

Final Action

EPA is approving amendments and additions to Sections 101, 501, 504, 505, 506, 507, 508, 512, 531, and 534 of Article XX, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, as a revision to the Allegheny County portion of the Pennsylvania SIP. These changes were submitted to EPA by the Commonwealth of Pennsylvania's on October 16, 1991.

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.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action, pertaining to Sections 101, 501, 504, 505, 506, 507, 508, 512, 531, and 534 of Article XX, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, must be filed in the United States Court of Appeals for the appropriate circuit by December 27, 1993. 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) of the Act.)

List of Subjects in 40 CFR Part 52

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

Dated: August 23, 1993.

W.T. Wisniewski,
Acting Regional Administrator.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(85) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(85) Revisions to the Pennsylvania Regulations submitted on October 16, 1991 by the Pennsylvania Department of Environmental Resources:

(i) Incorporation by reference.

(A) Letter from the Pennsylvania Department of Environmental Resources dated October 16, 1991 transmitting revisions to the Allegheny County portion of the Pennsylvania State Implementation Plan.

(B) Revisions to the following provisions of Article XX, Rules and Regulations of the Allegheny County Health Department, Air Pollution Control, adopted on August 8, 1991 and effective August 26, 1991:

(1) Section 101—Added definitions for the following terms: capture efficiency, potential uncontrolled emission rate, and transfer efficiency; revised and renumbered definitions for the following terms: bulk gasoline plant, bulk gasoline terminal, clear coat, miscellaneous metal parts and products, and volatile organic compound (VOC).

(2) New Section 501 added; existing Section 510 deleted.

(3) Section 504 (entire section).

(4) Section 505, subsections A, B, and D, and Table I.

(5) Section 507, subsection B.

(6) Section 508, subsections C, D, E, G, and H.

(7) Section 512—New subsection A (added), subsection B (former subsection H); existing subsections A-G and I are deleted.

(8) Section 531, subsections A, B, and C.

(9) Section 534, subsections B and C.

(10) Deletion of Section 506 that was in effect before August 26, 1991.

[FR Doc. 93-26240 Filed 10-25-93; 8:45 am]
BILLING CODE 6560-50-F

40 CFR Part 52

[MO-14-1-5860; FRL-4700-8]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves the State Implementation Plan (SIP) revision submitted by the state of Missouri for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (SBAP). The revision was submitted by the state to satisfy the Federal mandate to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the Clean Air Act (CAA).

EFFECTIVE DATES: This action will be effective December 27, 1993 unless notice is received by November 26, 1993 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the *Federal Register*.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the: Environmental Protection Agency, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; and Missouri Department of Natural Resources; P.O. Box 176, Jefferson State Office Building, Jefferson City, Missouri 65102; and Jerry Kurtzweg, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Lambrechts at (913) 551-7846.

SUPPLEMENTARY INFORMATION:**I. Background**

Implementation of the provisions of the CAA, as amended in 1990, will require regulation of many small businesses so that areas may attain and maintain the National ambient air quality standards and reduce the emission of air toxics. Small businesses frequently lack the technical expertise and financial resources necessary to evaluate such regulations and to determine the appropriate mechanisms for compliance. In anticipation of the impact of these requirements on small businesses, the CAA requires that states adopt an SBAP and submit this program as a revision to the federally approved SIP. In addition, the CAA directs EPA to oversee these small business assistance programs and report to Congress on their implementation. The

requirements for establishing a program are set out in section 507 of the CAA. In February 1992, EPA issued *Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments*, in order to delineate the Federal and state roles in meeting the new statutory provisions and as a tool to provide further guidance to the states on submitting acceptable SIP revisions.

Missouri's SBAP plan was submitted to EPA on March 10, 1993, in order to satisfy the requirements of section 507. In order to gain full approval, the state submittal must, at a minimum, contain commitments and schedules to fully implement the following elements:

- (1) The establishment of an SBAP to provide technical and compliance assistance to small businesses;
- (2) The establishment of a State Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and
- (3) The creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP.

II. Analysis

A. SBAP

Section 507(a) sets forth six requirements that the state must meet to have an approvable SBAP. The first requirement is to establish adequate mechanisms for developing, collecting, and coordinating information concerning compliance methods and technologies for small business stationary sources and programs to encourage lawful cooperation among such sources and other persons to further compliance with the Act.

The SBAP will have trained technical staff to answer general technical and compliance questions. The SBAP will also act as a clearinghouse to refer small businesses to other state technical experts to answer nonroutine and other questions beyond the scope of the SBAP technical staff expertise. The existing Missouri Department of Natural Resources (MDNR) toll-free number (1-800-334-6946) will be used for the Missouri SBAP. Receptionists will direct callers that require assistance provided by the SBAP. Services provided by the SBAP will be publicized through an electronic bulletin board, association newsletters, industry groups, trade associations, and community roundtables. The flow of information will include two types of components: a proactive component and a reactive component. The proactive component involves adequate communication and outreach to small businesses in the form of easily

understood information which specifically details the obligations under the Act. The reactive component involves the establishment of a clearinghouse for handling incoming inquiries from small businesses regarding methods of achieving compliance with air pollution requirements under the Act.

The second requirement is to establish adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, and products and methods of operation that help reduce air pollution.

The SBAP will coordinate with the Environmental Services Program, the Hazardous Waste Management Program, the Solid Waste Management Program, the Air Pollution Control Program, and the Environmental Improvement and Energy Resources Authority in providing information to small businesses. Mechanisms to provide assistance will include coordinating information relating to pollution prevention and accidental release prevention and detection with all Federal, state, and local agencies with environmental jurisdiction; inclusion of information on pollution prevention, accidental release prevention and detection on the SBAP clearinghouse and electronic bulletin board; and a directory of contacts will be developed and made available containing technical experts.

The third requirement is to develop a compliance and technical assistance program for small business stationary sources which assists small businesses in determining applicable requirements and in receiving permits under the Act in a timely and efficient manner.

Assistance will be provided to small businesses in determining applicable requirements and providing for permit issuance in a timely and efficient manner by the following methods:

- (1) Industry-specific information packets will be developed and made available to small businesses and clearinghouse staff that include information on applicable rules and regulations, permit requirements, fees, testing requirements, recordkeeping requirements, and compliance information, as well as self-audit procedures and pollution prevention methods;

- (2) Inspectors will be provided training on how to educate small business owners on conducting self-inspections and understanding the

compliance requirements they must meet and the permits they must obtain; and

- (3) Workshops will be conducted to inform and educate the small business community on appropriate compliance methods and procedures following promulgation of a new rule or policy.

The fourth requirement is to develop adequate mechanisms to ensure that small business stationary sources receive notice of their rights under the Act, in such manner and form as to ensure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final regulation or standards issued under the Act.

The SBAP will develop a data base that includes all small business stationary sources and associations and will coordinate with appropriate agency staff to notify affected sources of potential changes in rules that affect them.

The fifth requirement is to develop adequate mechanisms for informing small business stationary sources of their obligations under the Act, including mechanisms for referring such sources to qualified auditors or, at the option of the state, for providing audits of the operations of such sources to determine compliance with the Act. Initially, MDNR will offer a list of qualified auditors from which the small business may choose.

Formal public notification procedures will be developed and implemented by MDNR that ensure timely notice of small businesses of their rights and obligations under the Act; and the SBAP will work with trade associations, local agencies, educational facilities, and community leaders to establish environmental partnerships to bring about the voluntary compliance with regulations under the Act.

The sixth requirement is to develop procedures for consideration of requests from a small business stationary source for modification of: (1) Any work practice or technological method of compliance, or (2) the schedule of milestones for implementing such work practice or method of compliance preceding any applicable compliance date, based on the technological and financial capability of any such small business stationary source.

Procedures will be developed to respond to requests from small business stationary sources for modification of any work practice or technological method of compliance or schedule of milestones, for implementing such work practice or method of compliance preceding any applicable compliance date. This will be accomplished by

developing data bases and experts in different areas for providing explicit guidance information. Also, MDNR will establish approved procedures to provide review of requests from small businesses for modification of work practices or technological methods of compliance based on financial and technological capability.

B. Ombudsman

Section 507(a)(3) requires the designation of a state office to serve as the Ombudsman for small business stationary sources.

The state will meet this requirement by hiring an Ombudsman, in February 1994, to be located in the office of the Governor. The position has statutory authority to conduct the duties required under the CAA. These duties include:

(1) Rendering advisory opinions concerning the effectiveness of the SBAP;

(2) Making periodic reports to Congress regarding the SBAP compliance with the Paper Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act; and

(3) Reviewing information for the small businesses to ensure that it is understandable by the layperson. A specific list of other Ombudsman duties is listed in Section 1 of the plan, and their implementation is described in Section 2 of the plan.

C. CAP

Section 507(e) requires the state to establish a CAP that must include two members selected by the Governor who are not owners or representatives of owners of small businesses; four members selected by the state legislature who are owners, or represent owners, of small businesses; and one member selected by the head of the agency in charge of the Air Pollution Permit Program.

The state has committed to meet this requirement. The CAP appointments should be completed by February 1994. EPA believes that the process for designation by the legislature meets the intent of section 507(e).

In addition to establishing the minimum membership of the CAP, the CAA delineates four responsibilities of the Panel:

(1) To render advisory opinions concerning the effectiveness of the SBAP, difficulties encountered, and the degree and severity of enforcement actions;

(2) To periodically report to EPA concerning the SBAP's adherence to the principles of the Paperwork Reduction Act, the Equal Access to Justice Act, and the Regulatory Flexibility Act;

(3) To review and ensure that information for small business stationary sources is easily understandable; and

(4) To develop and disseminate the reports and advisory opinions made through the SBAP.

The state submittal meets these requirements. The Plan lists CAP duties that include providing advisory opinions, reporting on SBAP compliance with statutory requirements, and annual reporting on the effectiveness of the SBAP.

D. Eligibility

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

1. Is owned or operated by a person who employs 100 or fewer individuals;
2. Is a small business concern as defined in the Small Business Act;
3. Is not a major stationary source;
4. Does not emit 50 tons per year (tpy) or more of any regulated pollutant; and
5. Emits less than 75 tpy of all regulated pollutants.

The Missouri definition of major source varies from the Act definition; however, the lower cutoffs are not applicable anywhere in the state. The state has also provided for exclusion from the small business stationary source definition, after consultation with the EPA and the Small Business Administration Administrator, and after providing notice and opportunity for public comment, any category or subcategory of sources that the state determines to have sufficient technical and financial capabilities to meet the requirements of the CAA.

By this action, EPA is approving a state program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The state of Missouri has submitted an SIP revision implementing each of the program elements required by section 507 of the CAA. MDNR will select a Small Business Ombudsman in February 1994. This Ombudsman will implement the program schedule to develop the full program. The CAP will be selected in February 1994. Much of the coordination involved in staffing the SBAP has already taken place. The establishment of the SBAP will be fully completed by September 1993. EPA is therefore approving this submittal.

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). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions (54 FR 2222)

from the requirement of section 3 of Executive Order 12291 for a period of two years. EPA has 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.

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

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, EPA certifies 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. EPA.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2))

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 27, 1993. 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).)

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial

amendment and anticipates no adverse comments. This action will be effective December 27, 1993 unless, by November 26, 1993, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective December 27, 1993.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations.

Dated: August 17, 1993.

Susan C. Gordon,

Acting Regional Administrator.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401-7671q.

Subpart AA—[Missouri]

2. Section 52.1320 is amended by adding paragraph (c)(82) to read as follows:

§ 52.1320 Identification of plan.

* * *

(c) * * *

(82) Revisions to the Missouri State Implementation Plan establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program were submitted by the Director of the Missouri Department of Natural Resources on March 10, 1993.

(i) Incorporation by reference.

(A) Small Business Stationary Source Technical and Environmental Compliance Program dated November 1992 and adopted February 18, 1993.

[FR Doc. 93-26241 Filed 10-25-93; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7006

[AK-932-4210-06; AA-6657]

Withdrawal of Public Lands for Clarks Point Village Selection; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws approximately 955 acres of public lands located within the Togiak National Wildlife Refuge from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, pursuant to section 22 of the Alaska Native Claims Settlement Act. This action also reserves the lands for selection by Saguyak Inc., the village corporation for Clarks Point. This withdrawal is for a period of 120 days; however, any lands selected shall remain withdrawn by the order until conveyed. Any lands described herein that are not selected by the corporation will remain withdrawn as part of the Togiak National Wildlife Refuge pursuant to the Alaska National Interest Lands Conservation Act and will be subject to the terms and conditions of any withdrawal of record.

EFFECTIVE DATE: October 26, 1993.

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

By virtue of the authority vested in the Secretary of the Interior by section 22(j)(2) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1621(j)(2) (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands located within the Togiak National Wildlife Refuge are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and are hereby reserved for selection under section 12 of the Alaska Native Claims Settlement Act, 43 U.S.C. 1611 (1988), by Saguyak Inc., the village corporation for Clarks Point:

Seward Meridian

T. 14 S., R 57 W., (Unsurveyed)
Sec. 25.

T. 15 S., 57 W.,
Sec. 31, S $\frac{1}{2}$.

The areas described aggregate approximately 955 acres.

2. Prior to conveyance of any of the lands withdrawn by this order, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easement shall not be impaired by this withdrawal.

3. This order constitutes final withdrawal action by the Secretary of the Interior under section 22(j)(2) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1621(j)(2) (1988), to make lands available for selection by Saguyak Inc., to fulfill the entitlement of the village for Clarks Point under section 12 and section 14(a) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1611 and 1613 (1988).

4. This withdrawal will terminate 120 days from the effective date of this order; provided, any lands selected shall remain withdrawn pursuant to this order until conveyed. Any lands described in this order not selected by the corporation shall remain withdrawn as part of the Togiak National Wildlife Refuge, pursuant to sections 303(6) and 304(c) of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 668(dd) (1988); and will be subject to the terms and conditions of any other withdrawal of record.

5. It has been determined that this action is not expected to have any significant effect on subsistence uses and needs pursuant to section 810(c) of the Alaska National Interest Lands Conservation Act, 16 U.S.C. 3120(c) (1988) and this action is exempted from the National Environmental Policy Act of 1969, 83 Stat. 852, by section 910 of ANILCA, 43 U.S.C. 1638 (1988).

Dated: October 15, 1993.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 93-26206 Filed 10-25-93; 8:45 am]

BILLING CODE 4310-JA-M

Proposed Rules

Federal Register

Vol. 58, No. 265

Tuesday, October 26, 1993

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 58

(DA-93-24)

RIN 0581-AB04

Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; Proposed Increase in Fees

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Marketing Service proposes to increase the fees charged for services provided under the dairy inspection and grading program. The program is a voluntary, user-fee program conducted under the authority of the Agricultural Marketing Act of 1946, as amended. The proposed increases would result in a fee of \$42.20 per hour for continuous resident services and \$47.20 per hour for nonresident services between the hours of 6 a.m. and 6 p.m. These proposed fees represent a \$2.60 per hour increase for both resident and nonresident services. The fee for nonresident services between the hours of 6 p.m. and 6 a.m. would be \$52.00 representing an increase of \$3.00 per hour.

The fees are being increased to cover the costs of developing dairy product standards, salary increases, and increases in other operating costs.

DATES: Comments should be mailed by November 26, 1993.

ADDRESSES: Comments should be sent to: Office of the Director, USDA/AMS/Dairy Division, room 2988-S, P.O. Box 96456, Washington, DC 20090-6456. Comments received will be available for public inspection at this location during regular business hours.

FOR FURTHER INFORMATION CONTACT: Lynn G. Boerger, USDA/AMS/Dairy Division, Dairy Grading Branch, room 2750-South Building, P.O. Box 96456,

Washington, DC 20090-6456, (202) 720-9381.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures implementing Executive Order 12291 and Departmental Regulation 1512-1 and has been classified a "non-major" rule under the criteria contained therein.

The proposed rule also has been reviewed in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Administrator, Agricultural Marketing Service, has determined that if promulgated it would not have a significant economic impact on a substantial number of small entities. The proposed changes will not significantly affect the cost per unit for grading and inspection services. The Agricultural Marketing Service estimates that overall this rule will yield an additional \$308,000 during fiscal year 1994. The Agency does not believe the increases will affect competition. Furthermore, the dairy grading program is a voluntary program.

Executive Order 12778

This proposed rule also has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have preemptive effect with respect to any State or local laws, regulations, or policies. This rule is not intended to have retroactive effect. There are no administrative procedures which must be exhausted prior to any judicial challenge to this rule or the application of its provisions.

The Agricultural Marketing Act of 1946, as amended, authorizes the Secretary of Agriculture to provide Federal dairy grading and inspection services that facilitate marketing and help consumers obtain the quality of dairy products they desire. The Act provides that reasonable fees be collected from the users of the services to cover, as nearly as practicable, the cost of maintaining the program.

Since the costs of the grading program are covered entirely by user fees, it is essential that fees be increased when necessary to cover the cost of maintaining a financially self-supporting program. The last fee increase under this program became effective on January 26, 1992. Since that time, Congress increased the salaries of Federal employees by 3.7 percent as of January 10, 1993. Also, there have been

normal increases in other operating costs. In addition, recent congressional action will result in additional salary increases of varying amounts in 1994. Although the program's operating reserves were adequate to cover the January 10, 1993, salary increase, this will not be the case for 1994 salary increases, and a fee increase is needed.

The grading program fees also need to be increased to cover the costs related to the development of dairy product standards and other activities now performed by the Dairy Division's Standardization Branch. In the recent FY 1994 appropriations bill, Congress appropriated money for the development of standards by the Agricultural Marketing Service but at the same time stipulated that the program costs be recovered through user fees, with the fees being turned over to the U.S. Treasury. Since the dairy standardization program is an essential part of the dairy grading program, it is appropriate that the standardization program costs be recovered through the fees charged the users of the grading program.

The projected cost of the dairy standardization program for FY 1994 is \$435,000. To lessen the initial impact of transferring this cost to the users of the grading program, only about 2/3 of this cost would be recovered through the fee increases proposed herein, with the remainder being covered by the grading program's operating reserves. Further fee increases about a year later presumably would be needed to cover the remaining portion of the standards costs.

Proposed Changes

This rule proposes the following changes in the regulations implementing the dairy inspection and grading program:

1. Increase the hourly fee for nonresident services from \$44.60 to \$47.20 for services performed between 6 a.m. and 6 p.m. and from \$49.00 to \$52.00 for services performed between 6 p.m. and 6 a.m. The nonresident hourly rate is charged to users who request an inspector or grader for particular dates and amounts of time to perform specific grading and inspection activities. These users of nonresident services are charged for the amount of time required to perform the task and undertake related travel, plus travel costs.

2. Increase the hourly fee for continuous resident services from \$39.60 to \$42.20. The resident hourly rate is charged to those who are using grading and inspection services performed by an inspector or grader assigned to a plant on a continuous, year-round, resident basis.

Timing of Fee Increase

It is contemplated that the proposed fee increases would be implemented on an expedited basis in order to minimize the period during which the standardization program is operating on a user-fee basis, which starts on October 1, 1993, but when no offsetting fee increase is in effect. Accordingly, it is anticipated that the fee increases, if adopted, would become effective upon publication, or very soon after publication, of the final rule in the *Federal Register* and that delaying the effective date of the final rule until 30 days after publication in the *Federal Register* would not occur. An approximate effective date would be January 1, 1994.

All written submissions made pursuant to this notice will be made available for public inspection in the Dairy Division during regular business hours.

List of Subjects in 7 CFR Part 58

Dairy products, Food grades and standards, Food labeling, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 58 be amended as follows:

PART 58—GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

1. The authority citation for part 58 is revised to read as follows:

Authority: 7 U.S.C. 1621-1627.

2. In subpart A, § 58.43 is revised to read as follows:

§ 58.43 Fees for inspection, grading, and sampling.

Except as otherwise provided in §§ 58.38 through 58.46, charges shall be made for inspection, grading, and sampling service at the hourly rate of \$47.20 for service performed between 6 a.m. and 6 p.m., and \$52.00 for service performed between 6 p.m. and 6 a.m., for the time required to perform the service calculated to the nearest 15-minute period, including the time required for preparation of certificates and reports and the travel time of the inspector or grader in connection with

the performance of the service. A minimum charge of one-half hour shall be made for service pursuant to each request or certificate issued.

3. Section 58.45 is revised to read as follows:

§ 58.45 Fees for continuous resident service.

Irrespective of the fees and charges provided in §§ 58.39 and 58.43, charges for the inspector(s) and grader(s) assigned to a continuous resident program shall be made at the rate of \$42.20 per hour for services performed during the assigned tour of duty. Charges for service performed in excess of the assigned tour of duty shall be made at a rate of 1½ times the rate stated in this section.

Dated: October 20, 1993.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 93-26328 Filed 10-25-93; 8:45 am]

BILLING CODE 3410-02-P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Small Business Investment Companies; Leverage; Participating Securities; Conditions Affecting Good Standing of Licensees; and Definitions of Various Terms

AGENCY: Small Business Administration.
ACTION: Proposed rulemaking; reopening of comment period.

SUMMARY: The Small Business Administration is hereby reopening the comment periods for two proposed rules, published on August 5, 1993, entitled "Small Business Investment Companies; Leverage; Participating Securities; Conditions Affecting Good Standing of Licensees" (58 FR 41852) and "Small Business Investment Companies; Definitions of Various Terms" (58 FR 41882). Both proposed rules established a final date for comments to be submitted to SBA of October 4, 1993. SBA is reopening the comment period for both proposed rules until November 18, 1993 in order to allow the public adequate time to provide comments on the proposed rules.

DATES: Written comments must be received on or before November 18, 1993.

ADDRESSES: Written comments should be submitted to Wayne S. Foren, Associate Administrator for Investment; U.S. Small Business Administration, 409 Third Street, SW., suite 6300, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Marvin D. Klapp, Acting Director, Office of Program Development; (202) 205-6515.

SUPPLEMENTARY INFORMATION: Title IV of the Small Business Equity Enhancement Act of 1992, Pub. L. 102-366, 106 Stat. 1007, made a number of changes to the Small Business Investment Act of 1958, as amended. On August 5, 1993, SBA published two proposed rules which would implement those statutory changes (58 FR 41852 and 58 FR 41882).

This document reopens the comment period for the two aforementioned proposed rules to allow the public adequate time to analyze the proposed rules and submit comments. SBA will accept comments on the proposed rules until November 18, 1993.

Dated: October 18, 1993.

Erskine B. Bowles,

Administrator.

[FR Doc. 93-26356 Filed 10-25-93; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93-NM-134-AD]

Airworthiness Directives; McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F, -40, and -40F Series Airplanes, and Model KC-10A (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-10 series airplanes and Model KC-10A (military) airplanes. This proposal would require inspections to detect cracking in the No. 2 engine pylon lower spar forward mount and thrust link fitting attach bolts, and replacement of cracked bolts; and the eventual replacement of any bolts made of H-11 material with bolts made of Inconel. This proposal is prompted by reports of failures of these attach bolts due to stress corrosion. The actions specified by the proposed AD are intended to prevent failure of the attach bolts, which could reduce the fail-safe capability of the attachment assembly.

DATES: Comments must be received by December 21, 1993.