the notice to state the statutory basis of the seizure and a brief narration of the facts leading to the conclusion that the property seized is subject to forfeiture. These two requirements are somewhat redundant, and their language varies from the notice requirements of the seizing agencies of the Departments of Justice and Treasury. Modifying the language of the Postal Service's notice requirements will eliminate the redundancy and make Postal Service forfeiture regulations more consistent with Justice and Treasury forfeiture regulations.

List of Subjects in 39 CFR Part 233

Crime, Law enforcement, Postal service, Seizures and forfeitures.

Accordingly, 39 CFR part 233 is amended as set forth below.

PART 233—INSPECTION SERVICE/ INSPECTOR GENERAL AUTHORITY

1. The authority citation for part 233 continues to read as follows:

Authority: 39 U.S.C. 101, 401, 402, 403, 404, 406, 410, 411, 3005(e)(1); 12 U.S.C. 3401–3422; 18 U.S.C. 981, 1956, 1957, 2254, 3061; 21 U.S.C. 881; Inspector General Act of 1978, as amended (Pub. L. No. 95–452, as amended), 5 U.S.C. App. 3.

2. Section 233.7(h)(1) is amended by revising the second sentence to read as follows:

§ 233.7 Forfeiture authority and procedures.

* * * * *

(h) * * *

(1) * * * The notice must describe the property seized; state the date, place, and cause for seizure; and inform the party of the intent of the Postal Inspection Service to forfeit the property. * * *

* * * * *

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 95–3559 Filed 2–13–95; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL–53–1–6740; FRL–5114–8]

Approval and Promulgation of Implementation Plans Florida: Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving revisions to the State Implementation Plan (SIP) submitted by the State of Florida through the Florida Department of Environmental Protection (FDEP) for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), which will be fully implemented by November 1994. This implementation plan was submitted by FDEP on February 24, 1993, 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, as amended (CAA).

EFFECTIVE DATE: This approval is effective March 16, 1995.

ADDRESSES: Copies of the documents relative to this action are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365

Air Resources Management Division, Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399–2400.

FOR FURTHER INFORMATION CONTACT: Mr. Joey LeVasseur, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347–3555 x4215. Reference file FL053–01–5923.

SUPPLEMENTARY INFORMATION: Implementation of the CAA requires small businesses to comply with specific regulations in order for areas to attain and maintain the national ambient air quality standards (NAAQS) and reduce the emission of air toxics. In anticipation of the impact of these requirements on small businesses, the CAA requires that states adopt a PROGRAM, and submit this PROGRAM as a revision to the federally approved SIP. On February 24, 1993, the Florida Department of Environmental Protection submitted to EPA for approval, the requisite revisions to the SIP establishing the PROGRAM. These revisions were adopted by the Florida Legislature by amending chapter 403 of the Florida Statute, approved on April 8, 1992. The EPA reviewed this request for revision of the federally approved SIP and found it to be in conformance with the requirements of the 1990 CAA. EPA therefore published a notice to approve the revisions without prior proposal (59 FR 8542, February 23, 1994).

In the final rulemaking, EPA advised the public the effective date of the action was deferred for 60 days (until April 25, 1994) to provide an opportunity to submit comments. EPA announced if notice was received within 30 days of the publication of the final rule that someone wanted to submit adverse or critical comments, the final action would be withdrawn and a new rulemaking would begin by proposing a 30 day comment period. EPA had earlier published a general notice explaining this special procedure (56 FR 44477, September 4, 1991). Adverse comments were received on the 59 FR 8542 notice (February 23, 1994). Accordingly, EPA withdrew the direct final rule (59 FR 21664, April 26, 1994) and simultaneously proposed approval (59 FR 21738, April 26, 1994) of the aforementioned Florida revisions to the SIP. The proposed rule formally solicited comments and one adverse comment was subsequently received.

Comments. The commenter, representing a trade association, indicated the proposed structure of the Florida Small Business Assistance Program (SBAP) was ''fraught with risk'' and ''created a potential conflict of interest.'' The Florida Program combines the roles of the ombudsman, technical assistance and staffing for the Compliance Advisory Panel in a single office. The commenter was thus concerned that the inherent checks and balances intended by section 507 of the CAA would be compromised.

Response. The Agency recognizes the legitimacy of the commenter's concerns. Prior to the publication of the February 23, 1994, **Federal Register** notice, the Agency considered this particular issue in depth. The governing document is the Guidelines for Implementation of Section 507 of the 1990 Clean Air Act Amendments; and, in particular, two specific portions therein:

> The State must comply with all statutory requirements of the Act, however, to the extent that the EPA is interpreting the Act requirements, these interpretations are not binding on the States * * * (Preface of Guidelines); and

The EPA does not prescribe the placement of the Ombudsman Office or the office to be charged with the implementation of an SBAP. * * * The critical test for EPA approval, with respect to this element of the PROGRAM [the ombudsman], will be whether (1) the designated office is encumbered with activities that prevent it from performing effectively; (2) sufficient expertise exists to represent small businesses; and (3) no conflicts of interest exist within the office that would prevent the Ombudsman from serving effectively * * * (Section 2.0 of the Guidelines, pp. 14 and 15).

In the spirit of the guidelines, the Agency examined Florida's submission from several perspectives. The State of Florida held public hearings regarding the proposed statutory changes and SIP currently at issue. No one, including trade associations, made an adverse comment either at the hearings or in writing at a later time. The Agency concluded, therefore, every effort had been made to provide the regulated community and other potentially affected parties with an opportunity to craft the PROGRAM in an acceptable form.

The selection of the Ombudsman and the Small Business Section Program Administrator, who has the responsibility of directing the SBAP, is the responsibility of the Chief of the Bureau of Air Regulation. The decision was made to have the current ombudsman also serve as the Program Administrator. Florida has taken the position that the combined functions permit the ombudsman to effect immediate improvements and correct deficiencies in the SBAP through the advocacy responsibilities inherent in the office. The Agency accepts this as the prerogative of the State provided it works as the CAA intended. The CAA does not require that these offices be separate. Should personnel, resources and/or the needs of either the Ombudsman's or the Administrator's office warrant a different approach, the Agency acknowledges that the Bureau Chief can divide the responsibilities accordingly. From its inception, the high quality of Florida's PROGRAM has been recognized by the Agency. Indeed, even the commenter stated: ''Our comments are not meant to convey an impression that we feel the Florida program is not working. In fact it seems to be working better than in many other states.'' The acknowledged fact that Florida's PROGRAM is working well goes to the heart of the issue. The Agency believes the structure of a PROGRAM is secondary to its effectiveness. The Agency has determined the Florida Ombudsman's office has sufficient expertise to represent small businesses and the Florida SBAP is performing efficiently. Florida's proposed SIP revision, therefore, clearly meets the first two of the required tests identified in the Guidance.

After a thorough review of the PROGRAM in light of the comment, EPA believes the PROGRAM meets the requirements of the CAA. The PROGRAM as conceived by the CAA has an inherent system of checks and balances to guard against this potential likelihood. The Florida PROGRAM does not circumvent or obviate any of them. The Florida Ombudsman has direct access to the Governor of the State should the necessary support of the Department to implement the PROGRAM be deemed wanting. The CAP is responsible for assuring adherence to the SIP and providing a source for small businesses to voice concerns regarding either the ombudsman or the SBAP. The utilization of the SBAP staff to serve and assist the CAP is, in fact, mandated by the CAA. In addition, both Region 4 and the EPA Ombudsman are responsible for monitoring and overseeing the implementation of the SIP in Florida. Should any conflict of interest or any other concern be realized, corrective or remedial action can be taken immediately. The Agency concludes, therefore, the Florida PROGRAM as proposed meets the requisite criteria for approval.

Final Action

EPA is approving the PROGRAM SIP revision submitted by the State of Florida through the FDEP for the establishment of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program. The Agency has reviewed this request for revision of the federally approved SIP for conformance with the CAA, including sections 507 and 110(a)(2).

The Office of Management and Budget has exempted these actions from review under Executive Order 12866.

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a 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 impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Small business stationary source technical and environmental assistance program.

Dated: November 8, 1994.

Patrick M. Tobin,

Acting Regional Administrator.

Part 52 of chapter I, title 40, *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 K—Florida

2. Section 52.520, is amended by adding paragraph (c)(80) to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(80) The Florida Department of Environmental Regulation has submitted revisions to chapter 403.0852 of the Florida Statutes on February 24, 1993. These revisions address the requirements of section 507 of title V of the CAA and establish the Small Business Stationary Source Technical and Environmental Assistance Program (PROGRAM).

(i) Incorporation by reference. Florida Statutes 403.031(20), 403.0852 (1), (2), (3), (4), 403.0872(10)(b), 403.0873, 403.8051, effective on April 28, 1992.

(ii) Other material. None.

* * * * *

[FR Doc. 95–3577 Filed 2–13–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 15

[CGD 94–041]

RIN 2115–AE92

Radar-Observer Endorsement for Operators of Uninspected Towing Vessels

AGENCY: Coast Guard, DOT.

ACTION: Interim rule; reopening of comment period.

SUMMARY: On October 26, 1994 (59 FR 53754), the Coast Guard published an interim rule establishing radar-training requirements for licensed masters, mates, and operators of radar-equipped uninspected towing vessels 8 meters (approximately 26 feet) or more in length. Under the interim rule, on February 15, 1995, these licensed persons would be required to hold either an endorsement as a radar observer or, if holding a valid license issued before February 15, 1995, a certificate from a Radar-Operation course. In response to comments from members of the regulated public, the Coast Guard is amending the interim rule to change the date on which the radar-observer endorsement or the Radar-Operation course certificate will be required from February 15, 1995, to June 1, 1995. The Coast Guard is also reopening the comment period to solicit additional public involvement in this rulemaking.

DATES: This interim rule is effective on February 14, 1995. Comments must be received before June 1, 1995.

ADDRESSES: Comments may be mailed to the Executive Secretary, Marine Safety Council (G–LRA, 3406) (CGD 94–041), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, or may be delivered to room 3406 at the same address between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267–1477.

The Executive Secretary maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room 3406, U.S. Coast Guard Headquarters, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Robert S. Spears, Jr., Project Manager, Office of Marine Safety, Security, and Environmental Protection (G–MVP–3), (202) 267–0224, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (CGD 94–041) and the specific section of this rule to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

The Coast Guard will consider all comments received during the comment period. It may change this rule in view of the comments.

Drafting Information

The principal persons involved in the drafting of this document are Mr. Robert S. Spears, Jr., Project Manager, Office of Marine Safety, Security, and Environmental Protection, Mr. Patrick J. Murray, Project Counsel, Office of the Chief Counsel, and Commander Thomas Cahill, Office of the Chief Counsel.

Regulatory Information

This rule amends an interim rule issued by the Coast Guard on October 26, 1994 (59 FR 53754). Comments received from members of the regulated public have indicated that difficulties were encountered in obtaining the required training in the time allowed. This rule amends the date by which a license endorsement or a certificate of training must be obtained, and relieves a potential burden on members of the regulated public by providing additional time to achieve compliance. It should not adversely affect navigation safety. Therefore, under 5 U.S.C. 553(d)(3), the Coast Guard certifies that good cause exists for this rule to be effective upon publication.

Background

Following the derailment of the Amtrak Sunset Limited, with extensive injury and loss of life, on September 22, 1993, the Coast Guard conducted a study of uninspected towing vessel safety. The study made a number of recommendations for improving safety in the towing industry. One of the recommendations was to require radar observer training and endorsements for operators of radar-equipped uninspected towing vessels 8 meters (approximately 26 feet) or more in length. That recommendation was approved, and on October 26, 1994 (59 FR 53754), the Coast Guard published an interim rule establishing requirements for radar training. The interim rule also added topics to the list of required subjects taught in approved radar-training courses that must be completed in order to receive a radar-observer endorsement.

The interim rule went into effect on November 25, 1994. However, to provide a reasonable opportunity for affected persons to complete the training and obtain the required endorsements, 46 CFR 15.815(c) provided that the endorsement was required only for those licenses to be issued after February 15, 1995. Persons holding valid licenses issued prior to February 15, 1995, would be required to undergo basic radar training and receive a certificate of completion for that training prior to February 15, 1995. Without the endorsement or certificate of completion, after February 15, 1995, no person may serve as a master, mate, or operator of a radar-equipped towing vessel, 8 meters (approximately 26 feet) or more in length, required to have a licensed operator. For a person holding a license issued before February 15, 1995, the additional training needed to qualify for a radar-observer endorsement would then be required before the individual renewed or upgraded his or her license.

The comment period for the interim rule closed on January 24, 1995. Prior to the close of the comment period, the Coast Guard received over 300 comments. A number of the comments expressed concern that the required training would not be available before February 15, 1995. Therefore, to relieve this potential burden, the Coast Guard is amending the interim rule. The Coast Guard will also continue to evaluate the comments received on this rulemaking.

Discussion of Amendment

This rule changes the date in 46 CFR 15.815(c) by which a radar-observer endorsement or certificate of training must be received from February 15, 1995 to June 1, 1995. This extension permits affected mariners who are not able to complete radar training by February 15 to continue to operate legally. Further, the related reopening of the comment period provides a greater