

be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects**

**40 CFR Part 52**

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

**40 CFR Part 81**

Air pollution control, National parks, Wilderness areas.

Dated: May 12, 1992.

William K. Reilly,  
Administrator.

40 CFR part 52, subpart R is amended as follows:

**PART 52—[AMENDED]**

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

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

**Subpart R—Kansas**

2. Section 52.870 is amended by adding paragraph (c)(26) to read as follows:

**§ 52.870 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

(26) Revisions to the state implementation plan for the Kansas City metropolitan area were submitted by the Governor on October 23, 1991. Revisions include a maintenance plan which demonstrates continued attainment of the NAAQS for ozone through the year 2002. Rule revisions were also submitted on October 23, 1991.

(i) Incorporation by reference,  
(A) Article 19—Ambient Air Quality Standards and Air Pollution Control, revised Kansas Administrative Regulations (K.A.R.) 28-19-61, Definitions, and K.A.R. 28-19-62, Testing procedures; and new rules K.A.R. 28-19-76, Lithography printing facilities, and K.A.R. 28-19-77, Chemical processing facilities that operate alcohol plants or liquid detergent plants. These rules were published August 22, 1991, and became effective October 7, 1991.

(ii) Additional material  
(A) State of Kansas Implementation Plan, Kansas City Metropolitan Area Maintenance Provisions, October 1991.

3. Section 52.873 is amended by designating the existing text as paragraph (a) and adding a new paragraph (b) to read as follows:

**§ 52.873 Approval status.**

\* \* \* \* \*

(b) The Kansas portion of the Kansas City metropolitan area was designated as nonattainment for ozone in 40 CFR part 81. Therefore, the Administrator approves continuation of the 7.8 RVP limit as federally enforceable in the Kansas City metropolitan area, even after the area is redesignated to attainment, because of its nonattainment designation effective January 6, 1992. Also, the requirement for 7.8 psi RVP volatility is deemed necessary to ensure attainment and maintenance of the ozone standard as demonstrated by the emissions inventory projections (based on use of 7.8 psi RVP) in Kansas' ozone maintenance plan for the Kansas City metropolitan area.

40 CFR part 81 is amended as follows:

**PART 81—[AMENDED]**

1. The authority citation for part 81 is revised to read as follows:

Authority: 42 U.S.C. 7407, 7501-7515, 7601.

2. In § 81.317 the designation table for ozone is amended by revising the entries for Johnson and Wyandotte Counties to read as follows:

**§ 81.317 Kansas.**

\* \* \* \* \*

**KANSAS—OZONE**

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Kansas City Area:				
Johnson County .....	July 23, 1992 .....	Unclassifiable/Attainment .....		
Wyandotte County .....	July 23, 1992 .....	Unclassifiable/Attainment .....		

<sup>1</sup> This date if November 15, 1990, unless otherwise noted.

[FR Doc. 92-14594 Filed 6-22-92; 8:45 am]  
BILLING CODE 6560-50-M

**40 CFR Parts 52 and 81**

[Moll-1-5440; FRL-4140-7]

**Approval and Promulgation of Implementation Plans; and Designation of Areas for Air Quality Planning Purposes; State of Missouri**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** In today's notice EPA is taking final action to approve revisions to the Missouri State Implementation Plan (SIP). The revision includes the Missouri ozone maintenance plan for the Kansas City area and related Missouri

rule revisions. EPA is also approving the state's request to redesignate Clay, Platte, and Jackson Counties, Missouri, to attainment with respect to the ozone National Ambient Air Quality Standard (NAAQS). In a separate Federal Register notice published today, EPA is taking a concurrent final action regarding the Kansas maintenance plan and redesignation request for the Kansas portions of the Kansas City nonattainment area.

**EFFECTIVE DATE:** This rule will become effective on July 23, 1992.

**ADDRESSES:** Copies of 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; the Missouri Department of

Natural Resources, Air Pollution Program, Jefferson State Office Building, 205 Jefferson Street, Jefferson City, Missouri 65101; and the Public Information Reference Unit, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Larry A. Hacker at (913) 551-7602 (FTS 276-7602).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Three years of quality assured ambient air quality data, for the period 1989 through 1991, indicate that the Kansas City ozone nonattainment area has attained the NAAQS for ozone. Therefore, in accordance with the Clean Air Act (CAA), and to ensure continued attainment of the standard with an

adequate margin of safety, the state of Missouri has submitted an ozone maintenance plan which projects continued attainment of the ozone standard in the Kansas City area.

Both the Missouri and Kansas plans meet all the applicable requirements of the CAA. The Missouri submittal complies with section 175A of the Act which sets forth maintenance plan requirements for areas seeking redesignation from nonattainment to attainment. The state's demonstration of continued attainment relies in part on EPA's Phase II gasoline volatility requirements. The plan demonstrates continued attainment of the applicable NAAQS for at least ten years after the area is redesignated. Eight years after the redesignation, the state commits to submit a revised maintenance plan which demonstrates attainment for the ten years following the initial ten-year period. And, in the event of future NAAQS violations, the maintenance plan contains contingency measures adequate to ensure prompt correction of the air quality problem.

Accompanying the maintenance plan are new state rules which control certain categories of sources which emit volatile organic compounds (VOC) emissions.

Finally, the state submittal also includes a redesignation request in which the state demonstrates that the area has fulfilled the redesignation requirements of the amended Act pursuant to section 107(d)(3)(e).

On January 15, 1992, in the *Federal Register* (57 FR 1705), EPA proposed to approve the state's maintenance plan and Reasonably Available Control Technology (RACT) rules, and to promulgate the redesignation. (In a separate notice published the same day, EPA proposed to approve an analogous maintenance plan and redesignation request submitted by the state of Kansas.) The reader should consult EPA's proposed rulemaking and technical support document for a detailed discussion of the state's submission, the relevant requirements of the Act, and EPA's proposed action.

## II. Response to Comments

EPA received 71 letters commenting on the proposed rulemaking. All commenters supported the proposed action except one (Phillips Petroleum, Bartlesville, Oklahoma). Phillips requested that EPA disapprove the maintenance plan based on four arguments. Phillips' comments consist of three technical issues concerning the demonstration included by Kansas and Missouri to show that the area would continue to maintain the ozone

standard, and one policy issue concerning the appropriate mix of controls necessary to maintain the standard. A summary of Phillips' comments, and EPA's response to them, follow.

*Comment:* Phillips alleges that the methodology that Missouri used in plan development is unable to quantitatively determine the types of ozone precursor control needed and the extent to which precursor emissions reductions (including NO<sub>x</sub>) may be required to maintain the ozone standard. Phillips alleges that EPA should require urban grid-based air quality modeling.

*Response:* In the 1990 Amendments to the Act, Congress specifically added section 175A which specifies the requirements for maintenance plans. There is no requirement in section 175A, or in other applicable provisions of the Act, for photochemical grid modeling to demonstrate maintenance of the ozone standard in areas like Kansas City, which have attained the standard. Such modeling is only required for certain areas which have not attained the standard. The requirement for such modeling applies to those areas with the more serious or complex ozone nonattainment problems (e.g., section 182(c)(2)(A), which requires modeling for areas classified as "serious"). EPA believes the lack of such a requirement for maintenance plans was intended to give EPA and the states flexibility in demonstrating maintenance of the standard. Accordingly, for maintenance demonstrations, EPA believes that states may make the demonstration through one of two alternatives: (1) A demonstration that the future emission inventory will not exceed the inventory that existed at the time of the request for redesignation, or (2) an appropriate modeling analysis which shows that the future mix of sources and emission rates, when combined with the control strategy for the area, will not cause any violations of the ambient standards. Of these two choices, the state elected to base its maintenance demonstration on the emission inventory analysis. EPA believes that the projection and analysis of future emissions meet the requirements of section 175A, and that the state's emission inventory methodology is consistent with EPA guidance, as discussed in the proposed rulemaking.

Phillips also suggested that NO<sub>x</sub> emissions should be examined using the photochemical grid model because an increase in NO<sub>x</sub> emissions could result in violations of the ozone standard without an increase in VOC emissions. EPA agrees that violations caused by increased NO<sub>x</sub> emissions are

theoretically possible, although the exact relationship between NO<sub>x</sub> emissions and the formation of ozone is not certain. However, in the case of the Kansas City maintenance plan, EPA performed an analysis of projected NO<sub>x</sub> emissions for the metropolitan area. EPA's analysis showed no increase in NO<sub>x</sub> emissions through the year 2005. Coupled with the projection that VOC emissions will be below the level existing at the time of the redesignation request, EPA concludes that there is an adequate technical basis in the plan to demonstrate that the ozone standard will be maintained.

EPA also notes that historically VOC control has been successful in bringing the Kansas City area into attainment of the ozone standard, which is another basis for the conclusion that maintenance of both VOC and NO<sub>x</sub> emissions levels will result in continued attainment.

For the foregoing reasons, EPA does not agree that photochemical grid modeling is legally required or technically necessary to show maintenance of the standard. The methodology used by the state to demonstrate continued maintenance of the standard is adequate to meet the requirements of section 175A.

*Comment:* Phillips argues that due to the lack of a "quantitative analysis" through urban grid modeling, there is no basis for establishing the "margin of safety" included in the plan.

*Response:* The comment assumes that photochemical grid modeling is necessary to demonstrate maintenance of the ozone standard. As discussed above, EPA believes that the demonstration included in the maintenance plan is adequate in the absence of such modeling.

The need for a margin of safety is clearly demonstrated in the Kansas City maintenance plan. That margin, provided primarily through the delivery of gasoline with a Reid Vapor Pressure (RVP) limit of 7.8 psi, is essential due to the marginal nature of ozone attainment in the area. Since 1990, exceedances of the ozone standard have occurred when RVP levels were between 8.5 and 9.0 psi. There were two exceedances of the standard in 1990 and two in 1991. Because these exceedances did not occur at the same monitor site, they did not constitute violations of the NAAQS. However, these exceedances do indicate that the standard will likely be jeopardized without further control measures. RVP control is the only measure that can provide immediate VOC reduction and the desired margin of safety during the next several ozone

seasons, since other control measures, as discussed below, require a much longer implementation period.

Section 211(h)(2) of the CAA allows EPA to impose an RVP requirement "lower than 9.0 psi in any area, formerly an ozone nonattainment area, which has been redesignated an attainment area." EPA discusses this authority in the context of areas newly redesignated to attainment in its federal fuel volatility regulations (56 FR 64704, December 12, 1991). In that rulemaking, EPA provided that an area which is redesignated to attainment must remain subject to the 7.8 psi RVP unless it shows through a maintenance plan demonstration that it is no longer needed (56 FR 64706). In the latter case, EPA could raise the volatility level to 9.0 psi. The Kansas City maintenance plan does not support such a change and, in fact, relies on the lower limit of 7.8 psi to maintain the standard. Only if the state had been able to implement other control measures with equivalent emission reductions to ensure maintenance of the standard would EPA have the option of relaxing the Phase II volatility controls.

EPA believes that the margin of safety is based on a demonstrated need. EPA also believes the plan fully supports the continued enforcement of Phase II volatility levels.

*Comment:* The plan does not account for the effects of more stringent motor vehicle emission standards mandated by the CAA and revisions to EPA's MOBILE model. These effects are significant to the determination of the type and extent of control needed to maintain attainment.

*Response:* At the time Missouri and Kansas developed their maintenance plans, the applicable version of EPA's mobile source emissions model was MOBILE4.0. Since that time, MOBILE4.1 has become available. MOBILE4.1 was used by EPA prior to the proposed approval of the maintenance plan to determine what effect, if any, that the new model would have on the demonstration of continued attainment of the ozone standard. For any given year, MOBILE4.1 predicted lower VOC emissions than MOBILE4.0; however, the level of VOC emissions necessary to maintain the ozone standard is also reduced correspondingly. Thus, the net effect on the margin of safety is insignificant.

EPA also notes that the new tailpipe standards will not become effective until 1994. Because these standards apply only to new vehicles, it will take several years for the emission reductions to occur as new vehicles are added to the total vehicle population. For these reasons, the new tailpipe

standards are not adequate to demonstrate near-term maintenance of the standard. When the state submits its revised maintenance plan (which is required in eight years), the effect of the new tailpipe standards, as well as other changes in emission inventory methodology, will be considered. Prior to that time, the tailpipe emission standards are not sufficient to demonstrate maintenance of the ozone standard.

*Comment:* The plan places the burden for future growth in the Kansas City area entirely on the petroleum industry. A mix of cost effective measures, including enhanced inspection and maintenance (I/M) for motor vehicles, should be identified to accommodate future growth.

*Response:* EPA believes that the states properly considered an appropriate range of measures and their cost effectiveness. EPA believes that the states' selection of RVP controls demonstrate maintenance of the ozone standard in Kansas City. The maintenance plan submitted by the state includes an analysis of the cost effectiveness of various control measures, including an I/M program, Stage II vapor recovery, and additional RACT controls on minor sources, in addition to gasoline volatility controls. This information shows that RVP control is the most cost-effective measure per ton of VOC controlled. Information submitted by the Missouri Department of Natural Resources (MDNR) during the comment period states that the RVP restriction costs approximately \$500 per ton of emissions controlled, an amount half as expensive as the next most cost effective strategy for the area (Stage II). MDNR comments that reductions may be possible by requiring both Stage II vapor recovery and I/M, but MDNR's analysis indicates that the cost would be higher per ton of VOC controlled for these measures. Stage II would also be a cost borne primarily by the petroleum industry. MDNR also comments that the amount of VOC emissions controlled by the RVP program is second only to RACT—if imposed on smaller, 25 tons/year sources—but that the cost of RACT is also greater. In addition, the state concluded that I/M, Stage II, and RACT would take time to implement due to the legislative and administrative lead times required, whereas RVP control is already in place. RVP reduction is the only measure that achieves immediate VOC reductions. Finally, RVP control and costs are incurred only during the ozone season, and thus are not annual costs as are the other measures.

EPA also rejects Phillips' argument that the petroleum industry is bearing the burden for future growth. EPA notes that the states have adopted many regulations over the years in an effort to attain and maintain the ozone standard. These have included RACT regulations for all of the major stationary sources in the area. Furthermore, the Federal Motor Vehicle Emission Standards have also been, and will continue to be, effective in lowering VOC emissions. EPA believes the states have, in fact, adopted and implemented, in conjunction with EPA, a wide range of measures to address the ozone problem. Ultimately, the CAA places the responsibility on the states to select the appropriate control strategy necessary to attain and maintain the NAAQS.

Although EPA has determined that the states' selection of RVP is appropriate, this selection should not be considered as setting a precedent for other areas requesting redesignation to attainment. Each area should consider the cost effectiveness and feasibility of appropriate measures when developing the required maintenance plans for areas within the state.

For the foregoing reasons, and for the additional reasons stated in EPA's proposed approval at 57 FR 1705, January 15, 1992, EPA has determined that the Kansas City maintenance plan meets the requirements of section 175A. EPA ACTION: In today's notice EPA is approving revisions to the Missouri SIP. This includes approving the Kansas City ozone maintenance plan, because it meets the requirements of section 175A of the Act, and approving the RACT rule submittals as meeting the RACT requirements of the Act. In addition, EPA is approving the redesignation request for the Kansas City area because the state has demonstrated compliance with the requirements of section 107(d)(3)(E) for redesignation, as discussed in detail in the above referenced proposed rulemaking.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

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 August 24, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not

be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects**

**40 CFR Part 52**

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

**40 CFR Part 81**

Air pollution control, National Parks, Wilderness areas.

Dated: May 12, 1992.

William K. Reilly,  
Administrator.

40 CFR part 52, subpart AA is amended as follows:

**PART 52—[AMENDED]**

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

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

**Subpart AA—Missouri**

2. Section 52.1320 is amended by adding paragraph (c)(77) to read as follows:

**§ 52.1320 Identification of plan.**

(c) \* \* \*

(77) Revisions to the state implementation plan for the Kansas City metropolitan area were submitted by the Director of the Missouri Department of Natural Resources on October 9, 1991. Revisions include a maintenance plan which demonstrates continued attainment of the NAAQS for ozone through the year 2002. Rule revisions were also submitted on October 9, 1991.

(i) Incorporation by reference.

(A) Revised regulations 10 CSR 10-6.020, Definitions, and 10 CSR 10-2.220, Liquefied Cutback Asphalt Paving Restricted, effective August 30, 1991; and new regulation 10 CSR 10-2.340, Control of Emissions from Lithographic Printing Facilities, effective December 9, 1991.

(ii) Additional material.

(A) State of Missouri Implementation Plan, Kansas City Metropolitan Area Maintenance Provisions, October 1991.

3. Section 52.1323 is amended by adding paragraph (h) to read as follows:

**§ 52.1323 Approval Status.**

(h) The Missouri portion of the Kansas City metropolitan area was designated as nonattainment for ozone in 40 CFR

part 81. Therefore, the Administrator approves continuation of the 7.8 RVP limit as federally enforceable in the Kansas City metropolitan area, even after the area is redesignated to attainment, because of its nonattainment designation effective January 8, 1992. Also, the requirement for 7.8 psi RVP volatility is deemed necessary to ensure attainment and maintenance of the ozone standard as demonstrated by the emissions inventory projections (based on use of 7.8 psi RVP) in Missouri's ozone maintenance plan for the Kansas City metropolitan area.

40 CFR part 81 is amended as follows:

**PART 81—[AMENDED]**

1. The authority citation for part 81 is revised to read as follows:

Authority: 42 U.S.C. 7407, 7501-7515, 7601.

2. In § 81.326 the designation table for ozone is amended by revising the entries for Clay, Jackson, and Platte Counties to read as follows:

**§ 81.326 Missouri.**

Missouri-Ozone

Designated Area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
Kansas City Area				
Clay County.....	July 23, 1992...	Unclassifiable/Attainment.....		
Jackson County.....	July 23, 1992...	Unclassifiable/Attainment.....		
Platte County.....	July 23, 1992...	Unclassifiable/Attainment.....		

<sup>1</sup> This date is November 15, 1990, unless otherwise noted.

[FR Doc. 92-14593 Filed 6-22-92; 8:45 am]  
BILLING CODE 6560-51-M

**40 CFR Part 271**

[FRL-4146-4]

**South Carolina; Schedule of Compliance for Modification of South Carolina's Hazardous Waste Program**

**AGENCY:** Environmental Protection Agency, Region IV.

**ACTION:** Notice of South Carolina's Compliance Schedule to adopt program modifications.

**SUMMARY:** On September 22, 1986, EPA promulgated amendments to the deadlines for State program modifications and published requirements for States to be placed on

a compliance schedule to adopt the necessary program modifications. EPA is today publishing a compliance schedule for South Carolina to modify its program in accordance with § 271.21(g) to adopt the Federal program modifications.

**FOR FURTHER INFORMATION CONTACT:** Narindar Kumar, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, EPA Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Final authorization to implement the Federal hazardous waste program within the State is granted by EPA if the Agency finds that the State program (1) is "equivalent" to the Federal Program, (2) is "consistent" with the Federal

program and other State programs, and (3) provides for adequate enforcement (section 3006(b), 42 U.S.C. 6226(b)). EPA regulations for final authorization appear in 40 CFR 271.1-271.24. In order to retain authorization, a State must revise its program to adopt new Federal requirements by the Cluster deadlines specified in 40 CFR 271.21. See 51 FR 33712, September 22, 1986, for a complete discussion of these procedures and deadlines.

**B. South Carolina**

South Carolina received final authorization of its hazardous waste program on November 22, 1985. (Federal Register.) 46437, November 8, 1985, Vol. 50, No. 217,

Today EPA is publishing a compliance schedule for South Carolina to obtain

program revisions for the following Federal program requirements:

- Modifications in the Federal Program for Non-HSWA Cluster VI which include:

- Delay of Closure Period for Hazardous Waste Facilities, 54 FR 33376,

- Mining Waste Exclusion I, 54 FR 30592,

- Testing & Monitoring Activities, 54 FR 40260,

- Various FR Listings Changes to Part 124 Not Accounted for by Present Checklists,

- Mining Waste Exclusion II, 55 FR 2322,

- Modifications of F019 Listing, 55 FR 5340,

- Testing & Monitoring Activities; Technical Corrections, 55 FR 8948,

- Criteria for Listing Toxic Wastes; Technical Amendment, 55 FR 18726,

- Financial Responsibility; Settlement Agreement Correction, 55 FR 25976.

- Modifications in the Federal program for HSWA Cluster II include:

- California List Waste Restrictions, 52 FR 25760,

- Exception Reporting for SQGs, 52 FR 35894,

- California List Waste Restrictions; Technical Corrections SW 846, 52 FR 41295,

- HSWA Codification Rule 2, 52 FR 45788,

- Identification & Listing of Hazardous Waste; Technical Correction, 53 FR 27162,

- Farmer Exemptions; Technical Correction, 53 FR 27164,

- Land Disposal Restrictions for First Third Scheduled Wastes, 53 FR 31138, Hazardous Waste Management

- System; Standards for Hazardous Waste Storage & Treatment Tank Systems, 53 FR 34079,

- Land Disposal Restrictions, 54 FR 8264,

- Land Disposal Restriction Amendments to First Third Scheduled Wastes, 54 FR 18836,

- Land Disposal Restrictions for Second Third Scheduled Wastes, 54 FR 26594,

- Land Disposal Restrictions; Correction to the First Third Scheduled Wastes, 54 FR 36967,

- Reportable Quantity Adjustment Methyl Bromide Production Wastes, 54 FR 41402,

- Reportable Quantity Adjustment, 54 FR 50968,

- Listing of 1,1-Dimethylhydrazine Production Wastes, 55 FR 18496,

- HSWA Codification Rule, Double Liners; Correction, 55 FR 19262,

- Land Disposal Restrictions for Third Scheduled Wastes, 55 FR 22520,

- Land Disposal Restrictions; Correction, 55 FR 23935,

Hazardous Waste Treatment, Storage, and Disposal Facilities—Organic Air Emission Standards for Process Vents and Equipment Leaks, 55 FR 25454, Toxicity Characteristics Revisions; Correction, 55 FR 26986.

The State has agreed to seek the needed program modifications according to the following schedule:

- Notice of intent to draft regulations published in the State Register—March 27, 1992,

- Revisions published in the State Register for public comments—August 28, 1992,

- Public comment period ends—September 30, 1992,

- Completion of preparation of final regulations—November 1, 1992,

- Final regulations presented to the Board—November 12, 1992,

- Notice published approving regulations in the State Register—December 25, 1992,

- Submission of Final Program Revision Application for Non-HSWA Cluster VI and HSWA Cluster II—March 1, 1993.

Authority: This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926 and 6974(B).

Dated: May 8, 1992.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 92-14749 Filed 6-22-92; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### 45 CFR Part 1080

#### Emergency Community Services Homeless Grant Program

AGENCY: Administration for Children and Families (ACF), HHS, Office of Community Services.

ACTION: Final rule with comment period.

**SUMMARY:** The Office of Community Services (OCS) is issuing final regulations with a comment period to accommodate changes relating to the eligible uses of funds and application procedures for the Emergency Community Services Homeless Grant Program (EHP) which were added by the Stewart B. McKinney Homeless Assistance Amendments Act of 1990, Public Law 101-645. The conforming regulations amend procedures that States, territories, Indian tribes, and

other organizations must follow to apply for and use the funds appropriated for this program. Additionally, the regulations specify changes in the eligible use of funds awarded under the auspices of this program. The changes allow for a State applicant agency to use up to five (5) percent of its funds received to defray State administrative costs. Additionally, the amendments provide that not more than fifty (50) percent of the funds may be used for the purpose of renovation of buildings used for providing services to the homeless. Further, awarded funds may be used for the provision of, or referral to, violence counseling for homeless children and individuals, and for associated training of individuals working with this homeless population. Corresponding to the statutory changes, the regulations also delete the requirement that ninety (90) percent of a State's grant be awarded to specified agencies and organizations that, as of January 1, 1987, were providing assistance to meet the critically urgent needs of homeless individuals.

**DATES:** This final rule is effective June 23, 1992. The statutory changes being implemented were effective October 1, 1991. We will consider comments to this final rule submitted on or before August 21, 1992.

**ADDRESS:** Address comments to: Joseph R. Carroll, Office of Community Services, ACF, Mail Stop: OCS/IOD, 370 L'Enfant Promenade, SW., Washington, DC 20447.

Comments will be available for public inspection Monday through Friday, exclusive of Federal holidays, 8:30 a.m. to 5 p.m., at the Department's offices at the above address.

**FOR FURTHER INFORMATION CONTACT:** Joseph R. Carroll, (202) 401-9354 and Sheldon Shalit, (202) 401-4807.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Stewart B. McKinney Homeless Assistance Act, Public Law 100-77 (July 22, 1987), established a number of programs to assist homeless persons, including the Emergency Community Services Homeless Grant Program (EHP) (Title VII, Subtitle D, sec. 751-754 and 762 of Pub. L. 100-77) (42 U.S.C. 11461-11464 and 11472). Additional EHP amendments were enacted by title VII, subtitle A, section 704 of Public Law 101-628 (November 7, 1988). The McKinney Act has since been amended by Pub. L. 101-645 with respect to eligible uses of the EHP funds (Title VII, subtitle D, sec. 753 of Pub. L. 101-645 (November 29, 1990)). The EHP program