40 CFR Part 61

[FRL-3922-9]

National Emission Standards for Hazardous Air Pollutants

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Today EPA is staying the effectiveness of subpart I of 40 CFR part 61, the National Emission Standards for Hazardous Air Pollutants for Radionuclide Emissions (54 FR 51654, December 15, 1989) as applied to facilities licensed by the Nuclear Regulatory Commission or an Agreement State ("NRC-licensed facilities"), other than nuclear power reactors, until November 15, 1992. The purpose or this rule is to afford EPA the time required to make an initial determination pursuant to section 112(d)(9) of the 1990 Clean Air Amendments before subpart I becomes effective for such facilities. EPA intends to propose a rule pursuant to section 112(d)(9) to rescind subpart I for nuclear power reactors, and to take final action no later than June 30, 1991, concerning a separate proposal to stay the effectiveness of subpart I for nuclear power reactors during the pendency of the rulemaking on rescission. This rule staying subpart I for NRC-licensed facilities other than nuclear power reactors, and the Agency's final action on its proposal to stay subpart I for nuclear power reactors, will completely supplant all stays previously entered for such facilities during the Agency's reconsideration of subpart I under Clean Air Act section 307(d)(7)(B).

DATES: Effective April 15, 1991, EPA hereby stays the effectiveness of subpart I of 40 CFR part 61 for each category of facilities licensed by the Nuclear Regulatory Commission or an Agreement State, except for nuclear power reactors, from April 15, 1991, until November 15, 1992, or until such earlier date that EPA is prepared to make an initial determination under Clean Air Act section 112(d)(9) and conclude its reconsideration under section 307(d)(7)(B). Subpart I of 40 CFR part 61 became effective for Federal facilities not operated by the Department of Energy and not licensed by the Nuclear Regulatory Commission (Non-DOE Federal Facilities) on March 10, 1991.

ADDRESSES: Questions should be sent to Director, Criteria and Standards Division, ANR-460W, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Al Colli, Environmental Standards Branch, Criteria and Standards Division (ANR-460W), Office of Radiation Programs, Environmental Protection Agency, Washington, DC 20460, (703) 308-8787.

SUPPLEMENTARY INFORMATION:

A. Background

On October 31, 1989, EPA promulgated under Section 112 of the Clean Air Act, 42 U.S.C. 7412, National Emission Standards for Hazardous Air Pollutants (NESHAPs) controlling radionuclide emissions to the ambient air from severals ource categories, including emissions from Licensees of the Nuclear Regulatory Commission (NRC) and Agreement States and from Non-DOE Federal Facilities (subpart I, 40 CFR part 61). This rule was published in the Federal Register on December 15, 1989 (54 FR 51654). At the same time as the rule was promulgated, EPA granted reconsideration of subpart I based on information received late in the rulemaking on the subject of duplicative regulation by NRC and EPA and on potential negative effects of the standard on nuclear medicine. EPA established a comment period to receive further information on these subjects, and also granted a 90-day stay of subpart I as permitted by Clean Air Act section 307(d)(7)(B), 42 U.S.C. 7607 (d)(7)(B). That stay expired on March 15, 1990.

EPA subsequently extended the stay of the effective date of subpart I on several occasions, pursuant to the authority provided by section 10(d) of the Administrative Procedure Act (APA), 5 U.S.C. 705, and section 301(a) of the Clean Air Act, 42 U.S.C. 7601(a). (55 FR 10455, March 21, 1990; 55 FR 29205, July 18, 1990; and 55 FR 38057, September 17, 1990).

B. The Proposal

On November 15, 1990, the President signed the Clean Air Act Amendments of 1990. These amendments included a new section 112(d)(9), which states,

> No standard for radionuclide emissions from any category or subcategory of facilities licensed by the Nuclear Regulatory Commission (or an Agreement State) is required to be promulgated under this section if the Administrator determines, by rule, and after consultation with the Nuclear Regulatory Commission, that the regulatory program established by the Nuclear Regulatory Commission pursuant to the Atomic Energy Act for such category or subcategory provides an ample margin of safety to protect the public health.

After the passage of this amendment, EPA completed a comprehensive review of the available evidence concerning radionuclide emissions from facilities licensed by the Nuclear Regulatory Commission or an Agreement State ("NRC-licensed facilities") and the regulatory program implemented by the NRC to control such emissions. EPA had hoped that a review of the comments and information received during the comment period for reconsideration would yield sufficient emissions information to enable the Agency to determine those NRC-licensed facilities (if any) for which additional regulation under subpart I is necessary to provide an ample margin of safety. However, after reviewing the information received during the comment period for reconsideration, EPA concluded that there still remained a gap in information concerning NRC-licensed facilities other than nuclear power reactors. EPA also concluded that it was unlikely that the required information could be obtained solely by soliciting further voluntary comments from the affected facilities.

EPA technical staff believe that it is probable that many, if not all, of the categories of NRC-licensed facilities other than nuclear power reactors are in compliance with the quantitative emissions requirements embodied in subpart I. The available evidence is consistent with this belief. However, there are over 12,000 facilities licensed by the NRC or by an Agreement State, other than nuclear power reactors, and the radionuclide emissions from such facilities are not well characterized for purposes of determining compliance with subpart I, despite the Agency's request that affected parties submit additional information during the reconsideration. Consequently, EPA concluded that the Agency did not have sufficient substantive information to support the determination contemplated by section 112(d)(9) for any category of NRC-licensed facilities other than nuclear power reactors.

In order to insure timely submission of the necessary information, EPA decided that it should specifically require submission of additional information from a subset of affected facilities pursuant to section 114 of the Clean Air Act. Due to the time required for individual facilities to compile and submit the required information and for EPA to collate and analyze the data, EPA estimated that it could take until November 1992 before EPA was prepared to make a substantive determination for these facilities.

Since the stay of subpart I was scheduled to expire on March 9, 1991, EPA had to determine whether it should let the standard take effect even though

the Agency was requiring facilities to submit additional information necessary to make the substantive determination contemplated by section 112(d)(9). EPA concluded that it would be inappropriate to compel NRC-licensed facilities other than nuclear power reactors to make all of the initial expenditures of time and resources necessary to demonstrate compliance when it is possible that EPA will conclude that EPA regulation of some or all of these facilities is duplicative and unnecessary. Accordingly, on February 13, 1991, EPA proposed to stay the effectiveness of subpart I for all categories of NRC-licensed facilities except for nuclear power reactors until November 15, 1992. 56 FR 6339 (February 15, 1991).

A hearing concerning the proposed rule to stay the effectiveness of subpart I for all categories of NRC-licensed facilities other than nuclear power reactors was held in Washington, DC on February 25, 1991. Pursuant to section 307(d)(5)(iv) of the Clean Air Act, EPA kept the record for this rulemaking open to receive additional written comments or information until March 27, 1991, thirty days after completion of the hearing. On March 8, 1991, the EPA Administrator signed an order temporarily staying the effectiveness of subpart I for NRC-licensed facilities other than nuclear power reactors until April 15, 1991. 56 FR 10514 (March 13, 1991). The purpose of this order was to afford EPA sufficient time after closure of the record for the rulemaking to take final action on the proposal to stay subpart I for these facilities.

As described above, the Agency's decision that it should require particular NRC-licensed facilities to submit information pursuant to its authority under section 114 of the Clean Air Act was the principal basis for the EPA proposal to stay subpart I. Accordingly, EPA prepared an Information Collection Request and submitted it to the Office of Management and Budget for review under the Paperwork Reduction Act on March 1, 1991. This Information Collection Request was abstracted and published for comment in the Federal Register on March 6, 1991. 56 FR 9357 (March 6, 1991). The comment period closed on April 5, 1991. The Office of Management and Budget subsequently approved the Agency's Information Collection Request on April 12, 1991.

C. Final Rule Staying Subpart I

EPA today stays the effectiveness of subpart I of 40 CFR part 61 for all categories of facilities licensed by the Nuclear Regulatory Commission or an Agreement State, except nuclear power reactors, until November 15, 1992, or until such earlier date that EPA is prepared to make an initial determination under Clean Air Act section 112(d)(9) and conclude its reconsideration under section 307(d)(7)(B). This final action partially staying the effectiveness of subpart I does not apply to facilities not licensed by the NRC or an Agreement State.

The Agency has considered all of the comments made by interested members of the public during the hearing, as well as those written comments submitted for incorporation in the rulemaking docket. Parties opposed to the proposed rule fell into two basic categories: (1) Parties who believe that section 112(d)(9) does not provide the Agency with legal authority to adopt this rule, and (2) parties who believe that no additional information is necessary for the Agency to make the requisite determination under section 112(d)(9). For all of the reasons explained below, EPA does not agree with either of these positions and has decided to adopt this final rule entering the stay.

Although EPA considers it probable that many, if not all, of the categories of NRC-licensed facilities other than nuclear power reactors are in compliance with the quantitative emissions requirements embodied in subpart I, this action is not intended to suggest any predisposition with respect to the Agency's ultimate determination whether or not particular categories or subcategories should be subject to subpart I. If EPA determines that the NRC regulatory program for a particular type of facility affords an ample margin of safety under section 112 of the Clean Air Act, EPA will conclude its reconsideration and propose to rescind subpart I as it applies to that type of facility. If EPA determines that retention of subpart I is required to afford an ample margin of safety for a particular type of facility, EPA will conclude the reconsideration by dissolving the stay and permitting the standard to take effect as it applies to that type of facility.

EPA notes that section 112(q)(4) of the Clean Air Act Amendments of 1990 also stays the applicability of subpart I as applied to facilities engaged in medical research or treatment. This Congressionally mandated stay will also expire in November 1992, or at such earlier time that the Administrator makes a determination pursuant to a rulemaking under section 112(d)(9).

D. Other Facilities: Nuclear Power Reactors

EPA has received sufficient information concerning the potential health risks from nuclear power reactors and the NRC regulatory program which controls those risks to make an initial determination under section 112(d)(9). On March 8, 1991, EPA issued an Advance Notice of Proposed Rulemaking announcing its intention to enter into a future rulemaking pursuant to section 112(d)(9) to rescind subpart I as applied to nuclear power reactors. 56 FR 10524 (March 13, 1991). After reviewing available information concerning radionuclide emissions from nuclear power reactors and the program implemented by the NRC to control such emissions, EPA tentatively concluded that the NRC regulatory program limiting these emissions protects public health with an ample margin of safety. The ANPR included a summary of the Agency's rationale for this conclusion. EPA intends to issue a proposed rule under section 112(d)(9) to rescind subpart I as it applies to nuclear power reactors no later than June 30, 1991.

In a companion action, EPA proposed on March 8, 1991 to stay the effectiveness of subpart I as applied to nuclear power reactors until the rulemaking to rescind subpart I for these facilities has been concluded. 56 FR 10523 (March 13, 1991). Comments on the proposed stay were to be filed by April 15, 1991. A hearing concerning the proposal will be held on April 22, 1991, if a request for such a hearing has been received by April 15, 1991. EPA will take final action concerning this proposed stay at the same time as it issues a proposed rule to rescind subpart I for nuclear power reactors. As part of its proposal, EPA issued an order temporarily staying the effectiveness of subpart I for nuclear power reactors until EPA takes final action either adopting or declining to adopt the proposed stay.

E. Comments and Response to Comments

This section addresses the major legal and policy issues raised by the public at the hearing and in written comments submitted concerning the proposed stay for NRC-licensed facilities other than nuclear power reactors.

Comment: Except for medical research and treatment facilities, which were granted a two-year exemption by the 1990 amendments to the Clean Air Act, the 1990 amendments provide no authority to EPA to stay the effectiveness of subpart I.

Response: EPA considers the final rule staying subpart I for all NRC-licensed facilities other than nuclear power reactors while EPA is determining whether there are legal grounds for

rescission of subpart I for such facilities to be a logical step in the implementation of the policy embodied in section 112(d)(9). The 1990 Amendments do not clearly establish all of the procedures to be followed by EPA in implementing section 112(d)(9) for previously promulgated NESHAPs. EPA is unwilling to ascribe to Congress an intention to require to prepare for compliance with subpart I, even though it is probable that EPA will subsequently be able to make a determination for at least some of these facilities that such expenditures are not required to protect public health.

Comment: The decision by Congress not to extend the specific 2-year exemption for medical research and treatment facilities to other source categories indicates that Congress intended that subpart I should take effect immediately for all other NRC-licensed facilities.

Response: The applicable legal precedents indicate that an agency may always stay by rulemaking under the Administrative Procedure Act a previously promulgated rule, so long as the stay is otherwise in accord with applicable law. The mere fact that Congress declined to stay subpart I for a particular category of facilities does not by itself prohibit EPA from taking similar action by rulemaking. EPA does not believe that anything in the 1990 Clean Air amendments or their legislative history prohibits EPA from using its own rulemaking authority to stay subpart I after notice and comment.

Moreover, EPA believes that a careful examination of the stay for medical facilities adopted by Congress and the stay for all NRC-licensed facilities other than nuclear power reactors proposed by EPA demonstrates that they have different purposes. When Congress stayed the effectiveness of subpart I for medical facilities, Congress had before it information indicating that the financial and other burdens resulting from immediate imposition of subpart I might adversely affect the availability of medical diagnosis and treatment. In contrast, the purpose of the stay proposed by EPA is not to afford more time for affected facilities to prepare for imposition of subpart I, but rather to enable the Agency to collect information necessary to make a determination under section 112(d)(9) before expenditures on potentially unnecessary demonstrations of compliance must be made. We do not believe that Congress intended in section 112(q)(4) to address or resolve the question of whether the Agency had received adequate information concerning radionuclide emissions from particular categories of facilities.

Comment: Section 307(d)(7)(B) does not permit EPA to delay the effectiveness of a final NESHAP beyond the initial stay which may be granted under section 307(d)(7)(B), which is limited to a maximum of 90 days.

Response: EPA agrees with this comment. This final rule staying the effectiveness of subpart I is not predicated on the authority to stay a NESHAP provided by section 307(d)(7)(B). Rather, EPA is implementing the policy set forth in section 112(d)(9) by utilizing its rulemaking authority to modify a previously promulgated NESHAP.

Comment: Section 112(d)(9) allows EPA to not regulate a specific category or subcategory of NRC-licensed facilities, but only after EPA makes a finding by rule that the NRC regulatory program for that category protects public health with an ample margin of safety. Section 112(d)(9) does not authorize EPA to stay the effectiveness of a final standard before such a rulemaking has been completed. Such a stay would be unlawful even if accompanied by a proposal to rescind the final standard.

Response: EPA does not agree with such a wooden and unrealistic interpretation of section 112(d)(9). If EPA has no authority to stay a previously promulgated NESHAP, even during the pendency of a rescission rulemaking under section 112(d)(9), this would completely nullify the policy embodied in section 112(d)(9). Such an interpretation would force all facilities affected by a previously promulgated NESHAP to make all of the expenditures necessary to demonstrate that they comply with the NESHAP, before EPA could promulgate a rule providing relief under section 112(d)(9). EPA is not prepared to presume that Congress intended that section 112(d)(9) would provide meaningful regulatory relief only in the case of future NESHAPs.

Comment: The total period during which subpart I will be stayed will total almost 3 years from the date of promulgation until November 15, 1992. This violates the intent of the old section 112, which required EPA to propose a NESHAP within 180 days after listing as a hazardous air pollutant and to promulgate a final NESHAP within an additional 180 days. Surely EPA could not be allowed to stay the effectiveness of a previously promulgated NESHAP for a period longer than it was allowed to complete its initial rulemaking.

Response: EPA considers the promulgation of this rule revising the effective date of the previously promulgated NESHAP to be a logical step in the implementation of section 112(d)(9). Congress did not establish deadlines for the promulgation of rules pursuant to section 112(d)(9). If it is presumed that the statutory deadlines for the original promulgation of a NESHAP still apply, with no additional time to be afforded for implementation of section 112(d)(9), this would mean that no previously promulgated NESHAP could ever be rescinded pursuant to section 112(d)(9) without first becoming effective. As explained above, EPA rejects this implausible interpretation of section 112(d)(9).

Comment: Since section 112(d)(9) requires EPA to find that the NRC program provides the same degree of protection as would be required by EPA, no facility will be unduly burdened by letting subpart I take effect during the collection of additional information by EPA. The only burden experienced would be a small amount of duplicative reporting.

Response: This comment appears to assume incorrectly that the NRC program and EPA program which would be implemented under subpart I operate in a similar manner. While EPA may detemine that the NRC program provides an equivalent amount of protection for public health, the programs the respective agencies have chosen to effectuate their statutory authorities are different. If EPA were to let subpart I take effect immediately, substantial amounts of time and resources might be required for personnel at a particular facility to become familiar with the EPA program, even if that facility is already in compliance with the quantitative emission limits embodied in subpart I. If EPA later decides to rescind subpart I for that category of facilities, such expenditures would have been entirely unnecessary.

Comment: The proposed stay is unnecessary and additional information gathering is unnecessary because the NRC program already protects public health with an ample margin of safety.

Response: In the December 15, 1989 rule promulgating subpart I, EPA concluded that limiting radionuclide emissions to 10 mrem/year ede, of which only 3 mrem/year ede may be from radioiodine, coupled with other requirements such as yearly reports and prior approval of new construction or modification, will protect public health with an ample margin of safety. Although EPA considers it probable that many categories of NRC-licensed facilities are presently in compliance

with the quantitative limits in subpart I, the data available to EPA at present are not sufficient to substantiate this belief. EPA believes that the determination required by section 112(d)(9) cannot be based on conclusory assertions or beliefs. The information collection effort to be undertaken by EPA will provide a solid evidentiary basis for the determination contemplated by section 112(d)(9).

Comment: EPA's document entitled Risk Assessment, EIS Background Information Document, discusses the results of a study of effluents from 100 hospitals which concludes that the collective fatal cancer risk is less than one in one million. Why is EPA proposing to conduct a similar study in order to gather similar information?

Response: EPA believes radionuclide emissions from the 12000 facilities licensed by NRC or an Agreement State which are subject to 40 CFR part 61 are not well characterized for purposes of determining compliance with subpart I. The referenced study was conducted for other purposes and provided input for parameters for a model hospital facility only. The EPA information collection effort will be significantly broader in scope than the prior study referred to in the Background Information Document, because it will require submission of information on actual emissions and will also address facilities other than hospitals. In order for EPA to make a determination under section 112(d)(9), more information is required for all types of NRC-licensed facilities other than nuclear power reactors.

Comment: EPA should commission a panel of experts to peer review the methodology, protocol, and criteria for selection of facilities for the new EPA study of radionuclide emissions, and should provide an opportunity for comment on the details of the study. Further, eighteen months is not a long enough period of time in which to conduct such a study.

Response: The purpose of the information collection effort to be undertaken by EPA under section 114 of the Clean Air Act will be to determine whether selected NRC-licensed facilities would be in compliance with the quantitative emission limitations in subpart I if subpart I were in effect. Facilities will be required to submit information which is similar to the information they would be required to collect and report to EPA if subpart I were in effect. Some facilities will be selected randomly and others will be selected because EPA has concluded that they are likely to emit larger quantities of radionuclides. Since it is clear which information is needed by EPA to estimate quantitative emissions under the procedure specified by subpart I, EPA sees no need for formal peer review of the survey instrument which will be utilized to collect the data. An opportunity for public comment on the Information Collection Request has already been provided. 56 FR 9357 (March 6, 1991). However, EPA intends to consult with the NRC and with other experts as appropriate concerning the analysis and interpretation of the data which it collects.

EPA understands concerns regarding the adequacy of the 18 month period provided for collection and analysis of the required information. However, because EPA intends to begin transmitting letters to facilities under section 114 as soon as possible, EPA believes that 18 months should provide sufficient time for submission and analysis of the responses.

F. Miscellaneous

1. Paperwork Reduction Act

There are no information collection requirements in this rule. As previously discussed, the Agency will require a subset of affected facilities to submit information concerning radionuclide emissions to EPA pursuant to section 114 of the Clean Air Act.

EPA prepared an Information Collection Request and submitted it to the Office of Management and Budget for review under the Paperwork Reduction Act on March 1, 1991. This Information Collection Request was abstracted and published for comment in the **Federal Register** on March 6, 1991. 56 FR 9357 (March 6, 1991). The comment period closed on April 5, 1991. The Office of Management and Budget subsequently approved the Agency's Information Collection Request on April 12, 1991. The OMB approval number is 2060–0217 through January 1992.

2. Executive Order 12291

Under Executive Order 12291, EPA is required to judge whether this regulation is a "major rule" and therefore subject to certain requirements of the Order. The EPA has determined that issuing this partial stay of subpart I will result in none of the adverse economic effects set forth in section I of the Order as grounds for finding a regulation to be a "major rule." This regulation is not major because the nationwide compliance costs do not meet the $100 million threshold, the regulation does not significantly increase prices or production costs, and the regulation does not cause significant adverse effects on domestic competition, employment, investment, productivity, innovation or competition in foreign markets.

The Agency has not conducted a Regulatory Impact Analysis (RIA) of this regulation because this action does not constitute a major rule.

3. Regulatory Flexibility Analysis

Section 603 of the Regulatory Flexibility Act, 5 U.S.C. 603, requires EPA to prepare and make available for comment an "initial regulatory flexibility analysis" which describes the effect of the rule on small business entities. However, section 604(b) of the Act provides that an analysis not be required when the head of an Agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.

This rule partially staying 40 CFR part 61 subpart I will have the effect of easing the burdens associated with immediate compliance with subpart I and I therefore certify that this rule will not have significant economic impact on a substantial number of small entities.

Dated: April 15, 1991.

William K. Reilly,

Administrator.

For all of the reasons given in the preamble, part 61 of title 40 of the Code of Federal Regulations is amended as follows:

PART 61—[AMENDED]

1. The authority citation for part 61 continues to read as follows:

Authority: 42 U.S.C. 7401, 7412, 7414, 7416, 7601.

2. Effective April 15, 1991, subpart I of part 61 is amended by adding § 61.109 to read as follows:

§ 61.109 Stay of Effective Date.

The effective date for subpart I is stayed for each category of facilities which are licensed by the Nuclear Regulatory Commission or by an Agreement State, except for nuclear power reactors, until November 15, 1992, or until such earlier date that EPA is prepared to make an initial determination under Clean Air Act section 112(d)(9) and conclude its reconsideration under section 307(d)(7)(B). If EPA makes an initial determination under Clean Air Act 112(d)(9) and concludes its reconsideration under section 307(d)(7)(B) for any category of NRC-licensed facilities other than nuclear power reactors prior to November 15, 1992, it will publish its decision and any

actions required to effectuate that decision in the Federal Register.

[FR Doc. 91-9249 Filed 4-23-91; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 580, 581 and 583

[Docket No. 91-01]

Bonding of Non-Vessel-Operating Common Carriers; Notification of Office of Management and Budget Clearance

AGENCY: Federal Matitime Commission.

ACTION: Amendment of interim rule.

SUMMARY: The Commission has received OMB clearance for the interim rules published January 15, 1991 (56 FR 1493), contained in 46 CFR part 583 and related provisions contained in 46 CFR parts 580 and 581 as follows: 46 CFR part 580—OMB No. 3072-0009; 46 CFR part 581—OMB No. 3072-0044; and 46 CFR part 583—OMB No. 3072-0053. This technical amendment adds a separate section, referencing the OMB-assigned control number applicable to part 583. No amendment is necessary for parts 580 and 581 which already reflect the OMB clearance numbers in the CFR text. This notice supersedes a notice served April 12, 1991, in this proceeding regarding OMB clearance.

EFFECTIVE DATE: April 24, 1991.

FOR FURTHER INFORMATION CONTACT:

Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, N.W., suite 11101, Washington, DC. 20573-0001, (202) 523-5725

Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street, N.W., suite 12225, Washington, DC. 20573, (202) 523-5740.

SUPPLEMENTARY INFORMATION: This technical amendment adds a new section to 46 CFR part 583 to reference the OMB control numbers reflecting OMB clearance of the interim rule published January 15, 1991, in this proceeding.

Accordingly, part 583 of title 46 CFR is amended as follows:

PART 583—[AMENDED]

1. The authority citation for Part 583 continues to read as follows:

Authority: 5 U.S.C. 553; 46 U.S.C. app. 1702, 1707, 1709, 1710,-1712, 1716 and 1722.

2. A new § 583.91 is added to read as follows:

§ 583.91 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

The information collection requirements contained in this part have been approved by the Office of Management and Budget (OMB) in accordance with 44 U.S.C. chapter 35 and have been assigned OMB control number 3072-0053.

Joseph C. Polking,
Secretary.

[FR Doc. 91-9606 Filed 4-23-91; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-220; RM-7231]

Radio Broadcasting Services; Hobbs, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Oil Patch Broadcast Partnership, allots Channel 243A to Hobbs, New Mexico, as the community's fourth local FM service. *See* 55 FR 18355, May 2, 1990. Channel 243A can be allotted to Hobbs in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 243A at Hobbs are North Latitude 32-42-00 and West Longitude 103-07-54. Mexican concurrence in the allotment has been received because the community is located within 320 kilometers (199 miles) of the U.S.-Mexican border. With this action, this proceeding is terminated.

DATES: Effective June 3, 1991. The window period for filing applications will open on June 4, 1991, and close on July 5, 1991.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the commission's Report and Order, MM Docket No. 90-220, adopted April 3, 1991, and released April 18, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under New Mexico, is amended by adding Channel 243A at Hobbs.

Federal Communications Commission.

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

[FR Doc. 91-9506 Filed 4-23-91; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-231; RM-7294; RM-7418]

Radio Broadcasting Services; Bismarck, ND

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of J B Broadcasting, allots Channel 268C to Bismarck, North Dakota, as the community's fifth local FM service. *See* 55 FR 21403, May 24, 1990. Channel 268C can be allotted to Bismarck in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 268C at Bismarck are North Latitude 46-48-24 and West Longitude 100-46-42. Canadian concurrence has been received since Bismarck is located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

DATES: Effective June 3, 1991. The window period for filing applications will open on June 4, 1991, and close on July 5, 1991.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-231, adopted April 3, 1991, and released April 18, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor,