

**§ 180.1001 [Amended]**

2. In §180.1001 the tables in paragraphs (c) and (e) are amended by removing the entry for “Rhodamine B”.

3. Part 180 is amended by adding new subpart E, entitled “ Pesticide Chemicals Not Requiring a Tolerance or an Exemption from a Tolerance” to read as follows:

**Subpart E—Pesticide Chemicals Not Requiring a Tolerance or an Exemption from a Tolerance**

Sec.  
180.2000 Scope.

180.2003 Definitions.  
180.2010 Threshold of regulation determinations. [Reserved]  
180.2020 Non-food determinations.

**§ 180.2000 Scope.**

This subpart sets forth the pesticide chemicals for use in agricultural or other food-related settings for which neither a tolerance nor an exemption is deemed to be needed by EPA.

**§ 180.2003 Definitions.**

(a) “Food uses” are the uses of a pesticide chemical that are likely to

yield residues in food or feed crops, meat, milk, poultry or eggs.  
(b) “Non-food uses” are those uses that are not likely to yield residues in food or feed crops, meat, milk, poultry or eggs.

**§ 180.2010 Threshold of regulation determinations. [Reserved]**

**§ 180.2020 Non-food determinations.**

The following pesticide chemical uses do not need a tolerance or exemption from the requirement of a tolerance based on EPA’s determination that they do not result in residues in or on food.

Pesticide Chemical	CAS Reg. No.	Limits	Uses
Rhodamine B	81–88–9	Not to exceed 2% by weight of the formulated product and 60 ppm on the treated seed..	dye for seed treatment

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**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 73**

[DA 01–1770, MM Docket No. 01–160, RM–10159]

**Digital Television Broadcast Service; Albuquerque, NM**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by ACME Television Licenses of New Mexico, LLC, licensee of station KASY–TV, NTSC channel 50, Albuquerque, New Mexico, requesting the substitution of DTV channel 45 for station KASY–TV’s assigned DTV channel 51c. DTV Channel 45 can be allotted to Albuquerque, New Mexico, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (35–12–48 N. and 106–27–00 W.). As requested, we propose to allot DTV Channel 45 to Albuquerque with a power of 245 and a height above average terrain (HAAT) of 1287 meters.

**DATES:** Comments must be filed on or before September 17, 2001, and reply comments on or before October 2, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Harold K.

McCombs, Dickstein, Shapiro, Morin & Oshinsky, LLP, 2101 L Street NW., Washington, DC 20037 (Counsel for ACME Television Licenses of New Mexico, LLC).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission’s Notice of Proposed Rule Making, MM Docket No. 01–160, adopted July 24, 2001, and released July 27, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission’s copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

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**

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications

Commission proposes to amend 47 CFR part 73 as follows:

**PART 73—TELEVISION BROADCAST SERVICES**

1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, and 336.

**§ 73.622 [Amended]**

2. Section 73.622(b), the Table of Digital Television Allotments under New Mexico is amended by removing DTV Channel 51c and adding DTV Channel 45 at Albuquerque.

Federal Communications Commission.

**Barbara A. Kreisman,**  
*Chief, Video Services Division, Mass Media Bureau.*

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**DEPARTMENT OF TRANSPORTATION**

**Research and Special Programs Administration**

**49 CFR Parts 171, 173, 174, 175, 176, 177, and 178**

[Docket No. RSPA–98–4952 (HM–223)]

RIN 2137–AC68

**Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage; Extension of Comment Period and Announcement of Public Meetings**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Proposed rule; extension of time to file comments and public meeting announcement.

**SUMMARY:** On June 14, 2001, RSPA published a notice of proposed rulemaking to clarify the applicability of the Hazardous Materials Regulations to specific functions and activities, including hazardous materials loading, unloading, and storage operations. We are extending until November 30, 2001, the period for filing comments to the proposed rule. In addition, we are conducting two public meetings to facilitate public comment on the proposed rule. One public meeting is scheduled for September 14, 2001, in Washington, DC; a second public meeting is scheduled for October 30, 2001, in Diamond Bar, California.

**DATES:** *Comments.* Submit comments by November 30, 2001. To the extent possible, we will consider comments received after this date in making our decision on a final rule.

*Public Meeting Dates.* Two public meetings will be held—one on September 14, 2001, from 8:30 a.m. to 5:30 p.m. and another on October 30, 2001, from 9 a.m. to 5 p.m.

**ADDRESSES:** *Written comments.* Submit comments to the Dockets Management System, U.S. Department of Transportation, Room PL 401, 400 Seventh Street, SW., Washington, DC 20590-0001. Comments should identify Docket Number RSPA-98-4952 (HM-223) and be submitted in two copies. If you wish to receive confirmation of receipt of your written comments, include a self-addressed, stamped postcard. You may also e-mail comments by accessing the Dockets Management System web site at “<http://dms.dot.gov/>” and following the instructions for submitting a document electronically.

The Dockets Management System is located on the Plaza level of the Nassif Building at the Department of Transportation at the above address. You can review public dockets there between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. You can also review comments on-line at the DOT Dockets Management System web site at “<http://dms.dot.gov/>.”

*Public Meetings.* The September 14, 2001 public meeting will be held in Washington, DC in the Auditorium, Federal Aviation Administration National Headquarters, 800 Independence Avenue, SW., Washington, DC 20591. The October 30, 2001 public meeting will be held at the Headquarters Building, South Coast Air Quality Management, 21865 East Copley

Drive, Diamond Bar, California 91765. For information on facilities or services for persons with disabilities or to request special assistance at the meetings, contact Mr. Michael Johnsen at 202-366-8553 as soon as possible.

**FOR FURTHER INFORMATION CONTACT:** Michael Johnsen (202) 366-8553, Office of Hazardous Materials Standards, Research and Special Programs Administration; or Susan Gorsky (202) 366-8553, Office of Hazardous Materials Standards, Research and Special Programs Administration. If you wish to speak at one of the public meetings, you should contact Mr. Johnsen.

**SUPPLEMENTARY INFORMATION:**

**Background**

On June 14, 2001, the Research and Special Programs Administration (RSPA, we) published a notice of proposed rulemaking (NPRM) (66 FR 32420) under Docket RSPA-98-4952 (HM-223) to clarify the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to specific functions and activities, including hazardous materials loading and unloading operations and storage of hazardous materials during transportation. The HM-223 rulemaking has four overall goals. First, we want to maintain nationally uniform standards applicable to functions performed in advance of transportation to prepare hazardous materials for transportation. Second, we want to maintain nationally uniform standards applicable to transportation functions. Third, we want to distinguish functions that are subject to the HMR from functions that are not subject to the HMR. Finally, we want to clarify that facilities within which HMR-regulated functions are performed may also be subject to federal, state, or local regulations governing occupational safety and health or environmental protection.

To achieve these goals, the NPRM proposes to list in the HMR pre-transportation and transportation functions to which the HMR apply. Pre-transportation functions are functions performed to prepare hazardous materials for movement in commerce by persons who offer a hazardous material for transportation or cause a hazardous material to be transported.

Transportation functions are functions performed as part of the actual movement of hazardous materials in commerce, including loading, unloading, and storage of hazardous materials that is incidental to their movement. The NPRM also proposes to clarify that “transportation in commerce,” for purposes of

applicability of the HMR, begins when a carrier takes possession of a hazardous material and continues until the carrier delivers the package containing the hazardous material to its destination as indicated on shipping papers. In addition, the NPRM proposes to include in the HMR an indication that facilities at which functions regulated by the HMR occur may also be subject to applicable standards and regulations of other federal agencies and state, local, and tribal governments. Finally, the NPRM proposes to include in the HMR the statutory criteria under which non-federal governments may be precluded from regulating in certain areas under the preemption provisions of the federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*)

**Public Meetings**

To facilitate public comment on the NPRM, we are hosting two public meetings to discuss the proposed changes. The first public meeting is scheduled for September 14, 2001, in Washington, DC. The second public meeting will be in Diamond Bar, California, on October 30, 2001. To allow sufficient time to conduct the meetings and for interested parties to submit comments on the NPRM after the public meetings, we are extending the comment period until November 30, 2001.

The public meetings will provide an informal forum for interested persons to offer comments on the HM-223 NPRM. A transcript for each meeting will be prepared and submitted to the HM-223 docket. We anticipate significant public interest in this rulemaking; therefore, we ask that you limit your remarks to 10 minutes to assure that all participants have an opportunity to speak. The meetings may conclude earlier than scheduled if all persons wishing to offer comments have been heard.

If you plan to submit a written statement, you should submit 5 copies of the statement at the meeting. If you wish to speak at one of the public meetings, please contact Michael Johnsen at 202-366-8553 as soon as possible.

Issued in Washington, DC on July 30, 2001.

**Robert A. McGuire,**

*Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration.*

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