

program for states in which HUD will administer the installation program. As a result, there are several states in which there is not yet either a state-certified and fully accepted installation program or an operational HUD-administered installation program.

HUD has determined that, in order to protect against undue financial risk, a manufactured home that is installed in accordance with the Model Installation Standards (rather than erected on a permanent foundation) should not be permitted to be the security for FHA Title I-insured loans or Title II-insured mortgages, until there is operating in the state where the manufactured home is located either a state-certified and fully accepted installation program or a HUD-administered installation program. (This determination does not affect the eligibility of manufactured homes to be the security for Title I-insured loans if the manufacturer's installation requirements provide for compliance with the Model Installation Standards and the manufactured home is in fact installed with the Model Installation Standards.) An operational and fully compliant installation program is critical to ensure that a manufactured home that is to be the security for a Title I-insured loan or Title II-insured mortgage is in fact installed in accordance with the Model Installation Standards.

As a result, HUD submits that it would not be appropriate to promulgate a final rule based on the September 15, 2008 proposed rule, which assumed fully compliant installation programs would be operational in all states and territories, that does not take into consideration the implementation issues that have resulted from the June 2008 final rule. HUD submits for consideration and public comment that it would be appropriate for manufactured homes in a state with an operational state-certified and fully accepted installation program, or HUD-administered installation program, to be eligible for Title I and Title II insurance, even while review, full acceptance, or implementation of installation programs in other states and territories still is pending.

Accordingly, HUD is soliciting public comment on whether HUD should: (a) Promulgate a final rule based on the September 15, 2008 proposed rule, but that is applicable to a state only at such time that the state has an operational state-certified and fully accepted installation program or a HUD-administered installation program; or (b) delay promulgation of a final rule based on the September 15, 2008 proposed rule until all states and territories have

an operational state-certified and fully accepted installation program or a HUD-administered installation program.

Dated: January 27, 2010.

**David H. Stevens,**

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 2010–2367 Filed 2–3–10; 8:45 am]

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1910

[Docket No. OSH–2008–0034]

RIN No. 1218–AC08

#### Revising Standards Referenced in the Acetylene Standard

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** With this document, OSHA is withdrawing the proposed rule that accompanied its direct-final rule revising the Acetylene Standard for general industry.

**DATES:** As of February 4, 2010, the proposed rule published August 11, 2009 (74 FR 40450), is withdrawn.

**FOR FURTHER INFORMATION CONTACT:**

*General information and press inquiries:* Contact Jennifer Ashley, Director, OSHA Office of Communications, Room N–3647, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; *telephone:* (202) 693–1999.

*Technical information:* Contact Ted Twardowski, Directorate of Standards and Guidance, Room N–3609, OSHA, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210; *telephone:* (202) 693–2070; *fax:* (202) 693–1663.

*Copies of this Federal Register notice:* Electronic copies of this **Federal Register** notice are available at <http://www.regulations.gov>. This **Federal Register** notice, as well as news releases and other relevant information, are also available at OSHA's Webpage at <http://www.osha.gov>.

**SUPPLEMENTARY INFORMATION:** On August 11, 2009, OSHA published a direct-final rule to update the incorporated references in its Acetylene Standard for general industry at 29 CFR 1910.102 (74 FR 40442). OSHA also published a companion proposed rule along with the direct-final rule (74 FR 40450). In the direct-final rule, OSHA stated that it would withdraw the companion

proposed rule and confirm the effective date of the direct-final rule if it received no significant adverse comments on the direct final rule by September 10, 2009. OSHA received eight comments on the direct-final rule by that date, which it determined were not significant adverse comments. OSHA subsequently published a notice announcing this determination and confirming the effective date of the direct-final rule as November 9, 2009 (74 FR 57883). Accordingly, OSHA is not proceeding with the proposed rule and is withdrawing it from the rulemaking process.

#### List of Subjects in 29 CFR Part 1910

Acetylene, General industry, Occupational safety and health, Safety.

#### Authority and Signature

David Michaels, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, directed the preparation of this document. OSHA is issuing this document pursuant to Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657), 5 U.S.C. 553, Secretary of Labor's Order 5–2007 (72 FR 31160), and 29 CFR part 1911.

Signed at Washington, DC, on January 29, 2010.

**David Michaels,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2010–2313 Filed 2–3–10; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R06–OAR–2009–0745; FRL–9110–1]

#### Approval and Promulgation of Implementation Plans; Albuquerque-Bernalillo County, NM; Excess Emissions

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve revisions to the New Mexico State Implementation Plan (SIP) submitted by the Governor of New Mexico on behalf of the Albuquerque Environmental Health Department (AEHD) in a letter dated September 23, 2009 (the September 23, 2009 SIP submittal). The September 23, 2009 SIP submittal concerns revisions to New