry of a cable system terminal device, whether internal to such a terminal device or a stand-alone unit, shall not attenuate the input signal more than 6 dB from 54 MHz to 550 MHz, or more than 8 dB from 550 MHz to 806 MHz. The provisions of this paragraph are applicable as of June 30, 1997.

5. Section 15.117 is amended by revising paragraph (h) to read as follows:

§ 15.117 TV broadcast receivers.

* * * * *

(h) For a TV broadcast receiver equipped with a cable input selector switch, the selector switch shall provide, in any of its set positions, isolation between the antenna and cable input terminals of at least 80 dB from 54 MHz to 216 MHz, at least 60 dB from 216 MHz to 550 MHz and at least 55 dB from 550 MHz to 806 MHz. The 80 dB standard applies at 216 MHz and the 60 dB standard applies at 550 MHz. In the case of a selector switch requiring a power source, the required isolation shall be maintained in the event the device is not connected to a power source or power is interrupted. An actual switch that can alternate between reception of cable television service and an antenna is not required for a TV broadcast receiver, provided compliance with the isolation requirement specified in this paragraph can be demonstrated and the circuitry following the antenna input terminal(s) has sufficient bandwidth to allow the reception of all TV broadcast channels authorized under this chapter. The provisions of this paragraph regarding frequencies in the range 550 MHz to 806 MHz are applicable as of June 30, 1997.

6. New § 15.118 is added to read as follows:

§ 15.118 Cable ready consumer electronics equipment.

(a) All consumer electronics TV receiving equipment marketed in the United States as cable ready or cable compatible shall comply with the provisions of this section. Consumer electronics TV receiving equipment that includes features intended for use with cable service but does not fully comply with the provisions of this section are subject to the labelling requirements of § 15.19(d).

(b) Cable ready consumer electronics equipment shall be capable of receiving all NTSC or similar video channels in the frequency range 54 MHz to 804 MHz in accordance with the channel allocation plan set forth in the Electronic Industries Association's "Cable Television Channel Identification Plan, EIA IS–132, May 1994" (EIA IS–132). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of EIA IS–132 may be obtained from: Global Engineering Documents, 2805 McGraw Ave., Irvine CA 92714. copies of EIA IS–132 may be inspected during normal business hours at the following locations: Federal Communications Commission, 1919 M Street, NW., Dockets Branch (Room 239), Washington, DC, or the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC

(c) Cable ready consumer electronics equipment must meet the following technical performance requirements. Compliance with these requirements shall be determined by performing measurements at the unfiltered IF output port. Where appropriate, the Commission will consider allowing alternative measurement methods.

(1) *Adjacent channel interference.* In the presence of a lower adjacent channel CW signal that is 1.5 MHz below the desired visual carrier in frequency and 10 dB below the desired visual carrier in amplitude, spurious signals within the IF passband shall be attenuated at least 55 dB below the visual carrier of the desired signal. The desired input signal shall be an NTSC visual carrier modulated with a 10 IRE flat field and the aural carrier should be unmodulated. Measurements are to be performed for input signal levels of 0 dBmV and +15 dBmV, with the receiver tuned to ten evenly spaced channels specified in the EIA IS–132 channel plan.

(2) *Image channel interference.* Image channel interference within the IF passband shall be attenuated below the visual carrier of the desired channel by at least 60 dB from 54 MHz to 806 MHz.

In testing for compliance with this standard, the desired input signal is to be an NTSC visual carrier modulated with a 10 IRE flat field and the aural carrier should be unmodulated. The undesired test signal shall be a CW signal equal in amplitude to the desired visual carrier and located 90 MHz above the visual carrier frequency of the desired channel. Measurements shall be performed for input signals of 0 dBmV and +15 dBmV, with the receiver tuned to ten evenly spaced channels specified in the EIA IS–132 channel plan.

(3) *Direct pickup interference.* The direct pickup (DPU) of a co-channel interfering ambient field by a cable ready device shall not exceed the following criteria. The ratio of the desired to undesired signal levels at the IF passband on each channel shall be at least 45 dB. The average ratio over the six channels shall be at least 50 dB. The desired input signal shall be an NTSC signal having a visual carrier level of 0 dBmV. The equipment under test (EUT) shall be placed on a rotatable table that is one meter in height. Any excess length of the power cord and other connecting leads shall be coiled on the floor under the table. The EUT shall be immersed in a horizontally polarized uniform CW field of 100 mV/m at a frequency 2.55 MHz above the visual carrier of the EUT tuned channel. Measurements shall be made with the EUT tuned to six EIA IS–132 channels, two each in the low VHF, high VHF and UHF broadcast bands. On each channel, the levels at the IF passband due to the desired and interfering signals are to be measured.

(4) *Tuner overload.* Spurious signals within the IF passband shall be attenuated at least 55 dB from 54 to 806 MHz below the visual carrier of the desired channel using a comb spectrum input with each signal individually set at +15 dBmV. Measurements shall be made with the receiver tuned to ten evenly spaced EIA IS–132 channels.

(5) *Cable input conducted emissions.* Conducted spurious emissions that appear at the cable input to the device must meet the following criteria. The input shall be an NTSC video carrier modulated with a 10 IRE flat field at a level of 0 dBmV and with a visual to aural ratio of 10 dB. The aural carrier shall be unmodulated. The peak level of the spurious signals will be measured using a spectrum analyzer connected by a directional coupler to the cable input of the equipment under test. Spurious signal levels must not exceed the limits in the following table:

From 54 MHz up to and including 300 MHz–26 dBmV

From 300 MHz up to and including 450 MHz–20 dBmV

From 450 MHz up to and including 806 MHz–15 dBmV

The average of the measurements on multiple channels from 450 MHz up to and including 806 MHz shall be no greater than −20 dBmV. Measurements shall be made with the receiver tuned to at least four EIA IS–132 channels in each of the above bands. The test channels are to be evenly distributed across each of the bands. Measurements for conducted emissions caused by sources internal to the device are to be made in a shielded room. Measurements for conducted emissions caused by external signal sources shall be made in an ambient RF field whose field strength is 100 mV/m, following the same test conditions as described in paragraph (c)(3) of this section.

(d) The field strength of radiated emissions from cable ready consumer electronics equipment shall not exceed the limits in § 15.109(a) when measured in accordance with the applicable procedures specified in § 15.31 and § 15.35 for unintentional radiators, with the following modifications. During testing the NTSC input signal level is to be +15 dBmV, with a visual to aural ratio of 10 dB. The visual carrier is to be modulated by a 10 IRE flat field; the aural carrier is to be unmodulated. Measurements are to be taken on six EIA IS–132 channels evenly spaced across the required RF input range of the equipment under test.

Note: The provisions of paragraphs (a) through (d) of this section are applicable as of June 30, 1997.

PART 76—CABLE TELEVISION SERVICE

7. The authority citation for part 76 is revised to read as follows:

Authority: Secs. 2, 3, 4, 301, 303, 307, 308, 309, 324A 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1101; 47 U.S.C. Secs. 152, 153, 154, 301, 303, 307, 308, 309, 532, 533, 535, 542, 543, 544A, 552 as amended, 106 Stat. 1460.

8. Section 76.605 is amended by redesignating paragraphs (a)(2) through (a)(12) as paragraphs (a)(2) through (a)(12) as paragraphs (a)(3) through (a)(13), and adding a new paragraph (a)(2) to read as follows:

§ 76.605 Technical standards.

(a) * * *

(2) Cable systems shall transmit channels to subscriber premises equipment on frequencies in accordance with the channel allocation plan set forth in the Electronic Industries Association's Cable Television Channel Identification Plan, EIA IS–132, May 1994" (EIA IS–132). This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Cable systems are required to sue this channel allocation plan for signals transmitted in the frequency range 54 MHz to 1002 MHz. Copies of EIA IS–132 may be obtained from: Global Engineering Documents, 2805 McGraw Ave., Irvine CA 92714. Copies of EIA IS–132 may be inspected during normal business hours at the following locations: Federal Communications Commission, 1919 M Street NW., Dockets Branch (Room 239), Washington, DC, or the Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC. This requirement is applicable as of June 30, 1995, for new and re-built cable systems, and on June 30, 1997, for all cable systems.

* * * * *

9. New § 76.630 is added to read as follows:

§ 76.630 Compatibility with consumer electronics equipment.

(a) Cable system operators shall not scramble or otherwise encrypt signals carried on the basic service tier. Requests for waivers of this prohibition must demonstrate either a substantial problem with theft of basic tier service or a strong need to scramble basic signals for other reasons. As part of this showing, cable operators are required to notify subscribers by mail of waiver requests. The notice to subscribers must be mailed no later than thirty calendar days from the date the request waiver was filed with the Commission, and cable operators must inform the Commission in writing, as soon as possible, of that notification date. The notification to subscribers must state:

On (date of waiver request was filed with the Commission), (cable operator's name) filed with the Federal Communications Commission a request for waiver of the rule prohibiting scrambling of channels on the basic tier of service. 47 CFR § 76.630(a). The request for waiver states (a brief summary of the waiver request). A copy of the request for waiver is on file for public inspection at (the address of the cable operator's local place of business).

Individuals who wish to comment on this request for waiver should mail comments to the Federal Communications Commission by no later than 30 days from (the date the notification was mailed to subscribers). Those comments should be addressed to the: Federal Communications Commission, Cable Services Bureau, Washington, DC 20554, and should include the name of the cable operator to whom the comments are applicable. Individuals should also send a

copy of their comments to (the cable operator at its local place of business).

Cable operators may file comments in reply no later than 7 days from the date subscriber comments must be filed.

(b) Cable system operators that provide their subscribers with cable system terminal devices and other customer premises equipment that incorporates remote control capability shall permit the remote operation of such devices with commercially available remote control units or otherwise take no action that would prevent the devices from being operated by a commercially available remote control unit. Cable system operators are advised that this requirement obliges them to actively enable the remote control functions of customer premises equipment where those functions do not operate without a special activation procedure. Cable system operators may, however, disable the remote control functions of a subscriber's customer premises equipment where requested by the subscriber.

(c) Cable operators may not alter the infrared codes used to operate the remote control capabilities of the customer premises equipment they employ in providing service to subscribers. Cable operators may, however, use new equipment that includes additional infrared codes for new remote control functions that were not included in existing models of customer premises equipment.

(d) Cable system operators that use scrambling, encryption or similar technologies in conjunction with cable system terminal devices, as defined in § 15.1(e) of this chapter, that may affect subscribers' reception of signals shall offer to supply each subscriber with special equipment that will enable the simultaneous reception of multiple signals. This equipment could include, for example, set-top cable system terminal devices with multiple descramblers/decoders and/or timers, and signal bypass switches.

(1) The offer of special equipment shall be made to new subscribers at the time they subscribe and to all subscribers at least once each year.

(2) Such special equipment shall, at a minimum, have the capability:

(i) To allow simultaneous reception of any two or more scrambled or encrypted signals and to provide for tuning to alternative channels on a pre-programmed schedule; and,

(ii) To allow direct reception of all other signals that do not need to be processed through descrambling or decryption circuitry (this capability can generally be provided through a separate by-pass switch or through internal by-pass circuitry in a cable system terminal device).

(3) Cable system operators shall determine the specific equipment needed by individual subscribers on a case-by-case basis, in consultation with the subscriber. Cable system operators are required to make a good faith effort to provide subscribers with the amount and types of special equipment needed to resolve their individual compatibility problems.

(4) Cable operators shall provide such equipment at the request of individual subscribers and may charge for purchase or lease of the equipment and its installation in accordance with the provisions of the rate regulation rules for customer premises equipment used to receive the basic service tier, as set forth in § 76.923. Notwithstanding the required annual offering, cable operators shall respond to subscriber requests for special equipment for reception of multiple signals that are made at any time.

(e) Cable system operators shall provide a consumer education program on compatibility matters to their subscribers in writing, as follows:

(1) The consumer information program shall be provided to subscribers at the time they first subscribe and at least once a year thereafter. Cable operators may choose the time and means by which they comply with the annual consumer information requirement. This requirement may be satisfied by a once-a-year mailing to all subscribers. The information may be included in one of the cable system's regular subscriber billings.

(2) The consumer information program shall include the following information:

(i) Cable system operators shall inform their subscribers that some models of TV receivers and videocassette recorders may not be able to receive all of the channels offered by the cable system when connected directly to the cable system. In conjunction with this information, cable system operators shall briefly explain, the types of channel compatibility problems that could occur if subscribers connected their equipment directly to the cable system and offer suggestions for resolving those problems. Such suggestions could include, for example, the use of a cable system terminal device such as a set-top channel converter. Cable system operators shall also indicate that channel compatibility problems associated with reception of programming that is not scrambled or encrypted programming could be resolved through use of simple converter devices without descrambling or decryption capabilities that can be obtained from either the cable system or a third party retail vendor.

(ii) In cases where service is received through a cable system terminal device, cable system operators shall indicate that subscribers may not be able to use special features and functions of their TV receivers and videocassette recorders, including features that allow the subscriber to: view a program on one channel while simultaneously recording a program on another channel; record two or more consecutive programs that appear on different channels; and, use advanced picture generation and display features such as "Picture-in-Picture," channel review and other functions that necessitate channel selection by the consumer device.

(iii) In cases where cable system operators offer remote control capability with cable system terminal devices and other customer premises equipment that is provided to subscribers, they shall advise their subscribers that remote control units that are compatible with that equipment may be obtained from other sources, such as retail outlets. Cable system operators shall also provide a representative list of the models of remote control units currently available from retailers that are compatible with the customer premises equipment they employ. Cable system operators are required to make a good faith effort in compiling this list and will not be liable for inadvertent omissions. This list shall be current as of no more than six months before the date the consumer education program is distributed to subscribers. Cable operators are also required to encourage subscribers to contact the cable operator to inquire about whether a particular remote control unit the subscriber might be considering for purchase would be compatible with the subscriber's customer premises equipment.

Note: The provisions of paragraphs (a) and (b) of this section are applicable as of July 31, 1994, and June 30, 1994, respectively. The provisions of paragraphs (c) through (e) of this section are applicable as of October 31, 1994, except for the requirement under section (d)(1)(i) of this section for cable system operators to supply cable system terminal devices with multiple tuners, which is applicable as of October 31, 1995. The initial offer of special equipment to all subscribers, as required under paragraph (d) of this section shall be made by October 31, 1994.

Federal Communications Commission.
William F. Caton,
Acting Secretary.
[FR Doc. 94–11068 Filed 5–13–94; 8:45 am]
BILLING CODE 6712–01–M

47 CFR Part 76

[MM Docket No. 93–291; DA 94–425]

Cable Television Service

AGENCY: Federal Communications Commission.
ACTION: Final rule.

SUMMARY: The Commission, through this action, amends its rules, the listing of major television markets, to change the designation of the Boston-Cambridge-Worcester, Massachusetts, television market to include the community of Lawrence, Massachusetts. This action, taken at the request of MFP, Inc. licensee of television station WMFP, Channel 63 (Independent), Lawrence, Massachusetts, and after evaluation of the comments filed in this proceeding, amends the rules to designate the subject market as the Boston-Cambridge-Worcester-Lawrence, Massachusetts, television market. With this action, the proceeding is terminated.

EFFECTIVE DATE: June 15, 1994.

FOR FURTHER INFORMATION CONTACT: Alan E. Aronowitz, Mass Media Bureau, Policy and Rules Division, (202) 632–7792.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 93–291, adopted April 29, 1994, and released May 5, 1994. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1919 M Street, NW., Washington, DC 20554.

List of Subjects in 47 CFR Part 76

Cable television.

Part 76 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 76—CABLE TELEVISION SERVICE

1. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 154,303.

2. Section 76.51 is amended by revising paragraph (a)(6) to read as follows:

§ 76.51 Major television markets.

* * * * *

(a) * * *

(6) Boston-Cambridge-Worcester-Lawrence, Mass.

* * * * *

Federal Communications Commission.
William H. Johnson
Deputy chief, Cable Services Bureau.
[FR Doc. 94–11749 Filed 5–13–94; 8:45 am]
BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 638

[Docket No. 940425–4125; I.D. 040694D]

Coral and Coral Reefs of the Gulf of Mexico and the South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.
ACTION: Emergency interim rule.

SUMMARY: NMFS publishes this interim emergency rule at the request of the Gulf of Mexico Fishery Management Council (Gulf Council) to prohibit the taking of live rock in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) from the Pasco/Hernando County line in Florida to the Alabama/Mississippi boundary; and, in the Gulf EEZ off Florida south of the Pasco/Hernando County line, to prohibit the use of power-assisted tools to break up or dislodge pieces of live rock and to establish a daily vessel harvest and possession limit for live rock of 25 5-gallon (19-liter) buckets. The intended effect of this rule is to protect live rock resources and fishery habitat in the Gulf.

EFFECTIVE DATES: May 16, 1994 through August 14, 1994.

ADDRESSES: Copies of documents supporting this action, including an environmental assessment, may be obtained from Georgia Cranmore, Southeast Regional Office, NMFS, 9721 Executive Center Drive, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, 813–893–3161.

SUPPLEMENTARY INFORMATION: Coral and coral reefs in the EEZ off the southern Atlantic states and in the Gulf are managed under the Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico and the South Atlantic (FMP). The FMP was prepared by the Gulf Council and the South Atlantic Fishery Management Council (South Atlantic Council) and is implemented through regulations at 50 CFR part 638 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Live rock consists of living marine organisms, or an assemblage thereof, attached to a hard substrate, including dead coral or rock (excluding mollusk shells), and therefore is a "fish" within the meaning of the Magnuson Act. Live rock is collected by SCUBA divers and sold to the marine aquarium industry, which markets it as the basis for mini-reef aquaria. In 1992, reported live rock landings in Florida from the EEZ totaled 783,145 lbs (355,228 kg) with an ex-vessel value of $864,521. (Florida had previously banned the harvest of live rock in its waters.) In 1992, Florida implemented regulations to phase out landings of live rock from the EEZ off Florida over a 3-year period ending in 1995.

In 1993 a Federal court overturned these regulations (Southeastern Fisheries Ass'n, Inc. v. Chiles, 979 F.2d 1504 (11th Cir. 1992).

At the request of Gulf Council members from Florida and Alabama, the Gulf and South Atlantic Councils initiated development of Amendment 2 to the FMP to address management of live rock in the EEZ. Similar to coral reefs, the current focus of the FMP, live rock resources are essentially nonrenewable and serve as habitat for a variety of other organisms.

In the recent public review process during the development of Amendment 2, the Gulf and South Atlantic Councils received testimony that rock outcroppings, that are important reef fish habitats, are being removed and sold as live rock for marine aquariums. Testimony from about 60 divers and fishermen indicated that removal of live rock by harvesters in the northern Gulf is causing severe damage to the limited outcroppings or rock ledges and reefs that occur in state and Federal waters. Divers and fishermen testified that some small banks have disappeared and many ledges off the Florida Panhandle have been seriously damaged. Such outcroppings are not nearly as abundant in this area as they are off southern Florida. These nonrenewable resources serve as essential habitat for reef fish and invertebrates. Accordingly, the Gulf Council requested an emergency rule to prohibit the taking of live rock in the EEZ of the Gulf from the Pasco/Hernando County line in Florida to the Alabama/Mississippi boundary.

The Gulf and South Atlantic Councils also heard testimony that pneumatic drills and hammers are being used to