

U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 18th Floor Southwest, 77 West Jackson Blvd., Chicago, Illinois, 60604, and

U.S. Environmental Protection Agency, Docket No. A-94-40, Air Docket (LE-131), Room M1500, Waterside Mall, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT:

Steven Rosenthal, Regulation Development Branch, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604, (312) 886-6052.

SUPPLEMENTARY INFORMATION: Under 40 CFR 52.741(x) in the Chicago FIP, sources located in Cook, DuPage, Kane, Lake, McHenry and Will Counties with total Maximum Theoretical Emissions¹ (MTE) of more than 100 tons per calendar year of VOC² and which are not covered by a Control Techniques Guideline document, must comply with certain requirements. The rule provides an exemption, however, for sources which are limited to 100 tons or less of VOC emissions per calendar year, before the application of capture systems and control devices, through production or capacity limitations contained in a federally enforceable construction permit or a State Implementation Plan (SIP) or FIP.

On February 24, 1992, FDLC requested a FIP revision that would impose the identical limitations on its plant operations as those specified in a December 16, 1991, Illinois Environmental Protection Agency (IEPA) operating permit. A copy of the IEPA operating permit was submitted to USEPA on April 13, 1992. If granted, this FIP revision would restrict its use of inks, overvarnish, fountain solution, acrylic coating, washes, conditioners, and other solvents with the intent of keeping its VOC emissions below 100 tons per year.

FDLC's requested FIP revision is not approvable for the following reasons.

1. FDLC's permit assumes that only 5 percent of the VOC in its overvarnish is capable of being emitted. Credit was taken for 95 percent retention in the

¹ Maximum theoretical emissions (MTE) is defined in 40 CFR 52.741(a)(3) as the quantity of volatile organic material emissions that theoretically could be emitted by a stationary source before add-on controls based on the design capacity or maximum production capacity of the source and 8760 hours per year. The design capacity or maximum production capacity includes use of coating(s) or ink(s) with the highest volatile material content actually used in practice by the source.

² The term "volatile organic material" (VOM) is used in the Chicago FIP, in which it has the identical definition as VOC.

substrate for overvarnish without any documentation in support of this assumption. Without such documentation, it must be assumed that 100 percent of the VOC is emitted.

Without credit for overvarnish retention, FDLC's operating restrictions limit FDLC to 126.6 tons VOC per year, well over the 100 tons per year applicability cutoff.

2. FDLC's permit does not require that records of VOC-containing material usage be kept. Without such records it is not possible to determine FDLC's yearly (for each consecutive 12 month interval) VOC emissions.

These deficiencies were discussed with a representative of FDLC on May 20, 1992.

Proposed Rulemaking Action and Solicitation of Public Comment

For the reasons stated above, USEPA is proposing to disapprove FDLC's request for a FIP revision in the form of operating restrictions on the amount of VOC containing materials used. Public comment is solicited on FDLC's requested revision and on USEPA's proposed rulemaking action.

Additionally, if requested, USEPA will provide an opportunity for a public hearing on this proposal. All comments received by the close of the public comment period will be considered in the development of USEPA's final rule.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA 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, USEPA 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 populations of less than 50,000.

This action involves only one source, FDLC. Therefore, USEPA certifies that this promulgation does not have a significant impact on a substantial number of small entities. Furthermore, as explained in this notice, the request does not meet the requirements of the Act and USEPA cannot approve the request.

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Ozone.

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

Dated: December 23, 1994.

Carol M. Browner,
Administrator.

[FR Doc. 94-32296 Filed 12-30-94; 8:45 am]

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40 CFR Part 180

[OPP-300363A; FRL-4928-3]

RIN No. 2070-AC18

Proposed Tolerance Revocation for Folpet; Extension of Comment Period and Request for Additional Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Comment Period and Request for Additional Information.

SUMMARY: EPA is extending the comment period for "Revocation of Folpet Tolerances; Proposed Rule" from January 3, 1995 until March 3, 1995, and is requesting additional information from interested parties.

DATES: Written comments, identified by the OPP document control number OPP-300363, must be received on or before March 3, 1995.

ADDRESSES: By mail, submit comments to Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, 401 M St., SW., Washington, DC 20460. In person, deliver comments to Room 201, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

FOR FURTHER INFORMATION CONTACT: By mail: Jeff Morris, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Special Review Branch, Crystal Station #1, 3rd floor, 2800 Crystal Drive, Arlington, VA 22202, (703) 308-8029.

SUPPLEMENTARY INFORMATION:

A. Comment Period Extension

On December 2, 1994, EPA published in the **Federal Register** a notice proposing to revoke all folpet tolerances except for the tolerance on avocados (59 FR 61859). The original due date for comments to the Proposed Rule was January 3, 1995. EPA is extending the comment period until March 3, 1995 for the following reasons: (1) due to a move, the OPP docket was unavailable for a short period of time during the initial 30-day comment period provided by the proposed rule; (2) EPA received a request for an extension due to the docket problem and due to the need to collect specific information that may be responsive to the proposal (see letters

from Weinberg dated 12/20/94 and 12/9/94: OPP Docket); and (3) a commenter identified additional issues on which EPA is requesting comments (see letter from Weinberg dated 12/19/94: OPP Docket).

B. Request for Additional Information

EPA is requesting the following: (1) that any interested parties identify which tolerances the interested parties are willing to support by providing the data necessary to maintain the tolerances; and (2) that any interested parties identify specific existing data that the interested parties are prepared to submit to support these tolerances. Good Laboratory Practice (GLP) requirements for studies submitted in support of import tolerances are the same as for domestic uses; i.e., the studies are required to either fully meet GLP standards, or have sufficient justification presented to show that deviations from GLP requirements do not significantly affect the results of the study. Interested parties should submit this information to the address listed under ADDRESSES by March 3, 1995. For those tolerances for which interested parties do not indicate support during the comment period, EPA proposes to take final revocation action.

Dated: December 23, 1994.

Louis P. True,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 94-32285 Filed 12-30-94; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94-155, RM-8468]

Radio Broadcasting Services; Big Pine Key, Key Colony Beach, Naples & Tice, Florida

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition by Gulf Communications Partnership, permittee of Station WAAD(FM), Channel 229A, Tice, Florida, seeking the substitution of Channel 229C2 for Channel 229A at Tice, Florida, and the modification of Station WAAD(FM)'s construction permit to specify Channel 229C2. This proposal also requires the substitution of Channel 283C for Channel 284C at Big Pine Key, Florida; the substitution

of Channel 267C2 for Channel 280C2 at Key Colony Beach, Florida, and the substitution of Channel 284A for Channel 228A at Naples Florida. The coordinates for Channel 229C2 at Tice are North Latitude 26-36-21 and West Longitude 81-57-10. The coordinates for Channel 284A at Naples presently licensed site are North Latitude 26-07-21 and West Longitude 81-43-22. The coordinates for Channel 283C at Big Pine Key's presently licensed site are North Latitude 24-39-38 and West Longitude 81-25-10. The coordinates for Channel 267C2 at the construction permit site for Key Colony Beach are North Latitude 24-42-25 and West Longitude 81-06-17.

DATES: Comments must be filed on or before February 17, 1995, and reply comments on or before March 6, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Kathleen Victory, Howard M. Weiss, Fletcher, Heald & Hildreth, 1300 N. 17th Street, 11th Floor, Rosslyn, VA 22209 (Counsel for Gulf Communications Partnership).

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 94-155, adopted December 15, 1994, and released December 27, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1919 M Street, NW, Room 246, or 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 94-32273 Filed 12-30-94; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 94-156; RM-8564]

Radio Broadcasting Services; Hawesville, Kentucky and Tell City, Indiana

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by WLME, Inc., proposing the substitution of Channel 246A for Channel 289A at Hawesville, Kentucky, and the modification of Station WKCM-FM's license accordingly. To accommodate the substitution, petitioner also proposes the substitution of Channel 289A for Channel 245A at Tell City, Indiana, and the modification of Station WXSC(FM)'s construction permit accordingly. An engineering analysis has determined that Channel 246A can be allotted to Hawesville, Kentucky, in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.7 kilometers (2.3 miles) northeast at petitioner's licensed site. The coordinates for Channel 246A at Hawesville are North Latitude 37-55-33 and West Longitude 86-43-19.

DATES: Comments must be filed on or before February 17, 1995 and reply comments on or before March 6, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John J. Garziglia, Esq., Pepper & Corazzini, L.L.P., 1776 K Street, NW., Suite 200, Washington, D.C. 20006 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 94-156, adopted December 15, 1994, and released December 27, 1994. The full text of this Commission decision is available for inspection and copying during normal business hours in the