

gives full approval to a MSWLF program.

B. State of Nebraska

On August 29, 1995 the Nebraska Department of Environmental Quality submitted an amended application for full MSWLF landfill permit program approval. This application follows an August 19, 1993 submittal on which EPA approved all portions of Nebraska's program for all parts except the exemption from ground-water monitoring at small facilities. The partial program approval determination was due to an exemption from ground water monitoring at small facilities which appeared in Nebraska Department of Environmental Quality, Title 132—*Rules and Regulations Pertaining to Solid Waste Management*, Chapter 10, Section 001. This exemption was vacated from 40 CFR Part 258 as a result of *Sierra Club v. U.S. Environmental Protection Agency*, 992 F.2d 337 (D.C. Cir. 1993). In accordance with this decision, 40 CFR Part 258.1 (f)(1) was revised in 40 CFR Part 258.1(f), 58 FR 51536 (October 1, 1993). Further background on the final partial program determination of adequacy is located at 58 FR 65985 (December 17, 1993).

Nebraska does not claim jurisdiction over Indian land. Nebraska's program is not enforceable on Indian lands.

The EPA has reviewed Nebraska's application, and has made an immediate final decision that Nebraska's municipal solid waste landfill permit program satisfies all the requirements of the State/Tribal Implementation Rule to qualify for full program approval. Consequently, EPA intends to grant full approval of the Nebraska program. The public may submit written comments on EPA's immediate final decision up until July 24, 1996. Copies of Nebraska's application for program approval are available for inspection and copying at the locations identified in the ADDRESSES section of this action.

Approval of Nebraska's municipal solid waste landfill permitting program shall become effective August 23, 1996, unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either: (1) A withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

C. Decision

I conclude that Nebraska's application for full program adequacy determination meets all of the statutory and regulatory requirements established by RCRA for full program adequacy. Accordingly, Nebraska is granted a full program determination of adequacy for all parts of its municipal solid waste landfill permit program.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of section 7002 of RCRA to enforce the Federal MSWLF criteria in 40 CFR part 258 independent of any State/Tribal enforcement program. As the EPA explained in the preamble to the final MSWLF criteria, the EPA expects that any owner or operator complying with provisions in a State/Tribal program approved by the EPA should be considered to be in compliance with the Federal criteria. See 56 FR 50978, 50995 (October 9, 1991).

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this notice from the requirements of section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this final approval will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This notice, therefore, does not require a regulatory flexibility analysis.

Authority: This notice is issued under the authority of section 4005 of the Solid Waste Disposal Act as amended, 42 U.S.C. § 6946.

Dated: June 11, 1996.

Dennis Grams,

Regional Administrator.

[FR Doc. 96-16013 Filed 6-21-96; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5523-5]

Clean Water Act Class II: Proposed Administrative Penalty Assessment and Opportunity to Comment Regarding Union Electric Company, St. Louis, MO

AGENCY: Environmental Protection Agency ("EPA").

ACTION: Notice of proposed administrative penalty assessment and opportunity to comment regarding Union Electric Company, St. Louis, Missouri.

SUMMARY: EPA is providing notice of opportunity to comment on the proposed assessment.

Under 33 U.S.C. 1319(g), EPA is authorized to issue orders assessing civil penalties for various violations of the Act. EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. EPA provides public notice of the proposed assessment pursuant to 33 U.S.C. 1319(g)(4)(A).

Class II proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits, 40 CFR part 22. The procedures by which the public may submit written comment on a proposed Class II order or participate in a Class II proceeding, and the procedures by which a respondent may request a hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on a proposed Class II order is thirty (30) days after issuance of public notice.

On June 24, 1995, EPA commenced the following Class II proceeding for the assessment of penalties by filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7630, the following Complaint: In the Matter of Union Electric Company, St. Louis, Missouri, EPCRA Docket No. VII-95E-158 and CWA Docket No. VII-95-W-001.

The Complaint proposes a penalty of Ten Thousand Dollars (\$10,000) for the discharge of Mercury into the Mississippi River, on September 28, 1994, without a permit issued under Section 402 of the Clean Water Act, in violation of Section 301 of the Clean Water Act.

FOR FURTHER INFORMATION: Persons wishing to receive a copy of EPA's Consolidated Rules, review the Complaint or other documents filed in this proceeding, comment upon the proposed penalty assessment, or otherwise participate in the proceeding should contact the Regional Hearing clerk identified above.

The administrative record for the proceeding is located in the EPA Regional Office at the address stated above, and the file will be open for public inspection during normal business hours. All information submitted by Union Electric Company is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public

comment, EPA will issue no final order assessing a penalty in this proceeding prior to thirty (30) days from the date of this notice.

Dated: June 5, 1996.

Delores J. Platit,

Acting Regional Administrator.

[FR Doc. 96-16011 Filed 6-21-96; 8:45 am]

BILLING CODE 6560-50-M

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Special Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on June 25, 1996, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883-4025, TDD (703) 883-4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance.

The matters to be considered at the meeting are:

Open Session

A. *Approval of Minutes.*

B. *New Business—Regulations.*

1. Capital (Phase II) [12 CFR Part 615] (Final).

2. Eligibility and Scope of Financing [12 CFR Part 613] (Final).

Dated: June 19, 1996.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 96-16057 Filed 6-19-96; 8:45 am]

BILLING CODE 6705-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Amendment to Statement of Policy Regarding Independent External Auditing Programs of State Nonmember Banks

AGENCY: Federal Deposit Insurance Corporation (FDIC or Corporation).

ACTION: Statement of policy.

SUMMARY: As part of the FDIC's systematic review of its regulations and written policies under Section 303(a) of the Riegle Community Development and Regulatory Improvement Act of 1994 (CDRI), the FDIC is amending its policy statement regarding independent external auditing programs of state nonmember banks (Policy Statement). These amendments remove an inconsistency between the Policy Statement and another policy that was later approved by the FDIC Board of Directors and eliminate a reference to another FDIC policy which has been superseded. The amendments also add a paragraph referencing a statutory requirement enacted since the Policy Statement's adoption and renumber the subsequent paragraphs of the Policy Statement.

EFFECTIVE DATE: June 24, 1996.

FOR FURTHER INFORMATION CONTACT:

Doris L. Marsh, Examination Specialist, Division of Supervision, (202) 898-8905, or Sandra Comenetz, Counsel, Legal Division, (202) 898-3582, FDIC, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The FDIC is conducting a systematic review of its regulations and written policies. Section 303(a) of the CDRI (12 U.S.C. 4803(a)) requires each federal banking agency to streamline and modify its regulations and written policies in order to improve efficiency, reduce unnecessary costs, and eliminate unwarranted constraints on credit availability. Section 303(a) also requires each federal agency to remove inconsistencies and outmoded and duplicative requirements from its regulations and written policies.

As part of this review, the FDIC has determined that the Policy Statement needs several amendments to eliminate inconsistencies and outmoded requirements.

The Policy Statement was adopted by the FDIC Board of Directors on November 16, 1988, and published on November 28, 1988, 53 FR 47871. The Policy Statement states that the FDIC strongly encourages each state nonmember bank to adopt an external auditing program that includes an annual audit of its financial statements by an independent public accountant. However, the Federal Deposit Insurance Corporation Improvement Act of 1991 added Section 36 to the Federal Deposit Insurance Act. Section 36, and its implementing regulation at 12 CFR Part 363, requires all insured depository institutions with \$500 million or more in total assets at the beginning of their fiscal year to have an annual audit performed by an independent public accountant and to have an audit

committee entirely consisting of outside directors who are independent of management. A new paragraph 3 has been added to the Policy Statement describing these and certain related requirements for larger institutions and the existing paragraphs 3 through 15 have been redesignated paragraphs 4 through 16.

In addition, the Policy Statement advises applicants for deposit insurance that they will generally be expected to commit their bank to obtain an audit of its financial statements by an independent public accountant annually for at least the first *three* years after deposit insurance is granted [emphasis added]. Original footnote 2 to the Policy Statement refers to a June 24, 1987, FDIC policy statement on deposit insurance applications by operating non-FDIC insured institutions.

However, newly insured institutions generally present greater risks to the deposit insurance funds than operating insured institutions which have been subject to ongoing supervision by the applicable federal and state regulators. In addition, a statement of policy on Applications for Deposit Insurance was adopted by the FDIC Board of Directors on April 7, 1992, 57 FR 12822, which superseded the referenced 1987 policy statement. The 1992 policy statement states the FDIC's belief that an annual audit by an independent public accountant should be an integral part of the safe and sound management of a depository institution. As a result, applicants for deposit insurance coverage are expected to commit their depository institution to obtain an audit by an independent public accountant annually for at least the first *five* years after deposit insurance coverage is granted [emphasis added]. Thus, this Policy Statement must be amended to be consistent with the more recent statement of policy on Applications for Deposit Insurance. A reference to the 1992 applications policy replaces a reference to the rescinded policy statement in footnote 2.

Discussion of Amendments

A new paragraph 3 is added to the Policy Statement to explain the audit and audit committee requirements for all insured depository institutions with \$500 million or more in total assets as a result of the addition of Section 36 to the Federal Deposit Insurance Act in 1991. Thus, the original paragraphs 3 through 15 have been redesignated paragraphs 4 through 16. In renumbered paragraph 11 of the Policy Statement, the word "three" is replaced with the word "five" because newly insured