

Para. 6005 Class E airspace areas extending upward from 700 feet above the surface of the earth.

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ASO NC E5 Smithfield, NC [Revised]

Johnston County Airport, NC
(Lat. 35°26'28" N, long. 78°23'25")

Jnall NDB

(Lat. 35°26'25" N, long. 78°21'16" W)

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of Johnston County Airport and within 2.4 miles each side of the 024° bearing from the Jnall NDB, extending from the 7.5-mile radius to 7 miles northeast of the NDB.

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Issued in College Park, Georgia, on January 24, 1995.

Michael J. Powderly,

*Acting Manager, Air Traffic Division,
Southern Region.*

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL12-39-6822, FRL-5149-2]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; notice of public hearing; reopening the public comment period.

SUMMARY: The United States Environmental Protection Agency (USEPA) promulgated the Chicago ozone Federal Implementation Plan (FIP) on June 29, 1990 (55 FR 26814). Included in USEPA's FIP was a requirement that staple manufacturing facilities such as Duo-Fast Corporation's Franklin Park, Illinois facility be subject to specific emission limits. On November 27, 1990, Duo-Fast filed a petition for reconsideration with USEPA in which it contended that USEPA failed to respond to Duo-Fast's March 2, 1990, comments in response to USEPA's December 27, 1990, proposed promulgation of the Chicago FIP. On November 18, 1994 (59 FR 59739), USEPA published a proposed rule on this reconsideration which offered the opportunity for a public hearing. A public hearing was requested on the November 18, 1994, proposed rule. This notice announces that a public hearing on the proposed rule is scheduled for March 8, 1995, and reopens the public comment period from February 3, 1995 until April 7, 1995.

DATES: The public comment period is reopened from February 3, 1995 until April 7, 1995. A public hearing has been scheduled for Wednesday March 8, 1995, at 1:30 pm.

ADDRESSES: Written comments on the proposed rule should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Comments should be strictly limited to the subject matter of the November 18, 1994, proposed rule. The location of the public hearing is the Lake Ontario Room on the twelfth floor of the Ralph H. Metcalfe Federal Building, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Steven Rosenthal, Regulation Development Branch, 18th Floor Southwest, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6052.

Dated: January 25, 1995.

Michelle D. Jordan,

Acting Regional Administrator.

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Chapter I

[CGD 95-007]

Alternate Compliance for Inspection and Certification of Certain U.S. Flag Commercial Vessels

AGENCY: Coast Guard, DOT.

ACTION: Notice; solicitation for participants; request for comments.

SUMMARY: On January 12, 1995, the U.S. Coast Guard and the American Bureau of Shipping (ABS) signed a Memorandum of Understanding (MOU) concerning delegation of vessel inspections and examinations, tonnage measurement, and acceptance of plan review and approval. Under this MOU, the Coast Guard and the ABS will develop a program to provide owners and operators of certain ABS classed, Coast Guard inspected commercial vessels with an alternative to undergoing inspection by the Coast Guard under existing applicable Federal regulations. Owners and operators of certain ABS classed, Coast Guard inspected vessels are invited to participate in a pilot program designed to evaluate standards, processes, and procedures under development for use

in the Alternate Compliance Program (ACP), and interested persons are invited to submit comments.

DATES: A pilot program will begin February 3, 1995. Applications for participation in the pilot program must be received not later than May 4, 1995. Written comments should be submitted not later than August 2, 1995.

ADDRESSES: Applications for participation in the pilot program must be submitted to Commandant (G-MVI-1), ATTN: ACP Pilot Program, U.S. Coast Guard, 2100 Second Street, S.W., Washington, DC 20593-0001. Written comments may be mailed to the Executive Secretary, Marine Safety Council (G-LRA), U.S. Coast Guard, 2100 Second Street S.W., Washington, DC 20593-0001, or may be delivered to room 3406 at the same address between 8 AM and 3 PM, Monday through Friday, except Federal holidays. Comments will become part of this docket and will be available for inspection or copying at room 3406, Coast Guard Headquarters, between 8 AM and 3 PM, Monday through Friday, except Federal holidays. Copies of referenced materials are available for inspection and copying in room 1400, U.S. Coast Guard, 2100 Second Street S.W., Washington, DC 20593-0001, and may also be obtained from the American Bureau of Shipping, 16855 Northchase Drive, Houston, TX 77060, or the International Maritime Organization, Publications Section, 4 Albert Embankment, London SE1 7SR, United Kingdom, telephone 44 (71) 735 7611, facsimile 44 (71) 587 3210, as indicated.

FOR FURTHER INFORMATION CONTACT: LCDR David L. Scott, Project Manager, Commandant (G-MV1-1), U.S. Coast Guard, 2100 Second Street, S.W., Washington, DC 20593-0001, telephone (202) 267-1464.

SUPPLEMENTARY INFORMATION:

Background

Under 46 U.S.C. 3316, the Secretary of Transportation may rely upon reports, documents, and certificates issued by ABS. The Secretary may also delegate authority to ABS to inspect or examine a vessel of the U.S. The same statute authorizes the Secretary to use ABS for reviewing and approving plans required for issuance of a certificate of inspection. These authorities have been delegated to the Coast Guard. The MOU signed on January 12, 1995, by the Coast Guard and the ABS further delegates these authorities to the ABS.

Currently, the Coast Guard conducts vessel inspections and the ABS conducts vessel surveys. For U.S. flag, ABS classed, Coast Guard inspected

commercial vessels, these inspections and surveys are largely duplicative. The U.S. Coast Guard's ABS Based Alternate Compliance Program (ACP) is a cooperative effort between the Coast Guard and ABS. The goal of the ACP is to allow a vessel to be inspected by ABS under the applicable ABS class rules, international treaties and agreements to which the U.S. is a party, and other prescribed standards which have been determined by the Coast Guard to provide a level of safety equivalent to compliance with current regulations. Under current regulations, the Coast Guard may accept a wide range of equivalencies or alternative compliance methods on a case-by-case basis.

The ABS, in cooperation with the Coast Guard, has reviewed the current regulations in 33 CFR Chapter I and 46 CFR Chapter I, the ABS Rules for Building and Classing Steel Vessels, and applicable international treaties and agreements such as the International Convention for the Safety of Life at Sea as amended (SOLAS 74/78), the 1973 International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 (MARPOL 73/78), and the 1969 International Convention on Tonnage Measurement of Ships. Based on this review, the ABS developed the U.S. Supplement to the ABS Rules to address current regulatory requirements that are not satisfied by compliance with the other standards. The U.S. Supplement also contains amplifying information necessary to ensure compliance with SOLAS 74/78. The Coast Guard has determined that the U.S. Supplement to the ABS Rules, when used in conjunction with the ABS Rules for Building and Classing Steel Vessels, and applicable international treaties and agreements, provides a degree of safety consistent with the minimum standards set forth in the subchapters of Titles 33 and 46 of the Code of Federal Regulations relating to tankers and cargo vessels.

Under the ACP pilot program, an ABS surveyor would examine the vessel to determine compliance with these alternative standards. A Coast Guard Officer in Charge of Marine Inspection (OCMI) may then issue a Certificate of Inspection to the vessel based upon a determination by the Coast Guard that the required international and classification certificates are valid and properly endorsed, other reports from the ABS, and that the vessel is properly manned and maintained by the operator.

The purpose of the ACP is to increase the international competitiveness of the U.S. maritime industry by eliminating

unnecessary regulations and duplication of the inspections conducted by the Coast Guard with surveys conducted by the ABS. The ACP also improves the regularity in the processing of requests for equivalency determinations. Owners and operators of vessels which participate in the ACP may realize substantial time savings in the vessel certification process, as well as increased flexibility in scheduling required tests and examinations. While the ACP is designed to eventually include inspection and examination of newly-constructed vessels, the pilot program is limited to existing vessels.

Although broader application of this program will be accomplished through rulemaking, the Coast Guard has developed a Navigation and Vessel Inspection Circular (NVIC) which provides an overall description of the ACP, identifies the conditions for enrollment, and describes the duties and responsibilities of participating vessel owners and operators, ABS and the Coast Guard. Persons interested in obtaining a copy of this NVIC are invited to contact the Program Manager identified above in **FOR FURTHER INFORMATION CONTACT**.

Copies of all referenced documents may be viewed at Room 1400, Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593-0001, between the hours of 8 AM and 3 PM Monday through Friday, except Federal holidays. Copies of the ABS Rules for Building and Classing Steel Vessels and the U.S. Supplement to the ABS Rules for Steel Vessels for Vessels on International Voyages may be obtained from ABS as listed under **ADDRESSES** above. Consolidated editions of the SOLAS Convention and MARPOL 73/78 may be obtained from the International Maritime Organization as listed under **ADDRESSES** above.

Pilot Program

The Coast Guard intends to initiate rulemaking on this subject through publication of a notice of proposed rulemaking. Beginning February 3, 1995, it will conduct a limited pilot program to test and evaluate the standards and procedures that have been developed in cooperation with the ABS. The Coast Guard will also use the pilot program to check the application of these standards and procedures to existing tankers and cargo vessels. Therefore, during the pilot program, ABS surveyors will apply these standards during classification surveys, damage surveys, drydock examinations and other required tests and inspections for participating vessels. The cognizant Coast Guard OCMI may rely upon the

ABS reports to issue a Certificate of Inspection. The Coast Guard will also provide oversight to ensure that vessels participating in this program maintain a level of safety equivalent to that experienced by vessels inspected under the traditional process. The high level of safety present on vessels of the U.S. merchant marine will not be compromised.

Coast Guard user fees are the subject of a separate ongoing rulemaking. Participants in the pilot program may be responsible for payment for both Coast Guard user fees and costs of ABS services. Participants in the pilot program should not expect that any applicable user fees will be reduced. However, the Coast Guard will collect data on the level of Coast Guard resources utilized in the ACP and evaluate the need for future changes to applicable user fee regulations.

Eligibility

The Coast Guard invites companies which own or operate U.S. flag, ABS classed, Coast Guard inspected commercial vessels to apply to participate in a pilot program beginning February 3, 1995. At present, only cargo ships and tank ships possessing valid international certificates are eligible to enter the pilot program because currently the U.S. Supplement to the ABS Rules is only applicable to cargo ships and tank ships surveyed for international voyages. In addition, ships offered for the pilot program must currently be classed by the ABS and have a valid Certificate of Inspection.

A company may not participate in the pilot program if it has a history of recurring marine casualties, oil spills, civil penalties or a record of poor maintenance of its vessel or vessels.

Due to resource limitations during the pilot program, the Coast Guard may, on a case by case basis, reject an application for vessels which will undergo inspection for certification in a foreign port. Additionally, due to limited resources, the Coast Guard will also consider scheduling and location of inspection services as criteria for participation.

Selected participants should be prepared to provide feedback and suggestions for improvement of the program and to participate in other activities to help the Coast Guard and the ABS refine the ACP.

Companies may apply to enroll in the pilot program by submitting a written request to the address listed in **ADDRESSES** above. Applications must indicate the name and official number of the vessel or vessels offered for enrollment, the expiration date of each

Certificate of Inspection, and identify a company representative as the point of contact.

The Coast Guard also requests comments from interested persons on the pilot program and the standards and processes developed for use in the ACP. Written comments should be submitted as indicated under **ADDRESSES** above.

Dated: January 30, 1995.

J.C. Card,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 95-2648 Filed 2-2-95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-15, RM-8574]

Radio Broadcasting Services; Pago Pago, American Samoa

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Oceania Broadcasting Network, Inc., seeking the allotment of Channel 226C1 to Pago Pago, American Samoa, as the community's second local FM service. Channel 226C1 can be allotted to Pago Pago in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction, at coordinates -14-16-41 South Latitude and 170-42-09 West Longitude.

DATES: Comments must be filed on or before March 24, 1995, and reply comments on or before April 10, 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: Christopher J. Racine, President, Oceania Broadcasting Network, Inc., 970 North Kalaheo Avenue, Suite C314, Kailua, Hawaii 96734 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-15, adopted January 24, 1995, and released January 30, 1995. 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 contractor, International Transcription Services, Inc., (202) 857-3800, 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. 95-2681 Filed 2-2-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-14; RM-8552]

Radio Broadcasting Services; Leavenworth, Othello, and East Wenatchee, Washington

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Ronald A. Murray, d/b/a Murray Broadcasting, proposing the substitution of Channel 266A for Channel 249A at Leavenworth, Washington, and the modification of Station KLVH(FM)'s construction permit accordingly. In order to accommodate the substitution, petitioner also requests the downgrade of Channel 248C1 to Channel 248C3 at Othello, Washington, and the modification of Station KZLN-FM's construction permit accordingly; the substitution of Channel 249A for Channel 266A at East Wenatchee, Washington, and the modification of Station KYSN(FM)'s license accordingly. Channel 266A can be allotted at Leavenworth in compliance with the Commission's minimum

distance separation requirements at petitioner's presently authorized site. The coordinates for Channel 266A at Leavenworth are North Latitude 47-35-32 and West Longitude 120-38-35. See Supplementary Information, *supra*.

DATES: Comments must be filed on or before March 24, 1995 and reply comments on or before April 10, 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: Melodie A. Virtue, Haley, Bader & Potts, Suite 900, 4350 North Fairfax Drive, Arlington, Virginia 22203-1633 (Counsel for Petitioner).

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 and Order to Show Cause*, MM Docket No. 95-14, adopted January 24, 1995, and released January 30, 1995. 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 contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Additionally, Channel 248C3 can be allotted at Othello and Channel 249A at East Wenatchee in compliance with the Commission's minimum distance separation requirements without the imposition of site restrictions. The coordinates for Channel 248C3 at Othello are North Latitude 46-45-55 and West Longitude 119-16-49; and the coordinates for Channel 249A at East Wenatchee are North Latitude 47-22-52 and West Longitude 120-17-16. Since Leavenworth, Othello and East Wenatchee are located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested.

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.