

accreditation requirements to public and commercial buildings.

Unit V.B. of the revised MAP addresses the self-certification requirements applicable to training courses and providers:

As of October 4, 1994, an approved training provider must certify to EPA and to any State that has approved the provider for TSCA accreditation, that each of the provider's training courses complies with the requirements of this MAP

. . . . The timely receipt of a complete self-certification by EPA and all approving States shall have the effect of extending approval under this MAP to the training courses offered by the submitting provider. If a self-certification is not received by the approving government bodies on or before the due date, the affected training course is not approved under this MAP. Such training providers must then reapply for approval of these training courses pursuant to the procedures outlined in Unit III. (40 CFR part 763, Subpart E, Appendix C, V. B.).

EPA envisioned that under this provision, a training provider's self-certification would be effective on the date that EPA received the original submission, or the date that the last of the approving state programs received a duplicate submission, whichever occurred later. Some training providers, however, believed that the effective date of the self-certification for a course was the date when EPA received the original submission. These providers, after upgrading their training courses to comply with the MAP and submitting self-certification to EPA, assumed that they were approved for TSCA accreditation and began offering training courses, even though one or more approving state programs may not have received a duplicate self-certification at the time that training began. Persons who completed these training courses may now be experiencing difficulty in demonstrating their TSCA accreditation for state licensure and employment purposes.

In order to clarify the regulatory language and the compliance status of training providers and students under the revised MAP, EPA is issuing this clarification. It makes clear that the MAP requires a training provider to provide self-certification of its training courses to both EPA and all approving states on or before October, 4, 1994, but recognizes the date of initial receipt of the self-certification by EPA as the effective date of the self-certification. This clarification only affects providers who upgraded their training courses in accordance with the MAP standards and submitted self-certification to EPA and one or more states at different times, but who completed all of the required submissions on or before the October 4,

1994, deadline. Therefore, even if a provider offered these upgraded training courses for TSCA accreditation purposes after EPA was in receipt of the provider's self-certification but before all of the approving states had received their duplicate notices, EPA considers these courses to be fully approved pursuant to the MAP Interim Final Rule. Accordingly, any person who successfully completed such a course on or after the date that EPA received the self-certification is fully accredited under TSCA section 206.

As provided in the MAP, however, a training provider that failed to complete the self-certification process for a particular course forfeited TSCA approval of that training course on October 5, 1994. Such providers became ineligible to offer that course after October 4, 1994, as an approved course, and persons completing such a training course after October 4, 1994, would not be accredited pursuant to TSCA section 206. Consequently, after October 4, 1994, in order to offer a TSCA-accreditation training course that has lost its approval, such training providers must reapply for a new approval through a state program that is in compliance with the MAP.

To reflect this clarification, EPA will adjust the self-certification effective dates for the affected training courses in the next regularly scheduled edition of its "National Directory of AHERA Accredited Courses (NDAAC)." Copies of this publication are free of charge, and may be obtained by calling EPA's NDAAC Clearinghouse at 1-800-462-6706. As a result, a number of upgraded training courses will have self-certification effective dates that are earlier than those published in previous versions of the NDAAC. Because no self-certification effective dates will be changed to a later date as a result of this action, no training providers or courses will be adversely affected.

List of Subjects in 40 CFR Part 763

Environmental protection, Asbestos, Hazardous substances, Incorporation by reference, Occupational health and safety, Recordkeeping, Schools.

Dated: May 17, 1995.

William H. Sanders III,

Director, Office of Pollution Prevention and Toxics.

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FEDERAL MARITIME COMMISSION

46 CFR Part 501

The Federal Maritime Commission—General

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is delegating to the Bureau of Hearing Counsel the authority to compromise issues relating to the retention, suspension or revocation of ocean freight forwarder licenses. Concurrently, the authority of the Director, Bureau of Tariffs, Certification and Licensing, to determine corrective action with respect to such licensees is removed. Notice and public procedures are not necessary prior to the issuance of this rule because it deals solely with matters of agency organization. Neither is a delayed effective date required.

EFFECTIVE DATE: May 25, 1995.

FOR FURTHER INFORMATION CONTACT: Vern W. Hill, Acting Director, Bureau of Hearing Counsel, Federal Maritime Commission, 800 North Capital Street, NW., Washington, DC 20573-0001, (202) 523-5783.

List of Subjects in 46 CFR Part 501

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies), Seals and insignia.

Accordingly, chapter IV of title 46 of the Code of Federal Regulations is amended as follows:

PART 501—THE FEDERAL MARITIME COMMISSION—GENERAL

1. The authority citation for Part 501 continues to read as follows:

Authority: 5 U.S.C. 551-557, 701-706, 2903 and 6304; 31 U.S.C. 3721; 41 U.S.C. 414 and 418; 44 U.S.C. 501-520 and 3501-3520; 46 U.S.C. app. 801-848, 876, 1111, and 1701-1720; Reorganization Plan No. 7 of 1961, 26 FR 7315, August 12, 1961; Pub. L. 89-56, 79 Stat. 195; 5 CFR Part 2638.

Subpart C—Delegation and Redefinition of Authorities

§ 501.27 [Amended]

- Section 501.27(o) is removed.
- Section 501.28 is revised to read as follows:

§ 501.28 Delegation to the Director, Bureau of Hearing Counsel.

The authority to compromise civil penalty claims has been delegated to the Director, Bureau of Hearing Counsel, by § 502.604(g) of this chapter. This delegation shall include the authority to

compromise issues relating to the retention, suspension or revocation of ocean freight forwarder licenses. See also §§ 501.5(i) and 501.21.

By the Commission.

Joseph C. Polking,

Secretary.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 13

[PR Docket No. 94-58; FCC 95-162]

Temporary Conditional Operating Authority for Commercial Radio Operator License Applicants

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the rules for commercial radio operators to authorize persons who have passed the required examinations and applied for commercial radio operator licenses to perform the functions of a commercial radio operator on a temporary and conditional basis while awaiting their licenses. This amendment was necessary because the rules currently require that after passing the examinations necessary to qualify for certain of these licenses, and submitting an application to the Commission, an applicant must wait for the Commission to process the application. The intended effect of the final rule is to permit people who have passed the necessary examinations to commence work immediately after they receive their Proof-of-Passing Certificates.

EFFECTIVE DATE: July 1, 1995.

FOR FURTHER INFORMATION CONTACT: William T. Cross, Federal Communications Commission, Wireless Telecommunications Bureau, Private Wireless Division, Washington, D.C. 20554, (202) 418-0680.

SUPPLEMENTARY INFORMATION: A summary of the Commission's *Report and Order*, adopted April 17, 1995, and released April 27, 1995, is provided above. The complete text of this action is available for inspection and copying during normal business hours at the FCC, room 239, 1919 M Street, NW, Washington, DC. The complete text of this action, including the rule amendments, may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, suite 140, Washington, DC 20037.

1. The final rules are set forth at the end of this document.

2. The rules contained herein have been analyzed with respect to the paperwork Reduction Act of 1980, 44 U.S.C. section 3501 *et seq.*, and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements and will not increase or decrease burden hours imposed on the public.

3. In accordance with section 605(b) of the Regulatory Flexibility Act of 1980, 5 USC section 605(b), the Commission provides the following Final Regulatory Flexibility Analysis.

Need and purpose of this action. This rule making proceeding was needed to obtain comments regarding our proposal to authorize persons who have passed the required examinations and applied for commercial radio operator licenses to perform the functions of a commercial radio operator on a temporary and conditional basis while awaiting their licenses. The purpose of this action is to permit persons who must have the license as a condition of employment to start work immediately. A likely secondary benefit is applicants will receive their Commission-issued licenses sooner due to a reduction in the number of inquiries to the processing staff regarding the status of pending applications.

Summary of issues raised by the public comments in response to the Initial Regulatory Flexibility Analysis. The commentor agrees that the potential impact of these rule changes is to improve the efficiency in licensing commercial radio operators, thereby making it easier for persons to become licensed commercial radio operators. No other comments were received.

Significant alternatives considered and rejected. Alternatives include the Commission continuing to require persons wait until they receive a Commission-issued license document before they can perform the functions of a commercial radio operator. The proposed alternative is adopted to minimize the impact on persons who require this document as a condition of employment. The Secretary shall send a copy of this *Report and Order* including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 605(b) of the Regulatory Flexibility Act. Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. section 601-612 (1981).

4. A copy of this *Report and Order* will be forwarded to the Chief Counsel for Advocacy of the Small Business Administration.

5. This Report and Order is issued under the authority of sections 4(f)(4)(A), (B), and (J), 4(i), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. section 154(f)(4)(A), (B), and (J), 154(i), and 303(r).

List of Subjects in 47 CFR Part 13

Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Part 13 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 13—COMMERCIAL RADIO OPERATORS

1. The authority citation for Part 13 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303.

2. Section 13.9 is amended by redesignating paragraphs (d) and (e) as paragraphs (e) and (f) respectively, and adding a new paragraph (d) to read as follows:

§ 13.9 Eligibility and application for new license or endorsement.

* * * * *

(d) Provided that a person's commercial radio operator license was not revoked, or suspended, and is not the subject of an ongoing suspension proceeding, a person whose application for a commercial radio operator license has been received by the FCC but which has not yet been acted upon and who holds a PPC(s) indicating that he or she passed the necessary examination(s) within the previous 365 days, is authorized to exercise the rights and privileges of the operator license for which the application was received. This authority is valid for a period of 90 days from the date the application was received. The FCC, in its discretion, may cancel this temporary conditional operating authority without a hearing.

* * * * *

3. Section 13.13 is amended by redesignating paragraphs (d) and (e) as paragraphs (e) and (f) respectively, and adding a new paragraph (d) to read as follows:

§ 13.13 Application for a renewed or modified license.

* * * * *

(d) Provided that a person's commercial radio operator license was not revoked, or suspended, and is not the subject of an ongoing suspension proceeding, a person holding a General Radiotelephone Operator License,