

impossible for the industry to meet this deadline primarily because "the number of laboratory facilities currently available to conduct the required emission-based toxicological tests is very limited." 59 FR 33046 (June 27, 1994). The Agency added:

[While EPA believes that some groups could complete the testing required by the rule in 3 years, it is likely that not all of the fuels and fuel additives to be tested could complete the requirements in the 3-year time frame.

*Id.* The Agency resolved the issue in the final rule by requiring complete "Tier 2" test data submittal within 3 years of the rule's promulgation and a literature search, characterization of emissions, exposure analysis, and evidence of a contractual obligation, "a qualified laboratory to conduct the required tests," and submittal of complete Tier 2 test data within 6 years of promulgation. 59 FR 33046.

For the section 211(b) rulemaking, the Agency interpreted the term, "requisite information" as "either data required by Tier 1 and 2 or data required by Tier 1 and commitment to conduct Tier 2 testing." 59 FR 33047. Similarly, according to API, the 2-year "effective date" of Section 183(f) could be construed to require that facilities subject to the control requirements have contracts in place for the installation of equipment within 2 years of the rule's promulgation. Installation of equipment could be required by a reasonable date after the 2 year deadline. (API suggests 3 years after that date.)

### Section 112

One option for extending the compliance date for the Section 112 rule is to utilize the authority of Section 112(i)(3)(B), which authorizes a 1-year extension "if \* \* \* necessary for the installation of controls." As is noted in API's July 18, 1994 comments (see Docket Number A-90-44 item IV-D34), the Agency could use the precedent of the Benzene Waste Operations NESHAP to announce, in the final rule, that all facilities subject to control requirements will be afforded 4 years from the promulgation date to achieve compliance. 55 FR 8332 (March 7, 1990). According to API, because of the very large number of facilities that are likely to need extensions, an EPA requirement for individual applications—and processing of those applications—would be unnecessarily burdensome on both the facilities and the permitting authorities.

Another option for extending the compliance date for the section 112 rule, according to API, is based on the Agency's experience with the section

211 testing rule described above. The Agency could define "compliance" as having contracts in place for the installation of equipment.

Finally, the Agency has concluded, in the final hazardous organic NESHAP (HON) rule, that phasing in compliance with a section 112(d) regulation is warranted in circumstances where requiring simultaneous compliance by a large number of facilities would strain existing contractors. 59 FR 19402 (April 22, 1994). In the HON rule, the Agency allowed a phasing-in of the compliance date for equipment leaks for existing sources. 40 CFR 63.100(k). Process units subject to the rule were divided into five groups; Group V's compliance date is 1 year later than Group I's. Similarly, the Agency has proposed to allow phasing in of the compliance date for equipment leaks in thirds, over an 18-month period in the Refinery MACT rule. 59 FR 36130 (June 30, 1994).

The Agency could use a similar approach in the final marine loading and unloading rules. API suggested that one of several possible phase-in approaches would be to require compliance in the following order:

- (1) facilities subject to the section 183(f) rule that are located in ozone nonattainment areas;
- (2) facilities subject to the section 183(f) rule that are located in ozone attainment areas;
- (3) facilities subject to the section 112 rule only.

The Agency requests comments on whether the rule can legally go beyond the 2 and 3 year compliance dates. And if extension of compliance dates beyond the 2 and 3 year requirements is legal, should the Agency extend the compliance schedules?

### Administrative Requirements

#### A. Docket

Address: Docket. Docket No. A-90-44, containing supporting information used in developing the notice, is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at the Agency's Air Docket, Room M1500, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A reasonable fee may be charged for copying.

#### B. Executive Order 12866 Review

The Agency has determined that this action is not "significant" under the terms of the Executive Order 12866 and is therefore not subject to OMB review.

#### C. Paperwork Reduction Act

This action does not contain any information collection requirements

subject to OMB review under the Paperwork Reduction Act, 55 U.S.C. 3501 *et seq.*

#### D. Regulatory Flexibility Act Compliance

Pursuant to 5 U.S.C. 605(6), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities because it imposes no new requirements.

#### List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Intergovernmental relations.

Dated: March 1, 1995.

**Mary D. Nichols.**

*Assistant Administrator.*

[FR Doc. 95-5658 Filed 3-7-95; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 95-30, RM-8599]

#### Radio Broadcasting Services; Harwood, North Dakota

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Conway Broadcasting seeking the allotment of Channel 264C3 to Harwood, ND, as the community's first local aural broadcast service. Channel 264C3 can be allotted to Harwood in compliance with the Commission's minimum distance separation requirements with a site restriction of 14.7 kilometers (9.1 miles) southwest, at coordinates 47-05-00 North Latitude; 97-00-00 West Longitude, to avoid a short-spacing to Station KIKV-FM, Channel 264C1, Alexandria, Minnesota. Canadian concurrence in this allotment is required since Harwood is located within 320 kilometers of the U.S.-Canadian border.

**DATES:** Comments must be filed on or before April 24, 1995, and reply comments on or before May 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: Lars Conway, Conway Broadcasting, 4415 Fremont Avenue, South, Minneapolis, MN 55409 (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. 95-30, adopted February 21, 1995, and released March 3, 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. 95-5618 Filed 3-7-95; 8:45 am]

BILLING CODE 6712-01-F

#### 47 CFR Part 73

[MM Docket No. 95-28; RM-8593]

#### Radio Broadcasting Services; Stamping Ground, Kentucky

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Scott County Broadcasting, Inc., proposing the substitution of Channel 241A for Channel 256A at Stamping Ground, Kentucky, to enable Station WKYI(FM) to increase its power to six kilowatts and eliminate interference within its protected contour. An engineering analysis has determined that Channel 241A can be allotted to Stamping Ground in compliance with the

Commission's minimum distance separation requirements at petitioner's requested site with a site restriction of 12.0 kilometers (7.5 miles) east to avoid short-spacings to the application and allotment site of Channel 242C3, Stanford, Kentucky, and Station WKID(FM), Channel 240A, Vevay, Indiana. The coordinates for Channel 241A at Stamping Ground are North Latitude 38-17-43 and West Longitude 84-33-10.

**DATES:** Comments must be filed on or before April 24, 1995 and reply comments on or before May 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: James P. Gray, President, Scott County Broadcasting, Inc., 10 Trinity Place, Fort Thomas, Kentucky 41075 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-28, adopted February 21, 1995, and released March 3, 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.

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. 95-5617 Filed 3-7-95; 8:45 am]

BILLING CODE 6712-01-F

## OFFICE OF MANAGEMENT AND BUDGET

### Office of Federal Procurement Policy

#### 48 CFR Part 9904

#### Cost Accounting Standards Board; Treatment of Gains or Losses Subsequent to Mergers or Business Combinations by Government Contractors

**AGENCY:** Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Office of Federal Procurement Policy, Cost Accounting Standards Board (CASB), proposes to amend the Cost Accounting Standards (CAS) relating to treatment of gains or losses attributable to tangible capital assets subsequent to mergers or business combinations by government contractors.

To resolve the problems that have been identified in this area, the Board proposes to amend CAS 9904.404, "Capitalization of Tangible Assets" and CAS 9904.409, "Depreciation of Tangible Capital Assets". The proposed amendments are based on an approach involving a "no step-up, no step-down" of asset bases and no recognition of gain or loss on a transfer of assets following a business combination by contractors subject to CAS.

Section 26(g)(1) of the Office of Federal Procurement Policy Act requires that the Board, prior to the promulgation of any new or revised Cost Accounting Standard, publish a Notice of Proposed Rulemaking (NPRM). This NPRM addresses the Board's proposal to amend CAS 9904.404 and CAS 9904.409 to deal with the issue of gains and losses subsequent to a merger or business combination.

**DATES:** Comments should be received by May 8, 1995.

**ADDRESSES:** Comments should be addressed to Dr. Rein Abel, Director of Research, Cost Accounting Standards Board, Office of Federal Procurement Policy, 725 17th Street, NW., room 9001, Washington, DC 20503. Attn: CASB Docket No. 91-06N.

**FOR FURTHER INFORMATION CONTACT:** Dr. Rein Abel, Director of Research, Cost Accounting Standards Board (telephone 202-395-3254).

#### SUPPLEMENTARY INFORMATION:

##### A. Regulatory Process

The Cost Accounting Standards Board's rules and regulations are codified at 48 CFR Chapter 99. Section