number * * * for as otherwise identified]", or equivalent form of wording. Such amendments shall meet all the relevant requirements of § 285.33(j).

(6) The laboratory shall notify clients promptly, in writing, of any event such as the identification of defective measuring or test equipment that casts doubt on the validity of results given in any calibration certificate, test report or test certificate of amendment to a report or certificate.

(7) The laboratory shall ensure that, where clients require transmission of calibration or test results by telephone, telex, facsimile or other electronic or electromagnetic means, staff will follow documented procedures that ensure that the requirements of these procedures are met and that confidentiality is preserved.

(l) *Subcontracting of calibration or testing.* (1) Where a laboratory subcontracts any part of the calibration or testing, this work shall be placed with a laboratory complying with these requirements. The laboratory shall ensure and be able to demonstrate that its subcontractor is competent to perform the activities in question and complies with the same criteria of competence as the laboratory in respect of the work being subcontracted. The laboratory shall advise the client in writing of its intention to subcontract any portion of the calibration or testing to another party.

(2) The laboratory shall record and retain details of its investigation of the competence and compliance of its subcontractors and maintain a register of all subcontracting.

(m) *Outside support services and supplies.* (1) Where the laboratory procures outside services and supplies, other than those referred to in these procedures, in support of calibrations or tests, the laboratory shall use only those outside support services and supplies that are of adequate quality to sustain confidence in the laboratory's calibrations or tests.

(2) Where no independent assurance of the quality of outside support services or supplies is available, the laboratory shall have procedures to ensure that purchased equipment, materials and services comply with specified requirements. The laboratory should, wherever possible, ensure that purchased equipment and consumable materials are not used until they have been inspected, calibrated or otherwise verified as complying with any standard specifications relevant to the calibrations or tests concerned.

(3) The laboratory shall maintain records of all suppliers from whom it obtains support services or supplies required for calibrations or tests.

(n) *Complaints.* (1) The laboratory shall have documented policy and procedures for the resolution of complaints received from clients or other parties about the laboratory's activities. A record shall be maintained of all complaints and of the actions taken by the laboratory.

(2) Where a complaint, or any other circumstances, raises doubt concerning the laboratory's compliance with the laboratory's policies or procedures, or with the requirements of this section or otherwise concerning the quality of the laboratory's calibrations or tests, the laboratory shall ensure that those areas of activity and responsibility involved are promptly audited in accordance with this section.

[FR Doc. 94–10449 Filed 5–2–94; 8:45 am]
BILLING CODE 3510–13–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 284

[Docket No. RM93–4–000]

Standards for Electronic Bulletin Boards Required Under Part 284 of the Commission's Regulations

April 26, 1994.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Correction to notice of consolidation of electronic bulletin board working groups.

SUMMARY: The Federal Energy Regulatory Commission is correcting its notice issued on April 19, 1994 (59 FR 19637, April 25, 1994) regarding the consolidation of the Electronic Bulletin Board Working Groups. The correction is to the name of the person representing the producer sector on the interim steering committee.

ADDRESSES: Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

FOR FURTHER INFORMATION CONTACT:

Michael Goldenberg, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 208–2294

Marvin Rosenberg, Office of Economic Policy, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 208–1283

Brooks Carter, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, (202) 208–0666.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3104, 941 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208–1397. To access CIPS, set your communications software to use 300, 1200, or 2400 bps, full duplex, no parity, 8 data bits, and 1 stop bit. CIPS can also be accessed at 9600 bps by dialing (202) 208–1781. The full text of this notice will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3104, 941 North Capitol Street NE., Washington, DC 20426.

On April 19, 1994, the Commission issued a Notice of Consolidation of Electronic Bulletin Board Working Groups. The member of the interim steering committee from the producer sector was incorrectly identified. The correct name and address is:

Randy D. Mills, Chevron USA Production, 1301 McKinney, Houston, TX 77252, Phone 713–754–2563, FAX 713–754–3840.

Lois D. Cashell,

Secretary.

[FR Doc. 94–10531 Filed 5–2–94; 8:45 am]
BILLING CODE 6717–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the

animal drug regulations to reflect a change of sponsor for three new animal drug applications (NADA's) from SmithKline Beecham Animal Health to Solvay Animal Health, Inc.

EFFECTIVE DATE: May 3, 1994.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV–130), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1646.

SUPPLEMENTARY INFORMATION: SmithKline Beecham Animal Health, 1600 Paoli Pike, West Chester, PA 19380, has informed FDA that it has transferred ownership of, and all rights and interests in, approved NADA's 49–892, 126–232, and 140–909 to Solvay Animal Health, Inc., 1201 Northland Dr., Mendota Heights, MN 55120. Accordingly, FDA is amending the regulations in 21 CFR 520.2260a, 520.2260b, and 520.2260c to reflect the change of sponsor.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

§ 520.2260a [Amended]

2. Section 520.2260a *Sulfamethazine oblets and boluses* is amended in paragraph (b)(1) by removing "053571" and adding in its place "053501".

§ 520.2260b [Amended]

3. Section 520.2260b *Sulfamethazine sustained-release boluses* is amended in paragraph (b)(1) by removing "053571" and adding in its place "053501".

§ 520.2260c [Amended]

4. Section 520.2260c *Sulfamethazine sustained-release tablets* is amended in paragraph (a) by removing "053571" and adding in its place "053501".

Dated: April 22, 1994.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 94–10458 Filed 5–2–94; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 880, 881, and 883

[Docket No. R–94–1714; FR–3683–F–01]

Special Rent Adjustments

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

ACTION: Final rule.

SUMMARY: This final rule is a technical amendment to HUD's regulations for certain Section 8 programs governed by 24 CFR parts 880 (New Construction), 881 (Substantial Rehabilitation), and 883 (State Housing Agencies) to conform the language to that used in section 8(c)(2)(B) of the U.S. Housing Act of 1937. The amendment will authorize rent adjustments for privately owned Section 8 projects to cover expenses that are not presently compensated for by annual rental adjustments.

EFFECTIVE DATE: June 2, 1994.

FOR FURTHER INFORMATION CONTACT: James Tahash, Director, Planning and Procedures Division, room 6280, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC, 20410–0500; telephone: (voice) (202) 708–3944 and (TDD) (202) 708–4594. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION: This rule is a technical amendment to the Section 8 Housing Assistance Payments programs governed by 24 CFR parts 880 (New Construction), 881 (Substantial Rehabilitation), and 883 (State Housing Agencies). The amendment will conform the special rent adjustment regulations for those programs (§§ 880.609(b), 881.609(b) and 883.710(b)) to the language used in section 8(c)(2)(B), by adding the phrase "or similar costs" to the list of substantial increases in expenses, such as real property taxes and utility rates, that may result in the need for special rent adjustments. The "similar costs" language appears in other section 8 program regulations (parts 882, 884 and 886), but was never included in the regulations for those programs covered by parts 880, 881, and 883. This final rule will treat all section 8 programs comparably.

In accordance with its own regulations on rulemaking in 24 CFR part 10, the Department generally publishes a rule for public comment before issuing a rule for effect, unless to do so would be impracticable, unnecessary, or contrary to the public interest. This rule is being published as a final rule for effect because the Department believes that public comment is unnecessary. The amendments made by this rule are technical in nature, and conform the regulations to the statutory language.

Other Matters

An environmental assessment is unnecessary, since fair market rent schedules is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.20(*l*), and rent adjustments are directly related to such rent schedules.

This rule was not listed in the Department's Semiannual Agenda of Regulations published on April 25, 1994 (59 FR 20424) in accordance with Executive Order 12866 and the Regulatory Flexibility Act.

In accordance with 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this rule does not have a significant economic impact on a substantial number of small entities. Any economic impact, whether on small entities or large, would be beneficial, in that it would seek to compensate property owners for extraordinary expenses incurred that are not compensated by the annual rent adjustments.

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. As a result, the rule is not subject to review under the Order. Specifically, the requirements of this rule are directed to private owners of Section 8 projects and do not impinge upon the relationship between the Federal government and State and local governments.

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. Nothing in this rule changes the amount of rent paid by tenant families, which is based on the income of the family.

List of Subjects

24 CFR Part 880

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

24 CFR Part 881

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

24 CFR Part 883

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

Accordingly, title 24 of the Code of Federal Regulations is amended as follows:

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

1. The authority citation for part 880 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

2. Section 880.609 is amended by revising paragraph (b) to read as follows:

§ 880.609 Adjustment of contract rents.

* * * * *

(b) *Special additional adjustments.* For all projects, special additional adjustments will be granted, to the extent determined necessary by HUD, to reflect increases in the actual and necessary expenses of owning and maintaining the assisted units which have resulted from substantial general increases in real property taxes, assessments, utility rates, utilities not covered by regulated rates, or similar costs, and which are not adequately compensated for by annual adjustments under paragraph (a) of this section. The owner must submit to the contract administrator required supporting data, financial statements and certifications.

* * * * *

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR SUBSTANTIAL REHABILITATION

3. The authority citation for part 881 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), 12701, and 13611–13619.

4. Section 881.609 is amended by revising paragraph (b) to read as follows:

§ 881.609 Adjustment of contract rents.

* * * * *

(b) *Special additional adjustments.* For all projects, special additional adjustments will be granted, to the extent determined necessary by HUD, to reflect increases in the actual and necessary expenses of owning and maintaining the assisted units which have resulted from substantial general increases in real property taxes, assessments, utility rates, utilities not covered by regulated rates or similar costs, and which are not adequately compensated for by annual adjustments under paragraph (a) of this section. The owner must submit to the contract administrator required supporting data, financial statements and certifications.

* * * * *

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING AGENCIES

5. The authority citation for part 883 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

6. Section 883.710 is amended by revising paragraph (b) to read as follows:

§ 883.710 Adjustment of contract rents.

* * * * *

(b) *Special additional adjustments.* For all projects, special additional adjustments will be granted, to the extent determined necessary by HUD, to reflect increases in the actual and necessary expenses of owning and maintaining the assisted units which have resulted from substantial general increases in real property taxes, assessments, utility rates, utilities not covered by regulated rates, or similar costs, and which are not adequately compensated for by annual adjustments under paragraph (a) of this section. The owner must submit to the contract administrator required supporting data, financial statements and certifications.

* * * * *

Dated: April 25, 1994.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 94–10518 Filed 5–2–94; 8:45 am]

BILLING CODE 4210–27–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Judge Advocate General of the Navy has determined that USS SIROCCO (PC 6) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval patrol craft. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: 1 April 1994.

FOR FURTHER INFORMATION CONTACT: Captain R. R. Rossi, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400. Telephone number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR part 706. This amendment provides notice that the Judge Advocate General of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS SIROCCO (PC 6) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with 72 COLREGS, Rule 23(a)(ii), pertaining to display of a masthead light and a second (after) masthead light on vessels exceeding 50 meters in length; Annex I, paragraph 2(k), pertaining to the vertical distance between the forward and after anchor lights and the height of the forward anchor light above the hull; Rule 21(c), pertaining to location of the sternlight, without interfering with its special functions as a naval patrol craft. The Judge Advocate General of the Navy has also certified that the number of masthead lights displayed and the location of the other mentioned lights are in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR parts 296 and

701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the number and placement of lights on USS SIROCCO (PC 6) in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (water), and Vessels.

PART 706—[AMENDED]

Accordingly, 32 CFR part 706 is amended as follows:

1. The authority citation for 32 CFR part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Three of 706.2 is amended by revising the column headings and adding the following ship:

TABLE 3

Vessel	No.	Masthead lights arc of visibility; rule 21(a)	Side lights arc of visibility; rule 21(b)	Stern light arc of visibility; rule 21(c)	Side lights distance inboard of ship's sides in meters 3(b) annex 1	Stern light, distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; 2(K) annex 1	Anchor lights relationship of aft light to forward light in meters 2(K) annex 1
USS SIROCCO	PC 6	.....	.....	.....	.....	25.5[1]	3.0	1.1 below.

[1] Only when towing.

Dated: April 1994.

R. B. Schiff,

Capt., JAGC, U.S. Navy, Acting.

[FR Doc. 94–10499 Filed 5–2–94; 8:45 am]

BILLING CODE 3810–AE–P

POSTAL SERVICE

39 CFR Part 265

Release of Information

AGENCY: Postal Service.

ACTION: Interim rule.

SUMMARY: This interim rule amends the Postal Service regulation which prohibits the disclosure to the public of information contained in Postal Service Form 1583, "Application for Delivery of Mail Through Agent." The amendment will authorize the disclosure of information from Form 1583 for the purpose of identifying addresses as Commercial Mail Receiving Agencies. The intended affect of this amendment is to provide an effective tool in combating credit card fraud and other types of consumer fraud.

DATES: This interim rule will become effective June 2, 1994. Comments are invited and must be received on or before June 17, 1994.

ADDRESSES: Comments may be mailed to Records Office, United States Postal Service, 475 L'Enfant Plaza, SW., room 8831, Washington, DC 20260–5240, or delivered to the above address between 8:15 a.m. and 4:45 p.m., Monday through Friday. Comments received may be inspected during the above hours in room 8831.

FOR FURTHER INFORMATION CONTACT: Betty Sheriff, Records Office, (202) 268–2924.

SUPPLEMENTARY INFORMATION: Commercial Mail Receiving Agencies (CMRAs) are private entities which receive mail on behalf of other persons. Both CMRAs and their customers are required to sign Postal Service Form 1583, "Application for Delivery of Mail Through Agent," a copy of which is filed with the postmaster responsible for the delivery address. Under 39 CFR 265.6(d)(10), the disclosure to the public of any information contained in Form 1583 has been prohibited.

The Postal Service, primarily through its law enforcement branch, the Postal Inspection Service, has been working with the credit card industry to prevent credit card fraud. One form of credit card fraud consists of submitting an application for a credit card under a fictitious name. Perpetrators of this type of fraud may use an address provided by a CMRA, which often appears to be a typical residential or business address, as a means of avoiding detection. Credit card companies have asked the Postal Service to help them detect such fraud by identifying CMRA addresses, and the Postal Service has concluded that the identification of CMRA addresses would be an effective tool in combating credit card fraud and other types of consumer fraud.

As amended by the interim rule, 39 CFR 265.6(d)(8) will authorize disclosure of information only for the purpose of identifying an address as belonging to a CMRA, and no other information concerning CMRAs or their customers will be disclosed pursuant to the regulation. Because the regulation will not authorize the disclosure of the identities of CMRA customers, disclosures under the regulation will not invade the legitimate privacy interests of persons who receive mail through CMRAs. The information will be disclosed primarily by means of annotations to the Postal Service's Delivery Sequence File (DSF). DSF data, the use of which is made available to the public through authorized licensees, contains delivery-point addresses, and it does not include the identities of individuals.

Copies of Form 1583 on file with the Postal Service are records protected by the Privacy Act of 1974, 5 U.S.C. 552a, and they are maintained in the Postal Service's Privacy Act system of records USPS 010.050, Collection and Delivery Records—Delivery of Mail Through Agents. In a separate notice published elsewhere in this issue of the **Federal Register**, the Postal Service is adding a routine use to system of records USPS 010.050 which will authorize the disclosure of the information that may be released pursuant to the interim rule.

Although the Postal Service is exempted by 39 U.S.C. 410(a) from the advance notice requirements of the Administrative Procedure Act regarding rulemaking (5 U.S.C. 553), the Postal Service invites interested persons to submit written comments concerning the interim rule. These comments will be considered before a final rule is adopted.

List of Subjects in 39 CFR Part 265

Disclosure of information, Postal Service.

For the reasons set forth in this document, the Postal Service is amending 39 CFR Part 265 as follows:

PART 265—DISCLOSURE OF INFORMATION

1. The authority citation for 39 CFR part 265 continues to read as follows:

Authority: 39 U.S.C. 401; 5 U.S.C. 552; Inspector General Act of 1978, as amended (Pub. L. 95–452, as amended), 5 U.S.C. App. 3.

2. Paragraph (d)(8) of § 265.6 is revised to read as follows:

§ 265.6 Availability of Records.

* * * * *

(d) * * *

(8) *Form 1583, Application for Delivery of Mail Through Agent.* Except as provided by this paragraph, information contained in Form 1583 may not be disclosed to the public. Information contained in Form 1583 may be disclosed to the public only for the purpose of identifying a particular address as an address of an agent to whom mail is delivered on behalf of other persons. The identities of persons on whose behalf agents receive mail may not be disclosed.

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 94–10543 Filed 5–2–94; 8:45 am]

BILLING CODE 7710–12–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[VA17–1–6339 and VA18–1–6340; FRL–4879–4]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia—Disapproval of the Request to Redesignate the Richmond Ozone Nonattainment Area to Attainment and the Associated Maintenance Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is disapproving the request to redesignate the Richmond ozone nonattainment area from moderate nonattainment to attainment and is also disapproving the associated maintenance plan as a State Implementation Plan (SIP) revision. The intended effect of this action is to retain the current designation for ozone nonattainment in the Richmond area. This action is being taken under sections 107 and 110 of the Clean Air Act (CAA).

EFFECTIVE DATE: This final rule will become effective on June 2, 1994.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford at (215) 597–1325.

SUPPLEMENTARY INFORMATION:

I. Background

On November 12, 1992, the Commonwealth of Virginia's Department of Environmental Quality (VDEQ) submitted a request to EPA to redesignate the Richmond moderate ozone nonattainment area from nonattainment to attainment, and to approve a maintenance plan for the Richmond area as a State Implementation Plan (SIP) revision.

On August 17, 1993, (59 FR 43609), EPA published a notice of proposed rulemaking (NPR) proposing approval of the Commonwealth's request to redesignate the Richmond moderate ozone nonattainment area to attainment and its associated maintenance plan SIP revision. EPA's rationale for its proposed approval was stated in that NPR and will not be restated here. However, on January 31, 1994, (59 FR 4263) EPA published a NPR withdrawing its August 17, 1993 proposed approval and proposing to disapprove the request to redesignate the Richmond ozone nonattainment area from moderate nonattainment to attainment and proposed to disapprove the maintenance plan as a SIP revision. EPA converted its proposed approval action to a proposed disapproval because review of the 1993 ambient air quality data monitored during the 1993 ozone season indicated that the Charles City County monitor, located in the Richmond nonattainment area, had registered a violation of the ozone national ambient air quality standards (NAAQS). The ambient data was quality assured in accordance with established procedures for validating such monitoring data. The VDEQ did not contest the registered data. Therefore, the Richmond area does not meet the statutory criteria for redesignation to attainment found in section 107(d)(3)(E) of the CAA. The maintenance plan SIP revision is not approvable because its demonstration of attainment and maintenance of the ozone NAAQS is based on a level of ambient ozone precursor emissions which was thought to represent an inventory of emissions that would provide for attainment and maintenance of the NAAQS, but which does not as evidenced by the ozone violations recorded during the 1993 ozone season.

II. Comments Received on EPA's January 31, 1994 Proposal

Letters of Public Comment: EPA received four comment letters concerning the January 31, 1994 action proposing to disapprove the request to redesignate the Richmond ozone nonattainment area from moderate nonattainment to attainment and proposing to disapprove the maintenance plan as a revision to the SIP. One comment letter supported EPA's proposal to disapprove both the request to redesignate the Richmond ozone nonattainment area and to disapprove the maintenance plan SIP revision. Three comment letters opposed EPA's proposed disapproval of the request to redesignate the Richmond area. The commenters opposing EPA's proposed disapproval stated that that even though exceedances of the ozone standard had been registered at the Charles City County monitor, the monitor is located in a rural location downwind of a more populated urban area. The commenters stated that, based on meteorological data, the recorded violations were caused by a small portion of the urban portion of the Richmond nonattainment area and are localized. The commenters stated that the rest of the Richmond ozone nonattainment area should not be economically penalized by the disapproval of the Richmond redesignation request.

EPA's Response: EPA's response to the latter comments is that EPA has determined that ozone is a regional pollutant driven by several factors including, but not restricted to, weather and climate changes and ozone precursors so that the effect of ozone emissions are not localized. In light of this, and the lack of evidence that the violations in the Richmond area are due only to localized emissions, EPA does not believe that it would be appropriate to redesignate as attainment portions of the Richmond ozone nonattainment area. Such an action would not be appropriate unless it were firmly established that, contrary to the bases underlying the establishment of the boundaries of the Richmond ozone nonattainment area following the 1990 Clean Air Act Amendments, certain portions of the Richmond ozone nonattainment area do not contribute to nonattainment of other portions of the Richmond ozone nonattainment area.

Final Action

EPA is disapproving both the request to redesignate the Richmond ozone nonattainment area to attainment and the associated maintenance SIP revision, both submitted on November 12, 1992 by VDEQ. This disapproval will have the effect of retaining the designations of Virginia for ozone found in 40 CFR part 81 (56 FR 56843) dated November 6, 1991.

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

This action disapproving the request for redesignation of the Richmond moderate ozone nonattainment area and the associated maintenance plan SIP revision 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), 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 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 U.S. EPA's request. This request continues in effect under Executive Order 12866, which superseded Executive Order 12291 on September 30, 1993.

Under section 307(b)(1) of the 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 5, 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 disapproving the request to redesignate the Richmond moderate ozone nonattainment area to attainment and the associated maintenance plan SIP revision 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, Intergovernmental cooperation, Ozone.

Dated: March 30, 1994.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart VV—Virginia

2. Section 52.2423 is amended by adding paragraph (k) to read as follows:

§ 52.2423 Approval status.

* * * * *

(k) The maintenance plan SIP revision, and request to redesignate the Richmond moderate ozone nonattainment area to attainment were submitted on November 12, 1992, by the Department of Environmental Quality. These requests are disapproved because review of the 1993 ambient air quality data monitored during the 1993 ozone season indicated that a violation of the ozone NAAQS occurred at the Charles City monitor in the Richmond nonattainment area . Because of the registered violation during the 1993 ozone season, the underlying basis of the Commonwealth's November 12, 1992 maintenance plan's demonstration is no longer valid.

[FR Doc. 94–10522 Filed 5–2–94; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Part 60

[FRL–4880–3]

New Source Performance Standards Supplemental Delegation of Authority to the State of South Carolina

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delegation of authority.

SUMMARY: On December 8, 1993, the State of South Carolina, through the South Carolina Department of Health and Environmental Control, requested delegation of authority for the implementation and enforcement of additional categories of the New Source Performance Standards (NSPS). EPA's review of South Carolina laws, rules, and regulations showed them to be adequate for the implementation and enforcement of these Federal standards, and EPA made the delegation as requested.

EFFECTIVE DATE: The effective date of the delegation of authority is February 2, 1994.

ADDRESSES: Copies of the request for the delegation of authority and EPA's letter of delegation are available for public inspection during normal business hours at the following locations:

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

South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

Effective immediately, all requests, applications, reports and other correspondence required pursuant to the newly designated standards should not be submitted to the Region IV office, but should instead be submitted to the following address: South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.

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

SUPPLEMENTARY INFORMATION: Section 301, in conjunction with sections 110 and 111(c)(1) of the Clean Air Act as amended November 15, 1990, authorize the Administrator to delegate his authority to implement and enforce the standards established in 40 CFR part 60, New Source Performance Standards (NSPS). After a thorough review of the categories requested for delegation, the Regional Administrator determined that such delegation was appropriate for these source categories with conditions set forth in the original delegation letter of October 19, 1976, and subsequent delegation letters of January 22, 1981, February 1, 1984, June 29, 1987, February 9, 1988, January 5, 1989, December 10, 1990, March 3, 1992, and March 8, 1993. EPA thereby delegated its authority for 40 CFR part 60, NSPS in a letter to the State of South Carolina on February 2, 1994, as follows.

40 CFR Part 60

Subpart RRR—Volatile Organic Compound (VOC) Emissions From the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes, except § 60.703(e).

The Administrator retains the exclusive right to approve equivalent and alternative test methods, continuous monitoring procedures, and