SUMMARY: This document makes a minor technical amendment in nomenclature under the section on traffic engineering analysis to more accurately reflect the plan's content as being that of implementation rather than of operations. This change will serve to assist the States and other operating agencies which utilize Federal funds for their systems by clarifying the terminology used in the regulation.

EFFECTIVE DATE: July 1, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. Morris Oliver, HTV–31, Office of Traffic Management and IVHS, (202)366–2251, or Ms. Grace Reidy, Office of the Chief Counsel, (202) 366–0834, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except for Federal legal holidays.

List of Subjects in 23 CFR Part 655

Grant programs—transportation, Highways and roads, Signs and symbols, Traffic regulations.

The FHWA hereby amends 23 CFR 655, subpart D as set forth below:

PART 655—TRAFFIC OPERATIONS

1. The authority citation for part 655 continues to read as follows:

Authority: 23 U.S.C. 101(a), 104, 105, 109(d), 114(a), 135, 217, 307, 315, and 402(a); 23 CFR 1.32 and 1204.4; and 49 CFR 1.48(b).

§ 655.409 [Amended]

2. Section 655.409(f) is amended by removing the words "operations plan" in each of the two places they appear and replacing them with the words "implementation plan."

Issued on: June 24, 1994.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 94–16071 Filed 6–30–94; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. S–060]

RIN 1218–AA71

Personal Protective Equipment for General Industry

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Final rule; corrections.

SUMMARY: This document makes corrections to the final rule on Personal Protective Equipment for General Industry, which was published in the **Federal Register** on April 6, 1994 at 59 FR 16334.

EFFECTIVE DATE: July 5, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, U.S. Department of Labor, Occupational Safety and Health Administration, Room N–3647, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: (202) 219–8151.

SUPPLEMENTARY INFORMATION: This document contains corrections to the final rule for Personal Protective Equipment for General Industry, which was published on April 6, 1994 (59 FR 16334). As published, the final rule contains typographical errors as well as language that does not clearly express OSHA's intent. As explained below, this document is necessary to correct the identified errors and to indicate clearly what the Agency intended when it promulgated the final rule.

Amendments to 29 CFR 1910.132 (General Requirements)

OSHA has received many comments concerning the applicability of the general requirements contained in § 1910.132. In the preamble to the final rule (59 FR 16334), OSHA stated:

> The provisions of existing §§ 1910.134 and 1910.137 (which cover respiratory protection and electrical protective devices, respectively) are the subjects of separate rulemaking actions and are not addressed by this rulemaking.

The comments to OSHA indicated that, although OSHA stated that §§ 1910.134 and 1910.137 were not being addressed by this rulemaking (April 6, 1994), it was still unclear whether the Agency intended for the new requirements of § 1910.132 to apply to §§ 1910.134 and 1910.137.

The intent of OSHA was that paragraph (d), hazard assessment, and paragraph (f), training, would apply only to §§ 1910.133, 1910.135, 1910.136, and 1910.138. Therefore, OSHA is amending the final rule by adding a new paragraph, (g), to § 1910.132 that explains the applicability of the requirements for hazard assessments and training.

Amendments to 29 CFR 1910.133 (Eye and Face Protection)

On page 16361, the table: "Filter Lenses for Protection Against Radiant Energy" contains a typographical error. The column heading "Electric Size 1/32 in." should read, "Electrode Size 1/32 in."

Amendments to 29 CFR 1910.136 (Foot Protection)

On page 16362, paragraph (a) reads, in part:

> *General requirements.* Each affected employee shall wear protective footwear when working in areas where there is a danger of foot injuries due to falling *and* rolling objects * * * (emphasis added).

It has come to OSHA's attention that the word "and" between the words, "falling" and "rolling objects" could be interpreted to mean that both types of hazard must be present before the use of protective footwear is required.

The intent of OSHA was that the use of protective footwear is required when either of these hazards are present. OSHA inadvertently used the word, "and" instead of the word, "or", and is amending paragraph (a) of § 1910.136 of the final rule to clarify its intent.

Amendments to 29 CFR 1910.138 (Hand Protection)

In the final rule, OSHA added a new section (§ 1910.138) to Subpart I to address hand hazards. However, the Agency, inadvertently, failed to explain what would happen to the existing § 1910.138, "Effective dates."

It was the intent of OSHA to remove the existing § 1910.138, and replace it with a new § 1910.138 that would contain the requirements for hand protection. Accordingly, the Agency is amending the final rule to clarify that existing § 1910.138 is removed and is replaced with a new § 1910.138 for hand protection.

Authority: This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 27th day of June, 1994.

Joseph A. Dear,

Assistant Secretary of Labor.

Accordingly, the publication on April 6, 1994 of Subpart I which was the subject of FR Doc 94–7581 is hereby corrected as set forth below.

§ 1910.132 [Corrected]

1. On page 16360, in the first column, the amendatory instruction number 2 is corrected to read:

"2. New paragraphs (d) through (g) are added to read as follows:".

2. On page 16360, in the first column, § 1910.132 is corrected by adding a new paragraph (g), to read as follows:

(g) Paragraphs (d) and (f) of this section apply only to §§ 1910.133, 1910.135, 1910.136, and 1910.138. Paragraphs (d) and

(f) of this section do not apply to §§ 1910.134 and 1910.137.

§ 1910.133 [Corrected]

3. On page 16361, in the table: "Filter Lenses for Protection Against Radiant Energy", the column heading "Electric Size 1/32 in." is corrected to read, "Electrode Size 1/32 in."

§ 1910.136 [Corrected]

4. On page 16362, in the first column, on line 5 in paragraph (a) of § 1910.136, the word "and" between the words "falling" and "rolling" is corrected to read, "or".

§ 1910.138 [Corrected]

5. On page 16362, in the second column, amendatory instruction number 5 is corrected to read:

"5. Section 1910.138 is revised to read as follows:".

[FR Doc. 94-16014 Filed 6-30-94; 8:45 am]
BILLING CODE 4510-26-M

POSTAL SERVICE

39 CFR Part 111

Changes in Preferred Postage Rates—Second- and Third-Class Mail

AGENCY: Postal Service.

ACTION: Postage rate changes; correction.

SUMMARY: This document contains two postage rates that were omitted from the **Federal Register** (59 FR 32335-32336) published on June 23, 1994.

EFFECTIVE DATE: October 2, 1994.

FOR FURTHER INFORMATION CONTACT: Ernest J. Collins, (202) 268-5316.

SUPPLEMENTARY INFORMATION: The omitted rates were the nonadvertising per-pound rate for classroom and special rate publications, and the in-county level K2 per-piece rate. This notice also corrects the in-county level J1 rate for ZIP+4 barcoded flat-size second-class mail. All postage rates that will be effective October 2, 1994, are published below.

The Postal Service adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001-3011, 3201-3219, 3403-3406, 3621, 3626, 5001.

Effective October 2, 1994, the Domestic Mail Manual is amended as follows:

2. Sections R200 and R300 are revised to include the new postage rates for second- and third-class mail.

Module R—Rates and Fees

* * * * *

R200 Second-Class Mail

* * * * *

2.0 In-County Rates

2.1 Pound Rates

Per pound or fraction:

Zone	Rate
Delivery Office	$0.108
All Others	.118

* * * * *

2.2 Piece Rates

Per addressed piece:

Level	Regular	ZIP+4 (letter-size)	Barcoded (letter-size)	ZIP+4 barcoded (flat-size)
J1	$0.078	0.078	$0.078	$0.078
J3	.078	.074	.074	.063
J5	.078	.074	.061	.063
K1	.041			
K2	.036			
K3	.034			

* * * * *

3.0 Special Nonprofit Rates

3.1 Pound Rates

Pound rates are:

For the nonadvertising portion—$0.109 per pound or fraction.

* * * * *

3.2 Piece Rates

Per addressed piece:

Level	Regular	ZIP+4 (letter-size)	Barcoded (letter-size)	ZIP+4 barcoded (flat-size)
G	$0.174	$0.167	$0.157	$0.151
H3	.131	.127	.121	.116
H5	.131	.127	.114	.116
I1	.093			
I2	.091			
I3	.086			

* * * * *

4.0 Classroom Rates

4.1 Pound Rates

Pound rates are:

For the nonadvertising portion—$0.109 per pound or fraction.

* * * * *

4.2 Piece Rates

Per addressed piece:

Level	Regular	ZIP+4 (letter-size)	Barcoded (letter-size)	ZIP+4 barcoded (flat-size)
G	$0.174	$0.167	$0.157	$0.151
H3	.131	.127	.121	.116
H5	.131	.127	.114	.116
I1	.093	....	....	....
I2	.091	....	....	....
I3	.086	....	....	....

* * * * *

R300 Third-Class Mail

* * * * *

6.0 Special Bulk Third-Class Letter-Size Minimum Per Piece Rates—Pieces 0.2085 Lb. (3.3363 Oz.) or Less

Entry discount	Nonautomation rates		Carrier route	Saturation W–S
	Basic	3/5		
None	$0.116	$0.103	$0.079	$0.076
BMC	.104	.091	.067	.064
SCF	.099	.086	.062	.059
Delivery Unit	....	....	.057	.054

Entry discount	Basic ZIP+4	Automation rates		3-Digit barcoded	5-Digit barcoded
		3/5 ZIP+4	Basic barcoded		
None	$0.109	$0.099	$0.099	$0.093	$0.086
BMC	.097	.087	.087	.081	.074
SCF	.092	.082	.082	.076	.069
Delivery Unit	....	....	....	....	....

A transmittal letter making these changes in the Domestic Mail Manual will be published and transmitted automatically to subscribers. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided by 39 CFR 111.3.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 94–15998 Filed 6–30–94; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9, 85, 86, and 600

[FRL–5005–9]

Short Test Emission Regulations for 1996 and Later Model Year Light-Duty Vehicles and Light-Duty Trucks and Revised Performance Warranty Regulations, and Revisions to Corporate Average Fuel Economy (CAFE) Calculations Pursuant to the North American Free Trade Agreement Implementation Act of 1993; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to two final regulations which were published Monday, November 1, 1993, and on January 6, 1994. While these regulations are unrelated, this action makes necessary corrections to both in the same document for the sake of expediency. The November 1, 1993, regulations added new "short test" requirements to previously existing regulations for certification, Selective Enforcement Audit, and recall of new gasoline-fueled light-duty vehicles and light-duty trucks and replaced all six of the previously-existing steady-state performance warranty tests. The January 6, 1994, regulations pertained to changes to the Corporate Average Fuel Economy calculations required by the North American Free Trade Agreement Implementation Act of 1993. Various errors occurred in those two final rules, relating to headings, paragraph references, omissions, and other inaccuracies; this action will correct those errors.

EFFECTIVE DATE: July 1, 1994.

FOR FURTHER INFORMATION CONTACT: Mary E. Walsh, Certification Division, U.S. Environmental Protection Agency, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone (313) 668–4205.

SUPPLEMENTARY INFORMATION:

Background

In its November 1, 1993, rulemaking (58 FR 58382), the Agency promulgated regulations setting forth new "short test" standards and procedures, known as the Certification Short Test, to be added to previously existing regulations for certification, Selective Enforcement Audit, and recall of new gasoline-fueled light-duty vehicles and light-duty trucks, effective beginning with the 1996 model year. In addition, that rule replaced all six of the previously-existing steady-state test procedures used in inspection and maintenance programs for performance warranty purposes. The rule also contained certain minor technical amendments concerning changes to quality control checks and information collected in conjunction with testing that reflect changes that have occurred in laboratory test program needs.

In its January 6, 1994, rulemaking (59 FR 677), the Agency promulgated changes to its fuel economy calculation regulations to conform to changes in the Motor Vehicle Information & Cost Savings Act, 15 U.S.C. 2003(b)(2), made by section 371 of the North American Free Trade Agreement Implementation Act of 1993, Public Law 103–182 (December 8, 1993).

Both of these rules contained inadvertent errors in its regulatory text, requiring that this action be initiated to rectify them.

The Agency finds there is good cause to make this correction effective immediately, because it merely corrects minor technical errors in the originally promulgated rule, and does not impose any independent requirements.

Need for Correction

As published, the final regulations contained errors which may prove to be misleading and are in need of clarification. Corrections made in this action address those errors as follows:

Corrections made to tables in §§ 9.1 and 85.2225 clarify the proper placement of elements in tables.

The headings for part 85 and for §§ 86.708–94 and 86.708–94 were incorrectly given in the November 1, 1993 rule; no changes to those headings were intended. This action restores the original headings.

In § 85.2233, the figure 5,000 is revised to 4,000 to match changes made in correcting amendments dated November 9, 1993 (58 FR 59366) to the November 5, 1992 final rule (57 FR 52950) upon which the text in § 85.2233(d) is based.

In § 86.096–21, paragraphs (j) and (k) identified six Certification Short Test procedures as being described in § 86.1439; at present, there are only five such procedures. The word "six" is therefore deleted in both paragraphs.

In § 86.116–90, a "0" was mistakenly inserted in place of a "4" in the section title. Since 1994 is the initial year of applicability intended, the suffix is corrected.

In § 86.1406, the reference to the location of fuel specifications inadvertently omitted § 86.216; in this action, that section is added to the references.

Certain corrections made in §§ 86.1430 and 86.1439 rectify erroneous paragraph references.

In § 86.1430, text referring to the first chance portion of a Certification Short Test is deleted because there is no first chance portion to any Certification Short Test.

Section 86.1430 indicates that more information on loaded preconditioning, to be run between the speeds of 30 and 50 mph, can be found in §§ 86.1437(c) and 86.1438(c). While § 86.1438(c) does address loaded preconditioning, § 86.1437(c) does not. Moreover, § 86.1438 prescribes a minimum speed of 30 mph but neglected to give the previously-mentioned maximum speed of 50 mph. To clarify the existing requirements, these inconsistencies are corrected.

In § 86.1439, paragraph (d) describes the CST—Loaded Test, which includes a loaded driving mode on the dynamometer. A manufacturer brought it to EPA's attention that the point at which the gear is shifted into "drive" for initiating the loaded mode and then back into "neutral" afterwards was omitted; appropriate text is added to clarify the procedure. Also in this section, paragraph (f)(1)(ii)(A) was mistakenly published with text transposed from another paragraph in that section; the correction restores the intended test procedure indicated in the NPRM published on January 8, 1993 (58 FR 3380).

In §§ 600.502–81 and 600.511–80, inadvertent errors that occurred in the regulatory text that incorrectly reference other paragraphs of regulatory text are corrected.

Correction of Publication

Accordingly, the publication on November 1, 1993, and the publication on January 6, 1994, of the final regulations which were the subject of 58 FR 58382 and 59 FR 677, respectively, are corrected as follows:

§ 9.1 (Corrected)

1. On page 58400, in the first column, in § 9.1, the notation "* * * * *" is added immediately under the heading "Control of Air Pollution from New and In-Use Motor Vehicles and New and In-Use Motor Vehicle Engines: Certification and Test Procedures".

Part 85 (Corrected)

2. On page 58400, in the second column, the heading "Control of Air Pollution From Motor Vehicles and New and In-Use Motor Vehicle Engines" is corrected to read "Control of Air Pollution From Motor Vehicles and Motor Vehicle Engines".

§ 85.2225 (Corrected)

3. On page 58413, in § 85.2225, paragraph (c)(1), in the table at the bottom of the page, in the first column, in line one, the words "HC, ppm" is corrected to read "HC, as hexane", and on the second line, the words "as hexane" are deleted.

§ 85.2233 (Corrected)

4. On page 58415, in the second column, in § 85.2233, paragraph (d), in lines four and six, the figure "5,000" is corrected twice to read "4,000".

§ 86.096–21 (Corrected)

5. On page 58417, in the third column, in § 86.096–21, paragraph (j), in line four, and in paragraph (k), in line four, the word "six" is removed.

§ 86.116–90 (Corrected)

6. On page 58422, in the first column, in instruction 41 and in the section heading, "§ 86.116–90" is corrected to read "§ 86.116–94".

§ 86.708–94 (Corrected)

7. On page 58424, in the second column, in § 86.708–94, in the second line of the heading, the words "light duty" are corrected to read "light-duty".

§ 86.708–98 (Corrected)

8. On page 58424, in the third column, in § 86.708–98, in the second line of the heading, the words "light duty" are corrected to read "light-duty".

§ 86.1406 (Corrected)

9. On page 58427, in the second column, in § 86.1406, paragraph (b), in line three, the words " §§ 86.113 and 86.1413" are corrected to read "§ 86.113, 86.213, and 86.1413".

§ 86.1430 (Corrected)

10. On page 58432, in the third column, in § 86.1430, paragraph (a)(7)(ii), in lines two and three, the words "the first chance test of" are removed.

11. On page 58435, in the first column, in § 86.1430, paragraph (c)(3)(ii), in line five, the words "in § 86.1438" are corrected to read "in §§ 86.1438 and 86.1439".

§ 86.1437 (Corrected)

12. On page 58436, in the first column, in § 86.1437, paragraph (c), in line four, the words "or, optionally, the vehicle will undergo loaded operation for a minimum of 30 seconds between the speeds of 30 and 50 mph (48 to 80 kph)" are added to the end of the first sentence, and in lines seven and ten, the words "or speed" are added before the word "range".

§ 86.1438 (Corrected)

13. On page 58437, in the second column, in § 86.1438, paragraph (c), in lines seven and eight, the words "at a minimum speed of 30 mph (48 kph)" are replaced by the words "between the speeds of 30 and 50 mph (48 to 80 kph)".

§ 86.1439 (Corrected)

14. On page 58439, in the first column, in § 86.1439, paragraph (d), in line six, the phrase ", and the gear selector is in 'drive' for automatic transmissions, or in second gear (or

third gear if more appropriate) for manual transmissions" is added after the words "are met".

15. On page 58439, in the first column, in § 86.1439, paragraph (d)(1)(i), in line twelve, the words "(d)(1)(iii) (A) through (C)" are corrected to read "(d)(1)(ii) (A) and (B)".

16. On page 58439, in the first column, in § 86.1439, paragraph (d)(1)(ii)(B), in line two, the words "the mode is terminated" are corrected to read "the test is terminated".

17. On page 58439, in the first column, in § 86.1439, paragraph (d)(2)(i), in line three, the phrase "and the gear selector is in 'park' or 'neutral'" is added after the words 'has reached zero', and in line six, the reference "(d)(2)(iii)" is corrected to read "(d)(2)(ii)".

18. On page 58439, in the third column, in § 86.1439, paragraph (f)(1)(ii)(A) is corrected to read as follows:

§ 86.1439 Certification short test emission test procedures—EPA.

* * * * *

(f) * * *

(i) * * *

(ii) * * *

(A) The vehicle passes the high-speed mode and the mode is terminated at an elapsed time of 90 seconds (mt=90) if any measured values are less than or equal to the applicable short test standards as described in § 86.1438(d).

* * * * *

§ 600.502–81 (Corrected)

19. In the Federal Register published on January 6, 1994, on page 678, in the third column, in § 600.502–81, paragraph (a)(1)(iii), in lines two and three, the reference "paragraph (b)(3) of this section" is corrected to read "§ 600.511–80(b)(3)".

§ 600.511–80 (Corrected)

20. In the Federal Register published on January 6, 1994, on page 679, in the first column, in § 600.511–80, paragraph (a)(1), in line ten, the reference "§ 600.511–80(b)(3)" is corrected to read "paragraph (b)(3) of this section".

Dated: June 24, 1994.

Carol M. Browner,

Administrator.

[FR Doc. 94–15981 Filed 6–30–94; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 52

[OR–11–1–5527a; FRL–4891–9]

Approval and Promulgation of State Implementation Plans: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Environmental Protection Agency (EPA) is approving a revision to the state implementation plan (SIP) submitted by the State of Oregon for the purpose of bringing about the attainment of the national ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM–10). The implementation plan was submitted by the State to satisfy certain Federal requirements for an approvable moderate nonattainment area PM–10 SIP for La Grande, Oregon.

EFFECTIVE DATE: This action will be effective on August 30, 1994 unless adverse or critical comments are received by August 1, 1994. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Montel Livingston, EPA, 1200 Sixth Avenue, AT–082, Seattle, WA 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, 401 M Street, SW, Washington, DC 20460. Copies of the State's request and other information are available for inspection during normal business hours at the following locations: EPA, 1200 Sixth Avenue, Seattle, WA 98101, and the State of Oregon Department of Environmental Quality, 811 SW., Sixth Avenue, Portland, OR 97204–1390.

FOR FURTHER INFORMATION CONTACT: Stephen Fry, Air and Radiation Branch (AT–082), EPA, 1200 Sixth Avenue, Seattle, WA 98101 (206) 553–2575.

SUPPLEMENTARY INFORMATION:

1. Background

The Union County, La Grande, Oregon, Urban Growth Boundary (UGB), was designated nonattainment for PM–10 and classified as moderate under sections 107(d)(4)(B) and 188(a) of the Clean Air Act (CAA), upon enactment of the Clean Air Act Amendments (CAAA) of 1990 [1] (see 56 FR 56694 (November 6, 1991) and 40 CFR § 81.338). The air quality planning requirements for moderate PM–10 nonattainment areas are set out in subparts 1 and 4 of Title I of the Act.[2] EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIP's and SIP revisions submitted under Title I of the Act, including those State submittals containing moderate PM–10 nonattainment area SIP requirements (see generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in this proposal and the supporting rationale. In this rulemaking action on the State of Oregon's moderate PM–10 SIP for the La Grande nonattainment area, EPA is proposing to apply its interpretations taking into consideration the specific factual issues presented. Additional information supporting EPA's action on this particular area is available for inspection at the address indicated above. EPA will consider any timely submitted comments before taking final action on this proposal.

Those States containing initial moderate PM–10 nonattainment areas (those areas designated nonattainment under section 107(d)(4)(B)) were required to submit, among other things, the following provisions by November 15, 1991:

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology (RACT)) shall be implemented no later than December 10, 1993;

2. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994, or a demonstration that attainment by that date is impracticable;

3. Quantitative milestones which are to be achieved every three years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994; and

[1] The 1990 Amendments to the Clean Air Act made significant changes to the Act. See Pub. L. No. 101–549, 104 Stat. 2399. References herein are to the Clean Air Act, as amended ("the Act"). The Clean Air Act is codified, as amended, in the U.S. Code at 42 U.S.C. sections 7401, *et seq.*

[2] Subpart 1 contains provisions applicable to nonattainment areas generally and subpart 4 contains provisions specifically applicable to PM–10 nonattainment areas. At times, subpart 1 and subpart 4 overlap or conflict. EPA has attempted to clarify the relationship among these provisions in the "General Preamble" and, as appropriate, in today's notice and supporting information.

4. Provisions to assure that the control requirements applicable to major stationary sources of PM–10 also apply to major stationary sources of PM–10 precursors except where the Administrator determines that such sources do not contribute significantly to PM–10 levels which exceed the NAAQS in the area see sections 172(c), 188, and 189 of the Act).

Additional provisions are due at a later date. States with initial moderate PM–10 nonattainment areas were required to submit a permit program for the construction and operation of new and modified major stationary sources of PM–10 by June 30, 1992 (see section 189(a)). Such States also were required to submit contingency measures by November 15, 1993, which become effective without further action by the State or EPA, upon a determination by EPA that the area has failed to achieve RFP or to attain the PM–10 NAAQS by the applicable statutory deadline (see section 172(c)(9) and 57 FR 13543–13544).

II. This Action

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals (see 57 FR 13565–13566). In this action, EPA is granting approval of the plan revision submitted to EPA on November 15, 1991. EPA has determined that the submittal meets all of the applicable requirements of the Act due on November 15, 1991, with respect to moderate area PM–10 submittals. In addition, as described in Parts II.7 and II.5 below, EPA is approving the SIP revision submitted on November 15, 1991, as meeting the requirement for contingency measures for the La Grande, Oregon moderate PM–10 nonattainment area and is granting the exclusion from PM–10 control requirements authorized under section 189(e) of the Act.

Analysis of State Submission

1. Procedural Background

The Act requires States to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing.[3] Section 110(l) of the Act similarly provides that each revision to an implementation plan submitted by a State under the Act must be adopted by such State after reasonable notice and public hearing.

EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action (see section 110(k)(1) and 57 FR 13565). EPA's completeness criteria for SIP submittals are set out at 40 CFR part 51, appendix V. EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission.

The City of La Grande held public hearings on the La Grande PM–10 plan on July 17 and August 1, 1991 and adopted the plan on August 7, 1991. The State of Oregon subsequently held public hearings on the La Grande PM–10 SIP on October 1, 1991 in La Grande and Portland, Oregon, and after the plan was modified in response to public comments, the control strategy was adopted November 8, 1991. The modified plan was submitted to EPA on November 15, 1991 as a proposed revision to the SIP.

The SIP revision was reviewed by EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria set out at 40 CFR part 51, appendix V. A letter dated April 27, 1992 was forwarded to the Director of the Oregon Department of Environmental Quality (ODEQ) indicating the completeness of the submittal and the next steps to be taken in the review process. In this action EPA approves the State of Oregon's PM–10 SIP submittal for the La Grande PM–10 nonattainment area and invites public comment on the action.

2. Accurate Emissions Inventory

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, and current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. The emissions inventory should also include a comprehensive, accurate, and current inventory of allowable emissions in the area. Because the submission of such inventories are necessary to an area's attainment demonstration (or demonstration that the area cannot practicably attain), the emissions inventories must be received with the attainment/nonattainment demonstration submission (see 57 FR 13539).

The base year emission inventory (1986) developed for the La Grande UGB identified the major sources of PM–10 concentrations during 24-hour worst case winter periods as residential wood combustion (60%), fugitive dust (31%), industrial emissions (5%) and other sources, including but not limited to, transportation, and commercial space heating (4%). Annual emissions for 1986 were residential wood combustion (48%), fugitive dust (36%), industrial emissions (10%), transportation (5%) and other sources (1%).

EPA is approving the emissions inventory because it generally appears to be accurate, comprehensive and current, and provides a sufficient basis for determining the adequacy of the attainment demonstration for this area consistent with the requirements of sections 172(c)(3) and 110(a)(2)(K) of the Clean Air Act.[4] For further details see the Technical Support Document (TSD).

3. RACM (Including RACT)

As noted, the initial moderate PM–10 nonattainment areas must submit provisions to assure that RACM (including RACT) are implemented no later than December 10, 1993 (see sections 172(c)(1) and 189(a)(1)(C)). The General Preamble contains a detailed discussion of EPA's interpretation of the RACM (including RACT) requirement (see 57 FR 13539–13545 and 13560–13561).

Attainment of the 24-hour and annual standards is based on five main control strategies designed to reduce woodsmoke, fugitive dust and industrial point source emissions. The available control measures to be implemented in the La Grande nonattainment area include the following:

a. Voluntary Wood Combustion Curtailment Program

The City of La Grande administers the voluntary wood combustion curtailment program. The City Planning Department makes the daily advisory calls, conducts compliance surveys, and the La Grande Air Quality Advisory Committee (LGAQAC) operates an extensive public education program in conjunction with the ODEQ.

The voluntary curtailment program for the La Grande nonattainment area includes a public education program that describes the need for the public's cooperation, the health, safety, energy, economic benefits to individuals and

[3] Also Section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

[4] The EPA issued guidance on PM–10 emissions inventories prior to the enactment of the Clean Air Act Amendments in the form of the 1987 *PM-10 SIP Development Guideline*. The guidance provided in this document appears to be consistent with the amended Act; therefore, EPA may continue to rely on this guidance. See section 193 of the Act.

the community, and steps individuals can take to help reduce emissions.

Key elements of the voluntary curtailment program and public information program include: home weatherization, firewood seasoning, cleaner burning practices, proper stove installation and sizing, maintenance of woodburning systems and curtailment of woodburning during poor ventilation episodes.

Woodburning advisories are made and issued daily by 10:15 a.m. from November 1 through March 1. An empirical formula (based on the previous 12-hour ODEQ nephelometer readings and the last 3 hours of meteorological conditions) is used to predict the present day's PM–10 level. The predicted PM–10 level determines the green/yellow/red advisory day status (described below). The advisory is provided daily on a telephone answering machine. The advisory is also printed in the local daily newspaper, and aired by the local radio stations and cable television channel. Also, in many cases, the advisory is made part of the weather forecast on the local news.

Woodburning curtailment advisories are issued at three levels: (1) A green advisory is made when the ambient concentration is expected to be 50 $\mu g/m^3$ or less, (2) a yellow advisory is made when the concentration is expected to be greater than 50 $\mu g/m^3$ but less than or equal to 95 $\mu g/m^3$, (3) a red advisory is made when the ambient concentration is expected to be greater than 95 $\mu g/m^3$.

A green advisory allows for wood burning in stoves and fireplaces, but these fires should be fueled with dry, well-seasoned wood. It is also requested that citizens build small, hot fires and do not damper down their stoves during a green advisory. During a yellow advisory all residents, except those persons using wood as a sole source of heat, wood pellet stoves and ODEQ or EPA certified woodstoves, are asked to curtail wood burning for the next 24 hours and outdoor burning is banned. During a red advisory all residents, except those using wood as a sole source of heat or those using pellet stoves, are asked to curtail wood burning for the next 24 hours and outdoor burning is banned.

Compliance with the advisories is determined through day and nighttime surveys of woodburning activity during green, yellow and red curtailment periods. Green days are surveyed to determine a base from which to judge compliance with a curtailment call. Data from the surveys are used to direct the public education program, evaluate progress toward achieving program goals and evaluate trends in PM–10 concentrations.

ODEQ requests a 30 percent emission reduction credit for its voluntary curtailment program in the La Grande UGB during 24-hour worst case periods. The 30 percent credit is greater than the 10 percent generally suggested by EPA. The recommended 10 percent credit is viewed by EPA as a "starting point in assessing the effectiveness of residential wood combustion control programs". However, final judgment of the amount of credit to be granted is determined by EPA's regional offices based on the program features outlined in EPA's *Guidance Document for Residential Wood Combustion Emission Control Measures*. When data are available, credit higher than 10 percent may be granted based on the program's effectiveness.

During the 1992/1993 wood heating season, La Grande conducted compliance surveys in the voluntary curtailment area during green, yellow and red advisories. The results of these surveys indicate that 7 percent and 54 percent of the woodburners comply on yellow and red advisory days, respectively. The observed 54 percent compliance rate on red advisory days easily exceeds the 30 percent compliance rate that the ODEQ is claiming for La Grande. Based on these results and EPA's review of the remaining curtailment program elements, also considering public education and La Grande's and ODEQ's experience in managing curtailment programs, EPA accepts the 30 percent credit claimed for this control measure. Further description of this program and justification for this action is set out in the TSD.

b. Woodstove Certification

In 1983, the Oregon Legislature directed ODEQ to require that all new woodstoves sold in the state be certified through laboratory testing. As a result, stoves sold after July 1986 were required to emit particles at a rate of 50 percent less than conventional woodstoves. After July 1988, new woodstoves were required to emit 70 percent less than conventional woodstoves.

The Oregon Environmental Quality Commission adopted on March 2, 1990, and submitted to EPA on March 15, 1990, revisions to Oregon's Woodstove Certification Program making it consistent with EPA's New Source Performance Standards (NSPS) for Residential Wood Heaters, in 40 CFR part 60, subpart AAA. Currently, all woodstoves sold in the State of Oregon must be both ODEQ and EPA certified. This SIP revision was approved by EPA as part of the Oregon SIP on June 8, 1992 (57 FR 24373).

ODEQ estimates that the woodstove certification program will provide a 24 percent credit against baseline 1986 woodstove emissions by 1994.[5] Oregon has historically pursued an aggressive woodstove certification program. Oregon was the first state in the nation to adopt, implement and enforce a program of this type (1984). EPA promulgated the NSPS on February 26, 1988, modeled, in significant part, after Oregon's program.

The projected emission reductions, in conjunction with a statewide ban (OAR 340–34–010) on the sale of used uncertified stoves, a ban on the installation of used uncertified stoves, and Oregon's model woodstove certification program supports EPA's acceptance of Oregon's woodstove certification credit claim.

c. Woodstove Replacement and Weatherization Programs

ODEQ requests a 2 percent credit on a 24-hour basis for the $325,000 woodstove replacement and weatherization program. This State of Oregon Community Block Grant was available to low and moderate income residents.

As of September 1993, 53 uncertified woodstoves have been removed from residential dwellings due to the program. These uncertified woodstoves were replaced with 37 natural gas furnaces, 12 phase II certified woodstoves and 4 pellet stoves. According to EPA calculations, the elimination of these 53 uncertified woodstoves equals a 2 percent credit (when compared against the 2,270 homes utilizing uncertified woodstoves in base year 1986; and using 99 percent, 90 percent and 70 percent emission reduction credits for replacing uncertified woodstoves with natural gas furnaces, pellet stoves and phase II certified woodstoves, respectively). Therefore, even without the home weatherization that also was done, the 2 percent credit achieved equals the 2 percent credit claimed by ODEQ for the program. Because of the demonstrated success of this program, EPA accepts the 2 percent credit requested by the ODEQ. Further description of the program and justification for EPA's action is set out in the TSD.

[5] This estimate uses a 1986 baseline inventory and assumes or relies on: (1) a 1% annual growth in firewood consumed by woodstoves, (2) a 2% annual decline in firewood consumed by fireplaces, (3) a useful stove life of 20 years, and (4) the fact that the typical certified woodstove and pelletstove emits 50% and 90% less, respectively, than a conventional stove. EPA believes this is an accurate portrayal of the situation in La Grande.

d. Industrial Controls

On November 8, 1991, the Oregon Environmental Quality Commission adopted changes to its Industrial Rules (OAR 340–30–200 to 230) for La Grande. EPA published a Final Rulemaking on February 23, 1993 (58 FR 10972) with an April 26, 1993 effective date, which detailed its approval of these regulations. These industrial rules impose new emission limits for existing wood-waste boilers (heating-input capacity of greater than 35 million BTU/Hr), wood particle dryers at particleboard plants, air conveying systems and fugitive emissions (for any large sawmill, plywood mill, veneer manufacturing plant, particleboard plant, hardboard plant or charcoal manufacturing plant that is located in the La Grande Urban Growth Area). Because of the current PM–10 source mix in the area, only the wood-waste boiler and fugitive control plan requirements are presently being implemented in the La Grande PM–10 nonattainment area.

The overall reduction in area-wide industrial PM–10 emissions, due to the implementation of the new industrial rules and replacement of 11 wood-waste boilers with three significantly cleaner natural gas-fired boilers, between 1986 and 1994 is conservatively projected to be 30 percent.

Based on EPA's interpretation of the RACT requirement, as set out in the General Preamble and the April 2, 1991, memorandum entitled "PM–10 Moderate Area SIP Guidance: Final Staff Work Product," EPA has determined that the industrial source control measures satisfy the RACT requirement for stationary sources in the La Grande moderate PM–10 nonattainment area.

EPA believes that the emission limits imposed on the board products industries, supported by their enforceability, will achieve the estimated industrial source emission reductions of 30 percent. Therefore, EPA accepts the 30 percent credit requested by ODEQ. For further details the reader is referred to the Technical Support Document (TSD) corresponding with this action, which is available at the address indicated above.

e. Winter Road Sanding Control Program

Winter road sanding has been shown to adversely affect PM–10 levels throughout the western United States, including La Grande, in areas that experience measurable snowfall. The silt-laden, friable sand is placed on roads by local and state highway departments to provide vehicles with better traction on snow and ice. However, once the snow has melted and the roads have dried out, the remaining dry, silty road sand is easily resuspended by moving vehicular traffic.

The La Grande emission inventory identifies road sanding dust as a 14 percent contributor to worst case day PM–10 levels in both base year 1986 and attainment year 1994, without control strategies. To address the winter road sanding problem the City of La Grande obtained a written commitment, in a letter dated October 28, 1991, from the Oregon Department of Transportation (ODOT) to reduce sanding application rates and to cleanup sanding materials from roadways as soon as practically possible.

ODOT and ODEQ project a 30 percent (436 lbs/day) reduction in PM–10 will be accomplished on worst case days in 1994, due to the winter road sanding control program. This emission reduction value was determined from ODOT's projection that the new application rates and cleanup policies alone will reduce the amount of fugitive dust from sanding by 36 percent. ODEQ then determined that 84 percent of the PM–10 produced as the result of road sanding was created on ODOT roads. Therefore, 84 percent of 36 percent is the 30 percent emission reduction value credited to the winter road sanding program.

In addition to the aforementioned commitments, the ODOT began utilizing road sand with a lower silt content in November 1991; thus, this road material is less likely to become airborne as PM–10. However, the ODEQ did not take emission reduction credit for this measure. Therefore, EPA approves the utilization of this cleaner sanding material as a SIP strengthening measure.

There are a number of fugitive dust control measures that the City of La Grande and State of Oregon require in the La Grande PM–10 nonattainment area. The measures include: paving/stabilizing access streets to industrial or commercial sites; cleaning and securing construction vehicle loads to prevent trackout; requiring haul trucks to be covered; utilization of dust suppressants to control PM–10 emissions from haul roads greater than 50 feet in length; paving or chemically stabilizing unpaved roads; paving all off-street parking areas, including driveways and truck loading areas; stabilizing material storage piles through use of dust palliatives, water, compacting or other methods; and prohibiting the disturbance or removal of soil cover from any area larger than 5,000 sq. ft. (unless a dust control plan has been approved by the City). Nonetheless ODEQ declined to take credit for these fugitive dust control measures because the emissions were difficult to inventory and these reductions were also unnecessary to demonstrate attainment of the PM–10 standard. Instead these measures strengthen the SIP and help further assure that these fugitive dust sources will not contribute to a future exceedance of the PM–10 NAAQS.

EPA has determined that the existing ordinances, programs, and regulations either submitted with the La Grande PM–10 SIP submission or else currently contained in the federally approved Oregon SIP meet the RACM requirement. EPA also accepts ODEQ's projection that the road sanding measures will reduce PM–10 emissions from winter road sanding by 30 percent. The lower silt content sand, in conjunction with the other fugitive dust control measures, will also help ensure that sanding and other fugitive dust sources will be adequately controlled. While the SIP is not relying on these strategies to attain the PM–10 standard, EPA is approving these measures as strengthening the SIP.

f. Other Sources

Where sources of PM–10 contribute insignificantly to the PM–10 problem in the area, EPA's policy is that RACM does not require the implementation of potentially available control measures (57 FR 13540).

ODEQ has determined through its analysis of the nonattainment area emissions data that prescribed burning, open burning and transportation were not significant sources of PM–10 emissions (less than 4 percent on a worst case days). Nevertheless, control measures addressing sources of prescribed and open burning are currently required by ODEQ, Union County, and the City of La Grande. While the implementation of all available prescribed and open burning measures would not significantly expedite attainment in the area, these measures as currently required should help to ensure on-going maintenance of the PM–10 NAAQS in the area and EPA is therefore approving them as strengthening the SIP. The following is a list of adopted control measures regulating open burning and prescribed burning contained in the plan:

(1) A mandatory field burning smoke management program was adopted on June 5, 1991, by Union County (Ordinance 1991–6) in response to the Class I area visibility protection provisions of the Clean Air Act (Section 169A), and was implemented during the summer of 1991. The ordinance requires

that agricultural burning be prohibited when smoke can impact either the Eagle Cap Wilderness or the La Grande PM–10 nonattainment area. The ordinance is enforced by Union County.

(2) The city of La Grande's Air Quality Program (Resolution 4122, Series 1991) includes a prohibition on open burning and the use of burn barrels on "Yellow" or "Red" woodburning curtailment days. Open burning is prohibited at all times other than during the months of April, May, October and November under Section 8 of the City's Uniform Fire Code.

EPA has reviewed ODEQ's submittals and associated documentation and has concluded that they adequately justify the control measures to be implemented. EPA believes that implementation of the La Grande PM–10 nonattainment plan control strategy will result in the attainment of the PM–10 NAAQS as expeditiously as practicable and no later than December 31, 1994. By this notice, EPA is approving ODEQ's control strategy as satisfying the RACM (including RACT) requirement.

4. Demonstration

Moderate PM–10 nonattainment areas must submit a demonstration (including air quality modeling) showing that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994 (see section 189(a)(1)(B) of the Act). The General Preamble sets out EPA's guidance on the use of modeling for moderate area attainment demonstrations (57 FR 13539). Alternatively, the state must show attainment by December 31, 1994, is impracticable. The 24-hour PM–10 NAAQS is 150 micrograms/cubic meter ($\mu g/m^3$), and the standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$ is equal to or less than one (see 40 CFR section 50.6). The annual PM–10 NAAQS is 50 $\mu g/m^3$, and the standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 $\mu g/m^3$ (id.).

As indicated in the General Preamble, 57 FR at 13539, EPA has developed a supplemental attainment demonstration policy for initial PM–10 nonattainment areas. This supplemental policy provides additional flexibility in meeting the PM–10 attainment demonstration requirements. An earlier April 2, 1991, memorandum titled, "PM–10 Moderate Area SIP Guidance: Final Staff Work Product" contained "Attachment 5" which described the same policy.

ODEQ conducted an attainment demonstration based upon receptor modeling (Chemical Mass Balance (CMB) version 7.0) and proportional emission inventory roll-back analysis in the La Grande nonattainment area. Both approaches were in close agreement in identifying the major sources of PM–10 on exceedance days (local woodsmoke = 61 percent and 60 percent, and soil dust = 38 percent and 32 percent for CMB and roll-back methods, respectively).

This demonstration indicates that La Grande will attain both the 24-hour and annual PM–10 NAAQS, with the maximum 24-hour concentration predicted to be 148 $\mu g/m^3$ and an annual arithmetic average concentration projected to be 47 $\mu g/m^3$ in 1994. The demonstration also showed that the PM–10 NAAQS will be maintained in future years by predicting a 24-hour worst day design concentration of 139 $\mu g/m^3$ for the year 2000, and projecting an annual average for the year 2000 of 48 $\mu g/m^3$. The control strategy used to achieve these design concentrations is summarized in the section titled "RACM (including RACT)." A more detailed description of the attainment demonstration is contained in the TSD accompanying this notice.

5. PM–10 Precursors

The control requirements which are applicable to major stationary sources of PM–10, also apply to major stationary sources of PM–10 precursors unless EPA determines such sources do not contribute significantly to PM–10 levels in excess of the NAAQS in that area (see section 189(e) of the Act). The General Preamble contains guidance addressing how EPA intends to implement section 189(e) (see 57 FR 13539–13540 and 13541–13542).

The filter analyses (chemical mass balance) indicated that on average, only 1 percent and 4 percent of the PM–10 mass was comprised of secondary particulate on high concentration days and annually, respectively. EPA believes that this is an insignificant portion and, therefore, is granting the exclusion from control requirements authorized under section 189(e) for major stationary sources of PM–10 precursors.

Note that while EPA has made a general finding for this area, this finding is based on the current character of the area including, for example, the existing mix of sources in the area. It is possible, therefore, that future growth could change the significance of precursors in the area. EPA intends to issue future guidance addressing such potential changes in the significance of precursor emissions in an area.

6. Enforceability Issues

All measures and other elements in the SIP must be enforceable by ODEQ and EPA (See sections 172(c)(6), 110(a)(2)(A) and 57 FR 13556). EPA criteria addressing the enforceability of SIP's and SIP revisions were stated in a September 23, 1987, memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, et. al. (see 57 FR 13541). Nonattainment area plan provisions must also contain a program that provides for enforcement of the control measures and other elements in the SIP (see section 110(a)(2)(C)).

The particular control measures contained in the SIP are addressed above under the section headed "RACM (including RACT)." These control measures apply to the types of activities identified in that discussion including, for example, existing large, wood-fired boilers with a heat input capacity greater than 35 million BTU/Hr, and woodstoves and other wood burning activities. The SIP provides that the control measures for the affected activities apply throughout the entire nonattainment area.

During its review, EPA determined that the Oregon Revised Statute Chapter 468, as amended in 1991, failed to provide sufficient authority to ensure that the industrial source control measures contained in the La Grande PM–10 SIP could be adequately enforced. Specifically, ORS 468.126(1) provided that penalties could not be assessed against a source for permit violations unless the state first provided notice of the violation to the source, and further, if within five days, the source came into compliance or provided an adequate schedule to come into compliance in the future, no penalties could be assessed. EPA informed the Oregon Department of Environmental Quality that this provision was unacceptable to the extent it applied to permit limits which were relied on to attain, maintain or demonstrate attainment with a NAAQS.

On September 3, 1993, the Governor of Oregon signed into law new legislation correcting this deficiency. The new law provides that the five-day advance notice provision required by ORS 468.126(1) does not apply if the notice requirement will disqualify a state program from federal approval or delegation (see Oregon Senate Bill 86, 1993 Session, § 3 (1993) to be codified at ORS 468.126(2)(e)). Because the notice provision bars civil penalties from being imposed for certain permit violations, application of 468.126(1) fails to provide the adequate enforcement authority that a state must demonstrate to obtain SIP approval (see, e.g., sections 110 and 172(c) of the Clean Air Act and 40 CFR 51.230). Accordingly, the notice requirement would disqualify this PM–10 program from federal approval. Thus, the state has acknowledged, by a letter dated November 5, 1993, that, pursuant to ORS 468.126(2)(e), the notice provision in ORS 468.126(1) will not apply to violations of SIP requirements contained in permits, including permits containing industrial source control requirements, relied upon to attain, maintain or demonstrate attainment with a NAAQS.

In regards to a separate enforceability issue, the following is a summary of the city and county ordinances which EPA approves as part of the SIP as either a required control measure or SIP strengthening measure. The content of the two ordinances and their relationship to the SIP control strategies are discussed in more detail in the TSD.

a. City of La Grande Air Quality Improvement Resolution 4122, Series 1991, August 7, 1991. This ordinance delineates the City of La Grande's control of smoke and fugitive dust (control measure).

b. Union County Ordinance No. 1991–6. This ordinance controls and manages field burning in Union County, Oregon and creates a Union County smoke management program (SIP strengthening measure).

The SIP requires that all affected activities must be in full compliance with the applicable SIP provisions by December 10, 1993. In addition to the applicable control measures, this includes the applicable recordkeeping requirements which are addressed in the supporting technical information.

ODEQ's submittals and the TSD contain further information on enforceable requirements including enforceable emission limitations; a description of the rules contained in the SIP and the source types subject to them; test methods and compliance schedules; averaging times for compliance test methods; correctly cited references of incorporated methods/rules; and reporting and recordkeeping requirements.

ODEQ also has a program that will ensure that the control measures contained in the La Grande PM–10 SIP are adequately enforced. The TSD contains a discussion of the personnel and funding intended to support effective implementation of the control measures.

7. Contingency Measures

As provided in section 172(c)(9) of the Act, all moderate PM–10 nonattainment area SIP's that demonstrate attainment must include contingency measures (see generally 57 FR 13543–13544). These measures must have been submitted by November 15, 1993 for the initial moderate nonattainment areas. Contingency measures should consist of other available measures that are not part of the area's attainment control strategy. These measures must take effect without further action by the State or EPA, upon a determination by EPA that the area has failed to make reasonable further progress (RFP) or attain the PM–10 NAAQS by the applicable statutory deadline. The La Grande nonattainment area SIP contains the following contingency measures:

a. A mandatory woodsmoke curtailment program that is to take effect if the EPA determines that the area fails to attain the NAAQS by December 31, 1994. ODEQ has the authority to implement and enforce a mandatory curtailment program, upon notification by EPA that the area has failed to attain the NAAQS, should the City of La Grande or the County of Union fail to implement one. EPA approved these rules (OAR 340–34–150 through 175) as part of the Oregon SIP on June 9, 1992 (57 FR 24373).

b. Removal of uncertified woodstoves upon home sale for any area that fails to meet the PM–10 SIP attainment date of December 31, 1994. These stoves would have to be removed and destroyed prior to sale of the home. EPA approved these rules (OAR 340–34–200 through 215) as part of the Oregon SIP on June 9, 1992 (57 FR 24373).

c. The continuation of the woodstove certification program (after December 31, 1994) will provide a net reduction in residential wood burning emissions between the years 1994 and 2000, and on into the future.

d. The application of BACT emission controls to industrial sources in La Grande will result in further reductions of PM–10 emissions. Oregon state regulations (OAR 340–21–200 through 245) also contain additional industrial contingency measures that would apply to Oregon's PM–10 nonattainment areas should an area not attain the standard by the applicable CAA deadline. These rules were approved by EPA as part of the Oregon SIP on August 19, 1992 (57 FR 37468). The rules became effective on October 19, 1992.

The expected emission reductions to be achieved by implementation of the contingency measures after the December 31, 1994 attainment date, is estimated to be at least 90 tons per year. This represents at least a 58 percent reduction when compared with the 156 tons per year emission reduction in the attainment plan, which is greater than the 25 percent reduction value suggested in the General Preamble (57 FR 13543–13544).

The SIP provides that the mandatory woodsmoke curtailment program, removal of uncertified woodstoves and application of BACT emission controls to industrial sources in La Grande can take affect without further action by the state or EPA, should EPA determine that the La Grande nonattainment area has failed to achieve RFP or attain the PM–10 standard by the statutory attainment date of December 31, 1994. The net reduction in woodstove emissions due to the continuation of the woodstove certification program will occur regardless of whether or not the PM–10 standard is attained by December 31, 1994.

EPA is approving the La Grande nonattainment area contingency measures.

III. Implications of This Action

EPA is approving this plan revision submitted to EPA for the La Grande nonattainment area. Among other things, ODEQ has demonstrated that the La Grande moderate PM–10 nonattainment area will attain the PM–10 NAAQS by December 31, 1994. Note that this action includes approval of the contingency measures for the La Grande nonattainment area.

IV. Administrative Review

This action has been classified as a Table 2 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 notice 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 submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request. This request continued in effect under Executive Order 12866 which revoked Executive Order 12291 on September 30, 1993.

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 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 economic 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.

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

Because EPA considers this action noncontroversial and routine, we are approving it without prior proposal. The action will become effective on August 30, 1994 unless adverse comments are received by August 1, 1994. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule (please see short informational document published, simultaneously, in the proposal section of this **Federal Register**).

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 August 30, 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. section 7607(b)(2).

Under Executive Order 12866 [58 FR 51735 (October 4, 1993)], the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact or entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

List of Subjects in 40 CFR Part 52

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

Dated: May 25, 1994.

Chuck Clarke,

Regional Administrator.

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

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

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)(107) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(107) On November 15, 1991, the ODEQ submitted a PM–10 nonattainment area SIP for La Grande, Oregon.

(i) Incorporation by reference.

(A) November 15, 1991 letter from ODEQ to EPA Region 10 submitting the PM–10 nonattainment area SIP for La Grande, Oregon.

(B) PM–10 Control Strategy for Particulate Matter, October 1991, La Grande, Oregon Nonattainment Area, as adopted by the Environmental Quality Commission on November 8, 1991.

[FR Doc. 94–16000 Filed 6–30–94; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 931100–4043; I.D. 062494B]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Recision of a closure.

SUMMARY: NMFS is rescinding the closure to directed fishing for Pacific ocean perch in the Aleutian Islands subarea (AI) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to fully utilize the total allowable catch (TAC) of Pacific ocean perch in this area.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), July 4, 1994, until 12 midnight, A.l.t., December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907–586–7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

In accordance with § 675.20(a)(7)(ii), the Pacific ocean perch TAC for the AI was established by the final 1994 initial specifications of groundfish (59 FR 7656, February 16, 1994) and later augmented from the reserve (59 FR 21673, April 26, 1994) to a total of 10,900 metric tons (mt). The directed fishery for Pacific ocean perch was closed on April 4, 1994 (59 FR 16570, April 7, 1994). NMFS has determined that as of June 11, 1994 2,150 mt remain unharvested.

The Regional Director, Alaska Region, NMFS, has determined that the 1994 TAC for Pacific ocean perch in the AI has not been reached. Therefore, NMFS is rescinding the April 4, 1994, closure and is reopening directed fishing for Pacific ocean perch in the AI, effective at 12 noon, A.l.t., July 4, 1994.

Classification

This action is taken under § 675.20 and is exempt from OMB review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 28, 1994.

Joe P. Clem,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 94-16068 Filed 6-30-94; 8:45 am]

BILLING CODE 3510-22-F

Proposed Rules

Federal Register
Vol. 59, No. 126
Friday, July 1, 1994

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1036

[DA-94-14]

Milk in the Eastern Ohio-Western Pennsylvania Marketing Area; Proposed Revision of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed revision of rule.

SUMMARY: This document invites written comments on a proposal to lower the percentage of a cooperative's milk that must be delivered to fluid milk plants to qualify a reserve processing plant operated by the cooperative as a pool plant under the Eastern Ohio-Western Pennsylvania Federal milk order. The applicable percentage would be reduced by 10 percentage points, from 35 percent to 25 percent.

DATES: Comments are due no later than August 1, 1994.

ADDRESSES: Comments (two copies) should be sent to USDA/AMS/Dairy Division, Order Formulation Branch, room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 720-2357.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed rule would not have a significant economic impact on a substantial number of small entities. This rule would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers will continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing.

The Department is issuing this proposed rule in conformance with Executive Order 12866.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have a retroactive effect. If adopted, this proposed rule will not preempt any state or local laws, regulations, or policies, unless they present an irreconcilable conflict with the rule.

The Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provisions of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of an order or to be exempted from the order. A handler is afforded the opportunity for a hearing on the petition. After a hearing, the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has its principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act and the provisions of § 1036.7(f) of the order, the revision of certain provisions of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area is being considered for the period September 1, 1994, through December 31, 1995.

All persons who desire to submit written data, views or arguments about the proposed revision should send two copies of their views to USDA/AMS/Dairy Division, Order Formulation Branch, room 2971, South Building, P.O. Box 96456, Washington, DC 20090-6456 by the 30th day after publication of this notice in the **Federal Register**.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours (7 CFR 1.27(b)).

Statement of Consideration

The provision proposed for revision is the delivery percentage required of a cooperative association operating a reserve processing pool plant pursuant to section 1036.7(d) of the Eastern Ohio-Western Pennsylvania order (Order 36). As proposed, the percentage of a cooperative's producer milk that must be delivered to fluid milk plants if the cooperative's plant is to be considered a pool plant would be decreased by the maximum allowable 10 percentage points, from 35 percent to 25 percent, for the months of September 1994 through December 1995.

Section 1036.7(f) allows the Director of the Dairy Division to reduce or increase a cooperative's minimum delivery requirement by up to 10 percentage points to prevent uneconomic milk shipments or to assure an adequate supply of milk for fluid use. The order also provides that the minimum pooling standard may be met on the basis of deliveries in the current month or during the preceding 12 months.

Milk Marketing Inc. (MMI), a dairy farmer cooperative that supplies milk to Order 36 fluid milk plants, requested that an earlier reduction of the delivery requirement be continued. The cooperative states that milk production pooled under the order has increased markedly in recent months, while Class I use has declined. According to the cooperative, increases in production without corresponding increases in Class I usage create a greater-than-normal need to move reserve supplies of milk to manufacturing facilities. MMI points out that this problem has been exacerbated by the reduction in Class I use, creating a tremendous burden on the cooperative to maintain cooperative supply plant status under the order.

In view of the current supply and demand relationship, it may be necessary to continue the reduction in delivery requirements for cooperative associations operating reserve processing plants under Order 36 as quickly as possible, as proposed, to provide for the efficient and economic marketing of milk during the period September 1, 1994 through December 31, 1995.

List of Subjects in 7 CFR Part 1036

Milk marketing orders.

The authority citation for 7 CFR Part 1036 continues to read as follows:

Authority: Secs. 1–19, 48 Stat 31, as amended; 7 U.S.C. 601–674.

Dated: June 27, 1994.

Silvio Capponi, Jr.,

Acting Director, Dairy Division.

[FR Doc. 94–16057 Filed 6–30–94; 8:45 am]

BILLING CODE 3410-02-P

FEDERAL RESERVE SYSTEM

12 CFR Part 220

[Regulation T; Docket No. R–0840]

Credit by Brokers and Dealers

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: As part of its review of Regulation T, the Board is proposing three substantive amendments to two areas of the regulation. One proposal specifies that customers must meet initial margin calls or make full cash payment for securities purchased at a broker-dealer within two business days of the standard settlement period and includes related technical amendments. The other amendments would exempt certain brokers and transactions involving U.S. government securities from the regulation.

DATES: Comments should be received on or before August 15, 1994.

ADDRESSES: Comments, which should refer to Docket R–0840, may be mailed to Mr. William Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. Comments addressed to Mr. Wiles may also be delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments may be inspected in Room B–1122 between 9 a.m. and 5 p.m., except as provided in § 261.8 of the Board's Rules Regarding the Availability of Information, 12 CFR 261.8.

FOR FURTHER INFORMATION CONTACT: Scott Holz, Senior Attorney or Angela Desmond, Senior Attorney, Division of Banking Supervision and Regulation (202) 452–2781; for the hearing impaired *only*, Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202) 452–3544.

SUPPLEMENTARY INFORMATION: On August 18, 1992, the Board published an advance notice of proposed rulemaking (Advance Notice) requesting public comment in connection with a general review of Regulation T.[1] The review is not yet complete, but the Board believes that certain developments since the publication of the Advance Notice warrant the publication of three proposed amendments in two areas.

I. Three Day Settlement (T+3).

In light of the adoption by the Securities and Exchange Commission (SEC) of a rule shortening the standard settlement period for securities transactions from five to three business days (T+3), the Board proposes to shorten the time periods specified in Regulation T for customers to meet margin calls or make full cash payment by a corresponding two days. Related amendments would raise the de minimis amount below which liquidation of unpaid transactions is not required from $500 to $1000, require brokers seeking extensions of the payment periods to obtain them from their designated examining authority ("DEA"), and clarify that foreign settlement periods are used to calculate when restrictions in the cash account are applied to foreign securities.

Regulation T has always required cash payment for securities purchases within seven business days of trade date. The seven day period was initially chosen for the cash account because it was felt that a customer should have no obligation to pay for securities before they were delivered. The two days permitted beyond settlement date provide a short period of time for resolution of problems before the broker is required to act under Regulation T, i.e. either obtain an extension on the customer's behalf (if it is determined that a valid reason exists) or sell out the customer's position.

The Board's Advance Notice was issued before the SEC proposed its rule adopting a T+3 settlement period. The Advance Notice mentioned the Group of Thirty's recommendation of a world-wide settlement standard of T+3 and said the Board "may consider shortening the time for customer payment once the settlement period is shortened from the current five days." The Board supported the SEC when it proposed requiring T+3 settlement, calling the proposal "an important and achievable step" to reduce potential systemic disturbances to financial markets and to the economy. The SEC also received several comment letters stating that the implementation of T+3 settlement will require the Federal Reserve to address the possible shortening of its Regulation T payment periods. Those letters were forwarded to Board staff for consideration in the context of the ongoing Regulation T review.

The Board proposes to reword Regulation T to specifically incorporate the standard settlement cycle and the current two day cushion. Instead of requiring payment within "seven business days," the regulation would require payment within "one payment period," with "payment period" being defined as the standard settlement period in the United States plus two business days. This will not change the operation of the rule at this time, but once the new language is put into place the conversion to T+3 next year will automatically result in a reduction in the amount of time brokers can give their customers to pay for securities or meet initial margin calls. Future changes in settlement periods by the SEC will similarly be automatically reflected in the Board's rule without the necessity of further amendment.

The payment periods in Regulation T can be extended for exceptional circumstances if the broker applies to a self-regulatory organization (SRO) for an extension. In 1988, the New York Stock Exchange (NYSE) sought SEC approval of a rule that would require a broker seeking a Regulation T extension to obtain the extension from the NYSE if the NYSE is the broker's DEA. The proposal was noted by the Board in the Advance Notice, as was a suggestion by the Credit Division of the Securities Industry Association that brokers be permitted to grant customer extensions without approval of an SRO. The SEC approved the NYSE rule filing in May 1994.[2] In its approval order, the SEC stated that it does not agree with assertions that the objectives of the Securities Exchange Act of 1934 (the "Act") could be better met by implementing a uniform system of sharing extension information. As to the other objections raised by commenters (and also raised with the Board pursuant to the Advance Notice), the SEC found that "the regulatory benefits from the NYSE rule outweigh any competitive concerns raised by the commenters." Finally, the SEC said it does not agree with those commenters who argue that broker-dealers should not be required to submit requests for extensions of time to either their DEA or

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[1] Docket No. R–0772, 57 FR 37109, August 18, 1992.

[2] 59 FR 26826, May 24, 1994; Securities Exchange Act Release 34073, May 17, 1994.

any SRO. The Board believes, along with the SEC, that a good case has been made to restore to the broker's DEA sole responsibility for granting and monitoring extensions of time and the language proposed by the Board today reflects this conclusion.

II. Government Securities

In light of the recent enactment of the Government Securities Act Amendments of 1993, the Board proposes to exempt most transactions involving government securities from the restrictions of Regulation T. This would be accomplished with two separate but related actions. First, Regulation T would exclude government securities brokers and dealers who register with the SEC under section 15C of the Securities Exchange Act of 1934 (the "Act") from the definition of "creditor" in Regulation T. Second, general broker-dealers effecting customer transactions that could be effected by a section 15C broker-dealer would be able to record the transactions in a new government securities account in which the other restrictions in Regulation T would not apply.

Before the enactment of the Government Securities Act of 1986, brokers-dealers who limited themselves to transactions in government securities were not subject to a comprehensive regulatory scheme and were not required to be registered with the SEC. Although such brokers were within the definition of "creditor," there was no practical way to enforce Regulation T for them. The Government Securities Act of 1986 required SEC registration of all nonbank government securities brokers and dealers under a new section 15C of the Act. The Government Securities Act of 1986 also added the term "government securities" to the Act.

The Advance Notice invited comment on two areas involving government securities: repurchase agreements ("Repos") and the borrowing and lending of securities. The Advance Notice explained that the Board has not specified the exact treatment of repurchase agreements while noting that repos of government securities do not raise credit issues under Regulation T because the good faith loan value of such securities is often close to 100 percent of their current market value. Many of the commenters suggested that the Board create a new account for exempted securities that could be used for transactions such as Repos and forward transactions. Most of the commenters supported exempting government securities from § 220.16 of Regulation T. This would allow loans of government securities without the current requirement that a broker document that the reason for the borrowing stems from a short sale or failure to receive securities required for delivery.

Under today's proposal, whenever a general broker-dealer effects a transaction for a customer that could be effected by a section 15C broker, the transaction could be recorded in a new government securities account. The account would allow these transactions to be effected without regard to other restrictions in Regulation T. The account would be permissive; brokers could continue to let customers who wish to use the cash or margin account for transactions involving government securities do so. It would allow institutional customers who cannot or will not use a margin account to engage in government securities transactions not specifically authorized in the cash account. For example, the government securities account could be used to effect purchases of government securities on credit or for cash as well as repurchase and reverse repurchase agreements. Borrowing and lending of government securities could also be effected in the proposed account without being subject to the "permitted purpose" requirement in § 220.16 of Regulation T that requires brokers to limit and document the reasons for their securities borrowings. The account would also permit net settlement of offsetting purchases and sales of government securities. Government securities purchased or deposited in a margin account would still be subject to the current Regulation T rules and would therefore still be available to finance the purchase of other securities in a margin account.

The Board is not proposing to include additional types of exempted securities, such as municipal securities, in the proposed government securities account. Government securities constitute an unusually deep and liquid market and are subject to a unique scheme of regulation, as evidenced by the Government Securities Act of 1986.

Regulatory Flexibility Act

The Board believes there will be no significant economic impact on a substantial number of small entities if this proposal is adopted. Comments are invited on this statement.

Paperwork Reduction Act

No additional reporting requirements or modification to existing reporting requirements are proposed.

List of Subjects in 12 CFR Part 220

Banks, banking, Bonds, Brokers, Commodity futures, Credit, Federal Reserve System, Investment companies, Investments, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

For the reasons set out in the preamble, the Board proposes to amend 12 CFR Part 220 as follows:

PART 220—CREDIT BY BROKERS AND DEALERS (REGULATION T)

1. The authority citation for Part 220 is revised to read as follows:

Authority: 15 U.S.C. 78c, 78g, 78h, 78q, and 78w.

§ 220.1 [Amended]

2. In § 220.1 the word "seven" in the first sentence of paragraph (b)(1) is revised to read "eight".

3. Section 220.2 is amended as follows:

a. A new sentence is added to the end of paragraph (b).

b. Paragraph (h) is revised.

c. Paragraphs (w) through (aa) are redesignated as paragraphs (x) through (bb) and new paragraph (w) is added.

The additions and revisions read as follows:

§ 220.2 Definitions.

* * * * *

(b) * * * *Creditor* does not include a broker or dealer registered only under section 15C of the act.

* * * * *

(h) *Examining authority* means:

(1) The national securities exchange or national securities association of which a creditor is a member; or

(2) If a member of more than one self-regulatory organization, the organization designated by the SEC as the examining authority for the creditor.

* * * * *

(w) *Payment period* means the number of business days in the standard securities settlement cycle in the United States plus two business days.

* * * * *

4. In § 220.4, the figure "$500" in paragraph (d) is revised to read "$1000" and paragraph (c)(3) is revised to read as follows:

§ 220.4 Margin account.

* * * * *

(c) * * *

(3) *Time limits.* (i) A margin call shall be satisfied within one payment period after the margin deficiency was created or increased.

(ii) The payment period may be extended for one or more limited periods upon application by the creditor to its examining authority unless the examining authority believes that the creditor is not acting in good faith or that the creditor has not sufficiently determined that exceptional circumstances warrant such action. Applications shall be filed and acted upon prior to the end of the payment period or the expiration of any subsequent extension.

* * * * *

5. In § 220.8, the figure "$500" in paragraph (b)(4) is revised to read "$1000" and paragraphs (b)(1)(i) introductory text, (b)(1)(ii), (b)(3), (c)(2)(i), and (d) are revised to read as follows:

§ 220.8 Cash account.

* * * * *

(b) * * *

(1) * * *

(i) Within one payment period of the date:

* * * * *

(ii) In the case of the purchase of a foreign security, within one payment period of the trade date or the date on which settlement is required to occur by the rules of the foreign securities market, provided this period does not exceed the maximum time permitted by this part for delivery against payment transactions.

* * * * *

(3) *Shipment of securities, extension.* If any shipment of securities is incidental to consummation of a transaction, a creditor may extend the payment period by the number of days required for shipment, but by not more than one additional payment period.

* * * * *

(c) * * *

(2) * * *

(i) Within one payment period of the trade date, or in the case of the purchase of a foreign security, within the period specified in paragraph (b)(1)(ii) of this section, full payment is received or any check or draft in payment has cleared and the proceeds from the sale are not withdrawn prior to such payment or check clearance; or

* * * * *

(d) *Extension of time periods; transfers.* (1) Unless the creditor's examining authority believes that the creditor is not acting in good faith or that the creditor has not sufficiently determined that exceptional circumstances warrant such action, it may upon application by the creditor:

(i) Extend any period specified in paragraph (b) of this section;

(ii) Authorize transfer to another account of any transaction involving the purchase of a margin or exempted security; or

(iii) Grant a waiver from the 90 day freeze.

(2) Applications shall be filed and acted upon prior to the end of the payment period, or in the case of the purchase of a foreign security within the period specified in paragraph (b)(1)(ii) of this section, or the expiration of any subsequent extension.

6. Section 220.18 is redesignated as § 220.19 and new § 220.18 is added to read as follows:

§ 220.18 Government securities account.

In a government securities account, a creditor may effect and finance transactions involving government securities, provided the transaction would be permissible for a broker or dealer registered under section 15C of the act.

By order of the Board of Governors of the Federal Reserve System, June 27, 1994.

William W. Wiles,

Secretary of the Board.

[FR Doc. 94-16033 Filed 6-30-94; 8:45 am]

BILLING CODE 6210-01-P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1117

Proposed Rule; Requirements for Reporting Choking Incidents to the Consumer Product Safety Commission Pursuant to the Child Safety Protection Act

AGENCY: Consumer Product Safety Commission (CPSC).

ACTION: Proposed rule.

SUMMARY: The "Child Safety Protection Act" requires manufacturers, distributors, retailers, and importers of marbles, small balls, latex balloons, and toys or games that contain such items or other small parts, to report to the Commission when they learn of certain choking incidents involving such products. The Commission is proposing a rule to implement this reporting requirement.

DATES: Written comments in response to this notice must be received by the Commission no later than September 14, 1994.

ADDRESSES: Comments, preferably in five (5) copies, should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001, telephone (301) 504-0800, or delivered to room 502, East West Towers Building, 4330 East West Highway, Bethesda, MD. 20814.

FOR FURTHER INFORMATION CONTACT: Eric L. Stone, Office of Compliance and Enforcement, at the above address, telephone (301) 504-0626, extension 1350.

SUPPLEMENTARY INFORMATION:

A. Background

Section 101 of the Child Safety Protection Act, (Pub. L. No. 103-267) (June 17, 1994) (the Act) adds a new Section 24 to the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261-1277, to be codified at 15 U.S.C. 1278. Section 24 of the FHSA requires the labeling of certain toys. The Commission's proposed amendments of 16 CFR Part 1500 implementing those labeling requirements are published elsewhere in this issue of the **Federal Register**. Section 102 of the Child Safety Protection Act also added a new reporting requirement:

Each manufacturer, distributor, retailer and importer of a marble, small ball, or latex balloon, or a toy or game that contains a marble, small ball, latex balloon or other small part, shall report to the Commission any information obtained by such manufacturer, distributor, retailer, or importer which reasonably supports the conclusion that—

(A) an incident occurred in which a child (regardless of age) choked on such a marble, small ball, or latex balloon or on a marble, small ball, latex balloon, or other small part contained in such toy or game and

(B) as a result of that incident the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional.

(The full text of section 102 is published in the Appendix to this proposal because the language will not be codified in the United States Code.)

Under the Act, a failure to report is a prohibited act under section 19(a)(3) of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2068(a)(3), punishable by a civil penalty under section 20 of the CPSA, 15 U.S.C. 2069. The Act provides a high degree of confidentiality for such reports. In addition, the Act states that reports shall not be interpreted as admissions of liability or of the truth of the information in the reports.

Several terms are not defined by the Act, and the text of the Act leaves other issues unresolved. For example, the Act does not say how soon a firm must report after it obtains reportable information. The Act is also silent as to what information must be reported. Applying the legislative history of the Act and the expertise developed over the last twenty years enforcing section 15(b) of the CPSA (15 U.S.C. 2064(b)), the Commission proposes these regulations to implement the new reporting provision.

The Act provides that "[f]or purposes of section 19(a)(3) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(3)), the requirement to report information under this subsection is deemed to be a requirement under such Act." Section 16(b) of the CPSA (15 U.S.C. 2065(b)) authorizes the Commission to require manufacturers, private labelers and distributors to make reports and provide information reasonably required for the purposes of implementing the CPSA. A failure to make reports or provide information under section 16(b) of the CPSA (15 U.S.C. 2065(b)) is a prohibited act under section 190(a)(3) of the CPSA (15 U.S.C. 2068(a)(3)). The Commission proposes this rule under section 102 of the Act and section 16(b) of the CPSA (15 U.S.C. 2065(b)). The proposed rule specifies the information that should trigger a report, the timeframe for reporting, and the content of reports. Violations of this rule are prohibited acts under the CPSA. Since the statutory reporting obligation became effective on June 17, 1994 when the bill was signed into law, subject firms may use this proposal for guidance as to how to comply with their reporting obligation in the statute.

Section 30(d) of the CPSA (15 U.S.C. 2079(d)) provides that "[a] risk of injury which is associated with a consumer product and which could be eliminated or reduced to a sufficient extent by action under the Federal Hazardous Substances Act, the Poison Prevention Packaging Act of 1970, or the Flammable Fabrics Act may be regulated under this Act only if the Commission by rule finds that it is in the public interest to regulate such risk of injury under this Act." Such a finding is unnecessary for this rule because it does not regulate a risk of injury, but merely requires firms to report information about consumer products.

B. Section by Section Discussion

Section 1117.3 of the proposed rule emphasizes that subject firms must report whenever they obtain sufficient information to put a reasonable firm on notice of a reportable choking incident. The reporting provision originated in the Senate, and The Report of the Senate Committee on Commerce, Science and Transportation states this provision requires subject firms to "report to the CPSC any information obtained that supports the conclusion that an incident occurred in which a child, regardless of age, choked on such a product and, as a result of such coking incident, the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional." (S. Rep. No. 195, 103d Cong., 2d Sess. 10 (1993).)

The rule is intended to require firms to report incident information obtained after June 17, 1994, the effective date of the Child Safety Protection Act. The Commission has placed no limitations on the age of the child involved in the incident or on the intended ages for the toy or game involved. This approach is consistent with the Senate committee report which said "reports are to be made regardless of the age of the child who chokes and regardless of the ages of the child for which the toy was intended." (S. Rep. No. 195, 103d Cong., 2d Sess. 10 (1993)).

Section 1117.4 of the proposal requires firms to report within 24 hours of obtaining information about a reportable choking incident. Since the statute does not provide a time frame for reporting, the Commission believes the intent was that firms report as soon as they obtain "information that supports the conclusion that an incident occurred." (S. Rep. No. 195, 103d Cong., 2d Sess. 10 (1993)). Moreover, immediate reporting is important to help the Commission prevent additional choking incidents to children.

Proposed § 1117.5 describes the information that firms must report. The Commission has limited the reporting requirements to information necessary to give the Commission staff sufficient information to understand the nature of, and the context for, the choking incident and to determine whether corrective measures may be necessary. Because these reports are limited to reduce the burden on reporting firms, the Commission anticipated that in some cases the staff may need to investigate further.

Section 1117.6 of the proposed rule explains that this reporting provision is in addition to, but not a substitute for, the reporting requirements of section 15(b) of the CPSA (15 U.S.C. 2064(b)). Even if a report of a choking hazard is not required by the proposed rule, a report may be necessary under section 15(b) of the CPSA (15 U.S.C. 2064(b)) and 16 CFR Part 1115.

The remaining provisions of this proposed regulation set forth the confidentiality, liability ad penalty provisions that would apply to reporting in accordance with the proposed regulation published below.

C. Impact on Small Businesses

In accordance with section 3(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this regulation will not have a significant economic impact upon a substantial number of small entities if issued on a final basis. Any obligations imposed upon such entities arise under the express provisions of section 102 of the Child Protection Safety Act, Pub. L. No. 103–267, June 17, 1994. The proposed regulation simply implements the obligations imposed by that law. The regulation itself will not have a significant economic impact on small businesses, either beneficial or negative, beyond that which results from the statutory provisions.

D. Environmental Considerations

The proposed rule fall within the provisions of 16 CFR 1021.5(c), which designates categories of actions conducted by the Consumer Product Safety Commission that normally have little or no potential for affecting the human environment. The Commission does not believe that the rule contains any unusual aspects which may produce effects on the human environment, nor can the Commission foresee any circumstance in which the rule proposed below may produce such effects.

For this reason, neither an environmental assessment nor an environmental impact statement is required.

E. Proposed Effective Date

This regulation is proposed to become effective 30 days after publication of the final regulation in the **Federal Register**. Subject firms should be aware, however, that the Child Safety Protection Act required reporting as of June 17, 1994. Firms may use this proposal for guidance as to how to comply with the law.

List of Subjects in 16 CFR Part 1117

Administrative practice and procedure, Business and industry, Consumer Protection, Toy Safety, Penalties, Reporting and recordkeeping requirements, and Small Parts.

Conclusion

Therefore, pursuant to the authority of the Child Safety Protection Act (Pub. L. 103–267), section 16(b) of the CPSA (15 U.S.C. 2065(b)), and 5 U.S.C. 553, the CPSC proposes to amend Title 16 of the Code of Federal Regulations, Chapter II, Subchapter B by adding a new Part 1117 to read as follows:

PART 1117—REPORTING OF CHOKING INCIDENTS INVOLVING MARBLES, SMALL BALLS, LATEX BALLOONS AND OTHER SMALL PARTS.

Authority: Section 102 of the Child Safety Protection Act (Pub. L. No. 103-267), section 16(b), 15 U.S.C. 2065(b), and 5 U.S.C. 553.

§ 1117.1 Purpose.

The purpose of this part is to set forth the Commission's regulations for reports of choking incidents required by the Child Safety Protection Act. The statute requires that each manufacturer, distributor, retailer, and importer of a marble, small ball, or latex balloon, or a toy or a game that contains a marble, small ball, latex balloon, or other small part, shall report to the Commission any information obtained by such manufacturer, distributor, retailer, or importer which reasonably supports the conclusion that an incident occurred in which a child (regardless of age) choked on such a marble, small ball, or latex balloon or on a marble, small ball, latex balloon, or other small part contained in such toy or game and, as a result of that incident the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional.

§ 1117.2 Definitions.

(a) *Small part* means any component of a toy or game which, when tested in accordance with the procedures in 16 CFR 1501.4(a) and 1501.4(b)(1), fits entirely within the cylinder shown in Figure 1 appended to 16 CFR 1501.

(b) *Small ball* means any ball with a diameter of 1.75 inches (4.445 cm) or less when measured in the manner set forth in 16 CFR 1500.18(a)(17)(iii) & (iv). For purposes of this designation, the term "ball" includes any spherical, ovoid, or ellipsoidal object that is designed or intended to be thrown, hit, kicked, rolled, or bounced, and is either not permanently attached to another toy or article, or is attached to such toy or article by means of a string, elastic cord, or similar tether. The term "ball" includes any multi-sided object formed by connecting planes into a generally spherical, ovoid, or ellipsoidal shape that is designated or intended to be used as a ball, and any novelty item of a generally spherical, ovoid, or ellipsoidal shape that is designated or intended to be used as a ball.

(c) *Choked* means suffered an obstruction of the airways.

(d) A *latex balloon* is a toy or decorative item consisting of a latex bag that is designed to be inflated by air or gas. The term does not include inflatable children's toys that are used in aquatic activities, such as rafts, water wings, life rings, etc.

(e) A *marble* is a ball made of a hard material, such as glass, agate, marble or plastic, that is used in various children's games, generally as a playing piece or marker.

(f) *Serious injury* includes not only the concept of "grievous bodily injury" defined in the Commission's rule for Substantial Hazard Reports at 16 CFR 1115.12(d), but also any other significant injury. Injuries necessitating hospitalization which require actual medical or surgical treatment, fractures, lacerations requiring sutures, concussions, injuries to the eye, ear, or internal organs requiring medical treatment, and injuries necessitating absence from school or work or more than one day are examples of situations in which the Commission shall presume that such a serious injury has occurred.

(g) *Subject firm* means any manufacturer, distributor, retailer or importer of marbles, small balls, latex balloons, or a toy or game that contains a marble, small ball, latex balloon, or other small part.

§ 1117.3 Reportable information.

A subject firm shall report any information it obtains which reasonably supports the conclusion that a reportable incident occurred. Generally, firms should report any information provided to the company, orally or in writing, which states that a child choked on a marble, small ball, latex balloon, or on a marble, small ball, latex balloon or other small part contained in a toy or game and, as a result of that incident the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional. Subject firms must not wait until they have investigated the incident or conclusively resolved whether the information is accurate or whether their product was involved in the incident. Firms shall not wait to determine conclusively the cause of the death, injury, cessation of breathing or necessity for treatment. An allegation that such a result followed the choking incident is sufficient to require a report.

§ 1117.4 Time for filing a report.

A subject firm must report within 24 hours of obtaining information which reasonably supports the conclusion that an incident occurred in which a child (regardless of age) choked on a marble, small ball, or latex balloon or on a marble, small ball, latex balloon, or other small part contained in a toy or game and, as a result of that incident the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional. Section 1117.5 sets forth the information that must be reported.

§ 1117.5 Information that must be reported and to whom.

(a) Reports shall be directed to the Division of Corrective Actions, Consumer Products Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814 (Mailing Address: Washington, D.C. 20207) (Phone: 301-504-0608, facsimile: 301-504-0359).

(b) Subject firms must report as much of the following information as is known when the report is made:

(1) The name, address, and title of the person submitting the report to the Commission,

(2) The name and address of the subject firm,

(3) The name and address of the child who choked and the person(s) who notified the subject firm of the choking incident,

(4) Identification of the product involved including the date(s) of distribution, model or style number, a description of the product (including any labeling and warnings), a description of the marble, small ball, latex balloon or other small part involved, and pictures or sample if available,

(5) A description of the choking incident and any injuries that resulted or medical treatment that was necessary,

(6) Copies of any information obtained about the choking incident,

(7) Any information about changes made to the product or its labeling or warnings with the intention of avoiding such choking incidents, including, but no limited to, the date(s) of the change and its implementation, and a description of the change. Copies of any engineering drawings or product and label samples that depict the change(s).

(8) The details of any public notice or other corrective action planned by the firm,

(9) Such other information as appropriate.

(c) Subject firms must immediately supplement their reports when they obtain further information specified in section (b).

§ 1117.6 Relation to section 15(b) of the CPSA.

Section 15(b) of the CPSA requires subject firms to report when they obtain information which reasonably supports the conclusion that products they distributed in commerce fail to comply with an applicable consumer product safety rule or with a voluntary consumer product safety standard upon which the Commission has relied under section 9 of the CPSA, contain a defect which could create a substantial product hazard, or create an unreasonable risk of serious injury or death. The Commission's rules interpreting this provision are set forth at 16 CFR 1115. The requirements of section 102 of the CPSA and this Part are in addition to, but not to the exclusion of, the requirements in section 15(b) and Part 1115. To comply with section 15(b), subject firms must continue to evaluate safety information they obtain about their products. Subject firms may have an obligation to report under section 15(b) of the CPSA whether or not they obtain information about choking incidents. Firms must also comply with the lawsuit reporting provisions of section 37 of the CPSA, interpreted at 16 CFR 1116.

§ 1117.7 Confidentiality of reports.

The confidentiality provisions of section 6 of the CPSA, 15 U.S.C. 2055, apply to reports submitted under this Part. The Commission shall afford information submitted under this Part the protection afforded to information submitted under section 15(b), in accordance with section 6(b)(5) of the CPSA and subpart G of Part 1101 of Title 16 of the CFR.

§ 1117.8 Effect of reports on liability.

A report by a manufacturer, distributor, retailer, or importer under this Part shall not be interpreted, for any purpose, as an admission of liability or of the truth of the information contained in the report.

§ 1117.9 Prohibited acts and sanctions.

(a) Whoever knowingly and willfully falsifies or conceals a material fact in a report submitted under this Part is subject to criminal penalties under 18 U.S.C. 1001.

(b) A failure to report to the Commission in a timely fashion as required by this Part is a prohibited act under section 19(a)(3) of the CPSA, 15 U.S.C. 2068(a)(3).

(c) A subject firm that knowingly fails to report is subject to civil penalties under section 20 of the CPSA, 15 U.S.C. 2069. "Knowing" means the having of actual knowledge or the presumed having of knowledge deemed to be possessed by a reasonable person who acts in the circumstances, including knowledge obtainable upon the exercise of due care to ascertain the truth of representations. Section 20(d) of the CPSA, 15 U.S.C. 2069(d).

(d) Any person who knowingly and willfully violates section 19 of this Act after having received notice of noncompliance from the Commission may be subject to criminal penalties under section 21 of the CPSA, 15 U.S.C. 2070.

Appendix to Part 1117—Sec. 102 of the Child Safety Reporting Act

§ 102 Reporting Requirements.

(a) Reports to Consumer Product Safety Commission.—

(1) Requirement to Report.—Each manufacturer, distributor, retailer, and importer of a marble, small ball, or latex balloon, or a toy or game that contains a marble, small ball, latex balloon, or other small part, shall report to the Commission any information obtained by such manufacturer, distributor, retailer, or importer which reasonably supports the conclusion that—

(A) an incident occurred in which a child (regardless of age) choked on such a marble, small ball, or latex balloon or on a marble, small ball, latex balloon, or other small part contained in such toy or game; and

(B) as a result of that incident the child died, suffered serious injury, ceased breathing for any length of time, or was treated by a medical professional.

(2) Treatment Under CPSA.—For purposes of section 19(a)(3) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(3)), the requirement to report information under this subsection is deemed to be a requirement under such Act.

(3) Effect on Liability.—A report by a manufacturer, distributor, retailer, or importer under paragraph (1) shall not be interpreted, for any purpose, as an admission of liability or of the truth of the information contained in the report.

(b) Confidentiality Protections.—The confidentiality protections of section 6(b) of the Consumer Product Safety Act (15 U.S.C. 2055(b)) apply to any information reported to the Commission under subsection (a) of this section. For purposes of section 6(b)(5) of such Act, information so reported shall be treated as information submitted pursuant to section 15(b) of such Act respecting a consumer product.

Dated: June 28, 1994.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

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16 CFR Part 1500

Multiple Tube Mine and Shell Fireworks Devices: Advance Notice of Proposed Rulemaking; Request for Comments and Information

AGENCY: Consumer Product Safety Commission.

ACTION: Advance Notice of Proposed Rulemaking.

SUMMARY: Based on currently available information, the Commission has reason to believe that an unreasonable risk of injury may be associated with multiple tube mine and shell fireworks devices. Requirements currently enforced by the Commission may not adequately address the risk of serious injury posed by these fireworks devices. The Commission is issuing this advance notice of proposed rulemaking ("ANPR") under the Federal Hazardous Substances Act to initiate the process of amending its fireworks regulations for all multiple tube mine and shell fireworks devices. This action applies to all multiple tube mine and shell devices which fire sequentially into the air.

The ANPR addresses the issue of how to reduce the risk of injury associated with multiple tube mine and shell devices. One possible outcome of the proceeding would be to amend existing requirements for fireworks devices to ban all multiple tube mine and shell devices, or to ban specific multiple tube mine and shell devices found to present an unreasonable risk of injury. Alternatively, the Commission is also considering whether to amend the fireworks regulations to reduce the risk of injury by (1) requiring additional labeling on these particular devices, or (2) setting design or performance criteria for these devices (by banning devices not in compliance). A final alternative is for the Commission to refrain from issuing a mandatory requirement and encourage the development of a voluntary standard.

The Commission solicits written comments from interested persons concerning the risk of injury and the regulatory alternatives discussed in this notice, as well as other possible methods to reduce or eliminate these risks.

DATES: Written comments in response to this notice must be received by the