

substances. While the results of required testing may not be available for some time, a notice to the foreign government about the export of such substances serves to alert them to the Agency's concern about the substances. It gives these governments the opportunity to request such data that the Agency may currently possess plus whatever data may become available as a result of testing activities.

II. Clarification Requested

After the section 12(b) rule was promulgated, the Agency began to utilize a two-phase process for developing certain test rules. See 47 FR 13012 (March 26, 1982). A Phase I final test rule identifies the substances to be tested and the effects or characteristics for which testing is required. It also requires manufacturers and/or processors of the substances to submit study plans for the conduct of the required testing. A Phase II final rule establishes the testing standards and the schedule for submission of the data resulting from such testing.

The first Phase I final rule will become effective on November 23, 1984. It requires testing of 1,1,1-trichloroethane (TCEA) for developmental toxicity (49 FR 39810). On September 26, 1984 the Agency received a letter from the Dow Chemical Company requesting an opinion as to whether the export notification requirements of TSCA section 12(b) will be triggered by the TCEA Phase I final rule.

The Agency has concluded that, in the case of a two-phase section 4 rulemaking, the section 12(b) requirements are activated by the Phase I final rule. The Phase I rule represents the Agency's final decision to proceed with required testing of a substance. This rulemaking will have been preceded by a proposal and an opportunity to comment so that issues regarding the reasons for required testing of a given substance will have been identified and resolved. Therefore, the Agency believes that delaying section 12(b) export notification requirements until the Phase II rule becomes effective would not be consistent with the purposes of section 12(b).

In most instances EPA expects to develop section 4 test rules in a single phase so as to speed the initiation of testing. However, EPA may continue to use the two-phase final rulemaking approach for certain substances. Therefore, this statement of clarification provides notice to those persons who export or intend to export a chemical

substance or mixture subject to a Phase I final test rule that they must submit notices required by TSCA section 12(b)(1) and 40 CFR Part 707.

Dated: November 8, 1984.

Marcia E. Williams,

Acting Assistant Administrator, Office of Pesticides and Toxic Substances.

[FR Doc. 84-30225 Filed 11-16-84; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

Reorganization of the Office of Managing Director

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the Commission's rules to reflect the reorganization of the Office of Managing Director and to clarify the Managing Director's responsibilities under the functions of the Office. This action is taken to promote operational efficiency. Late submission to the FCC representative and to the Office of Federal Register caused the delay in publication.

EFFECTIVE DATE: August 1, 1984.

FOR FURTHER INFORMATION CONTACT: Karl Brimmer, (202) 632-3906.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 0

Commission organization.
Organization and functions
(Government Agencies).

Order

In the matter of amendment of Part 0 of the Commission's Rules to reflect a reorganization of the Office of Managing Director.

Adopted: June 20, 1984.

Released: August 9, 1984.

By the Managing Director.

1. The Commission has approved changes in the organization of the Office of Managing Director. Implementation of the proposed changes requires amendment of § 0.12 of the Commission's Rules and Regulations.

2. In addition, the Managing Director, under delegated authority, is amending certain phrases to clarify his responsibilities under the functions of the Office. Implementation of the proposed change requires amendment of § 0.11 of the Commission's Rules and Regulations.

3. To promote operational efficiency, the Office of the Managing Director is being reorganized. Briefly: (1) The Management Services Branch of the Planning and Analysis Division be abolished and all its administrative management functions, with the exception of those functions related to forms management and paperwork reduction, be transferred with the staff performing the functions, to the Management Planning and Program Evaluation Office; (2) the Records Management Branch of the Information Processing Division be transferred to the Planning and Analysis Division to be combined with the forms management and paperwork reduction functions into a new branch to be named the Information Resources Branch; (3) the planning and Analysis Division be assigned strategic long-range planning responsibilities for information resource management and be renamed Information Resources Planning Division; (4) the Systems and Technology Planning Branch be renamed Information Planning Branch to more closely identify it with the Information Resource Management planning, budgeting and acquisition functions; (5) the Network Management Staff be retitled the Office Automation Division; (6) the Systems Library Branch of the Computer Applications Division be abolished and its functions absorbed at the Division level; and (7) the 3 and 4 letter call sign assignment functions of the Call Sign Unit in the Information Processing Division be transferred to the immediate office of the Video Services Division of the Mass Media Bureau.

4. To clarify his responsibilities in the area of national defense, the Managing Director is amending the language describing his national defense functions.

5. The amendments adopted herein pertain to agency organization. The prior public notice and comment procedures and effective date provision of section 4 of the Administrative Procedure Act, 5 U.S.C. 553, are, therefore, inapplicable. Authority for the amendments adopted herein is contained in sections 4(i) and 5(b) of the Communications Act of 1934, as amended.

6. In view of the foregoing, it is ordered, effective August 1, 1984, that Part 0 of the Rules and Regulations is amended as set forth in the Appendix hereto.

Federal Communications Commission.
Edward J. Minkel,
Managing Director.

PART 0—[AMENDED]

Appendix

Part 0 of Chapter I of Title 47 of the Federal Regulations is amended as follows:

§ 0.11 [Amended]

1. Paragraph (a)(10) of § 0.11 is amended by removing the words "alternative Commission representative to emergency planning groups of other agencies." and inserting, in their place, the words "FCC Defense Coordinator and Principal to both the National Communications System and to the Network Communications Security Committee."

2. § 0.12 is amended by revising (c), (e) (1) and (e)(4) to read as follows:

§ 0.12 Units in the Office.

(c) Management Planning and Program Evaluation Office.

(e) Office Automation Division.

(4) Information Resources Planning Division.

[FR Doc. 84-30265 Filed 11-16-84; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-375; RM-4311]

TV Broadcast Station in Longview, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns UHF Television Channel 54 to Longview, Texas, as its third television assignment in response to a petition filed by Peggy Ann Rothchild.

EFFECTIVE DATE: January 15, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Arthur D. Scrutchins, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Television broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.606(b), table of assignments, TV Broadcast Stations

(Longview, Texas) MM Docket No. 83-375, RM-4311.

Adopted: October 29, 1984.
Released: November 9, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it the *Notice of Proposed Rule Making* (48 FR 18844, published April 26, 1983) issued in response to a petition for rule making filed by Peggy Ann Rothchild ("Rothchild") proposing to amend the Television Table of Assignments, § 73.606(b) of the Commission's Rules, to assign UHF Television Channel 54 to Longview, Texas, as its third television assignment. In response to the *Notice*, petitioner filed comments and restated her intention to apply for Channel 54 at Longview, Texas. KLMB-TV, Incorporated ("KLMB"), permittee of Station KLMG-TV, Longview, Texas, filed opposing comments and reply comments.

2. Rothchild, in her comments reiterates her continued intention to apply for a construction permit for Channel 54 if the channel is allocated to Longview, Texas.

3. KLMB generally opposes the proposed assignment in Longview, on the same grounds that it opposed the assignment of Channel 57 to Tyler, Texas. See, *Report and Order*, 48 FR 56588, published December 15, 1983. Here, as in Tyler, Texas, KLMB argues that the petition for rule making was not supported by an adequate engineering showing. In both instances, KLMB noted that the showing consisted merely of a computer printout prepared by Edward M. Johnson and Associates ("Johnson") and failed to state the underlying assumption of the data or to show the preclusive effects of the proposed assignments. KLMB questioned Johnson's qualifications, referring to a history of submissions to the Commission which raised questions as to his qualifications and veracity. This history is said to call into question whether Rothchild's engineering submission complies with the Commission's technical rules.

4. In *Tyler, Texas, supra*, we stated that the assignment of Channel 60 met the minimum separation requirements of § 73.610 of the Commission's Rules and would provide Tyler with a city-grade signal. We therefore determined that the Commission's technical requirements had been met. In addition, we stated that the additional matters raised by KLMB concerning technical qualifications and veracity were not matters for consideration in a rule making proceeding.

5. As for the technical information submitted here, the above factors cited

in *Tyler* are controlling. The proposed assignment in Longview meets the minimum separation requirements of § 73.610 and will also provide Longview with a city grade signal. Any additional matters raised regarding the technical sufficiency of the proposal are outside the scope of this proceeding and should be raised during the application stage.

6. KLMB also argues, as it did in *Tyler, Texas*, that Longview cannot support an additional full service commercial station in Longview. KLMB alleges that the petition lacks any claim of Longview's future growth. KLMB asserts that Rothchild has failed to demonstrate any need for a new full service television station at Longview, which receives numerous alternative services. As we noted in *Tyler*, this is also a matter that is more appropriately raised at the application stage.

7. Lastly, KLMB asserts that Johnson has attempted to induce potential or existing low power applicants, including Rothchild, to seek full-service channel assignments and has done so by misleading them with erroneous interpretations of the rules and failing to inform them that full-service stations are more extensively regulated than are low power stations. Accordingly, argues KLMB, this raises questions as to the credibility of Rothchild's expressions of intent to apply for a new channel at Longview, especially since Rothchild's previous interests were confined to low power applications. As we concluded in *Tyler*, the sufficiency of the application eventually submitted for a full service station is a matter that can best be determined at the application stage.

8. Accordingly, since the proposal can provide a second local television service, and pursuant to authority contained in sections 4(i), 5(c)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered. That effective January 15, 1985, the Television Table of Assignments, § 73.606(b) of the Commission's Rules, is amended with respect to the community listed below:

| City | Channel No. |
|-------------------|--------------------------------|
| Longview, TX..... | 16+, ¹ 51-, and 54+ |

¹ Reserved for land mobile use.

9. It is further ordered, That this proceeding is terminated.

10. For further information concerning this proceeding, contact Arthur D. Scrutchins, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-30285 Filed 11-16-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 82-357; RM-4103]

FM Broadcast Station in Terrell Hills, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes Class C FM Channel 294 for Channel 292A in Terrell Hills, Texas, and modifies the license for FM Station KESI, Terrell Hills, Texas, in response to a Petition for Reconsideration filed by S.I.T. Broadcasting Corp.

EFFECTIVE DATE: January 15, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Arthur D. Scrutchins, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Memorandum Opinion and Order

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Terrell Hills, Texas) BC Docket No. 82-357, RM-4103.

Adopted: October 29, 1984.

Released: November 9, 1984.

By the Chief, Policy and Rules Division.

1. The Commission has before it for consideration the Petition for Reconsideration of the *Report and Order*, 48 FR 34779, published August 1, 1983, which denied the proposal to substitute Class C FM Channel 294 for Channel 292A in Terrell Hills, Texas, and to modify the license of SIT Broadcasting Corporation ("petitioner") for FM Station KESI, Terrell Hills, accordingly. In the alternative, KESI requested temporary authority to operate on Channel 294 pending a comparative hearing on the channel's permanent allocation. An opposition was submitted by Laura Pryor ("Pryor"). petitioner replied to the opposition.

2. In the *Notice of Proposed Rule Making*, 48 FR 31016, published July 16, 1982, we proposed the substitution of channels at Terrell Hills and the modification of Station KESI's license to

specify operation on Channel 294 in lieu of Channel 292A in Terrell Hills, Texas, as requested. However, we also stated that in conformity with Commission precedent, as expressed in *Cheyenne, Wyoming*, 62 F.C.C. 2d 63 (1976), should another interest in the assignment be shown, the proposed modification could not be made and the channel, if assigned, would be open to competing applications. Individual comments were filed by Leroy P. Muehlstein, David K. Bamberger and Laura Pryor, each expressing an interest in applying for operation on the channel, if it were allotted.

3. In the *Report and Order, supra*, we concluded that the license of Station KESI could not be modified to specify operation on Channel 294 without a comparative hearing to determine which of the applicants was best qualified to operate a station in the public interest. We rejected petitioner's contention that modification of its license without a comparative hearing would not be inconsistent with our established policy in *Cheyenne, Wyoming supra*. This contention was based on alleged interference problems to the signal of Station KESI from blocking effect and from cross modulation of Stations KVAR and KTFM, San Antonio, Texas.

4. In a recent supplement to SIT's petition for reconsideration, petitioner reports, and attaches letters stating that all previous expressions of interest in Class C Channel 294 that were filed by other parties, have been withdrawn. Consequently petitioner argues that consistent with our holding in *Cheyenne*, KESI's license modification can now be routinely granted.

5. In light of the fact that all previous expressions of interest have been withdrawn, we are now in a position to grant the substitution of Channel 294 for Channel 292A in Terrell Hills, Texas, and the modification.

6. In view of the above, it is ordered, That the Petition for Reconsideration, filed herein by SIT Broadcasting Corporation, is granted.

7. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered, That effective January 15, 1985, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with regard to the following community:

| City | Channel No. |
|------------------------|-------------|
| Terrell Hills, TX..... | 294 |

8. It is further ordered, That pursuant to section 316(a) of the Communications Act of 1934, as amended, the license of Station KESI-FM, Terrell Hills, Texas, is modified to specify operation on Channel 294, subject to the following conditions:

(a) At least 30 days before operating on Channel 294, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301);

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.301 of the Commission's Rules.

9. It is further ordered, That the Secretary shall send a copy of this *Order* by certified mail, return receipt requested, to: SIT Broadcasting Corporation, c/o Thomas J. Keller, Verner, Liipfert, Bernhard, & McPherson, 1660 L Street, NW., Suite 1000, Washington, D.C. 20009.

10. It is further ordered, That this proceeding is terminated.

11. For further information concerning this proceeding, contact Arthur D. Scrutchins, (202) 634-6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 84-30284 Filed 11-16-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 83-1123; RM-4520]

FM Broadcast Station in Garberville, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action substitutes Class C Channel 284 for Channel 261A at Garberville, California, and modifies the license for Station KERG(FM) accordingly, in response to a Petition for Reconsideration filed by the licensee, Daniel J. Healy.

EFFECTIVE DATE: January 15, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Montrose H. Tyree, Mass Media Bureau (202) 634-6530.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Memorandum Opinion and Order
(Proceeding Terminated)

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Garberville, California); MM Docket 83-1123, RM-4520.

Adopted: October 29, 1984.

Released: November 9, 1984.

By the Chief, Policy and Rules Division.

1. In response to a request from Daniel J. Healy, the Commission adopted the *Report and Order*, 49 FR 23057, published June 4, 1984, which substituted Channel 284C2 for Channel 261A at Garberville, California, and modified the license for Station KERG(FM) to specify Channel 284C2. Healy has filed a Petition for Reconsideration requesting that the assignment be upgraded to a Class C channel (284) and his station's license be modified accordingly.

2. In his Petition for Reconsideration, Healy argues that the Commission's action was a departure from what he sought. He contends that the *Notice* did not specify that a Class C2 channel would be assigned to Garberville. As a final issue, Healy argues that his station suffers serious and continuing coverage problems, noting (1) that his present antenna site on Pratt Mountain is the only practical higher elevation with electric power near his city of license and (2) that a Class C2 operation at the present location with a 900 W BRP will not be sufficient to provide a competitive signal, even in the city of license. Based on the arguments presented, and the fact that no one opposed the assignment, Healy urges the Commission to reconsider its earlier action.

3. In the *Notice*, we held that the future implementation of Docket 80-90 would provide for Class C2 channels (equivalent to a Class B facility) and would permit a power increase to 0.9 kW to correspond with the current antenna height of Station KERG.

4. In the *Report and Order*, we assigned a Class C2 channel based on petitioners stated need, his present tower and his concern for cost efficiency. However, we believe that the petitioner has provided substantive arguments in favor of a reconsideration of our earlier decision. Therefore, in the interest of insuring expanded service to meet the needs of the Garberville area, we shall substitute Class C Channel 284 for Channel 261A at Garberville, California. As for the modification of license for Station KERG(FM), no other parties expressed an interest in applying

for a Class C channel in response to the *Notice*. Therefore, the modification can be granted.

5. Accordingly, pursuant to the authority contained in sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and §§ 0.61, 0.204(b) and 0.283 of the Commission's Rules, it is ordered. That effective January 15, 1985, the FM Table of Assignments, § 73.202(b) of the Rules, is amended with regard to the following community:

| City | Channel No. |
|----------------------|-------------|
| Garberville, CA..... | 284 |

6. It is further ordered. That pursuant to section 316(a) of the Communications Act of 1934, as amended, the license of Station KERG(FM), Garberville, California, is modified to specify operation on Channel 284, subject to the following conditions:

(a) At least 30 days before operating on Channel 233, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301);

(b) Upon grant of the construction permit, program tests may be conducted in accordance with § 73.1620.

(c) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.301 of the Commission's Rules.

8. It is further ordered. That this proceeding is terminated.

9. For further information concerning the above, contact Montrose H. Tyree, Mass Media Bureau, (202) 634-6530.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Charles Schott,

Chief, Policy and Rules, Mass Media Bureau.

[FR Doc. 84-30287 Filed 11-16-84; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 84-12; RM-4608]

FM Broadcast Station in Hobbs, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Channel 275 to Hobbs, New Mexico, as that community's third commercial FM service, at the request of Smith Family Radio, Inc.

EFFECTIVE DATE: January 15, 1985.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, Mass Media Bureau (202) 634-6530.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Report and Order (Proceeding Terminated)

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations (Hobbs, New Mexico); MM Docket No. 84-12, RM-4608.

Adopted: October 29, 1984.

Released: November 9, 1984.

By the Chief, Policy and Rules Division.

1. Before the Commission for consideration is the *Notice of Proposed Rule Making*, 49 FR 3219, published January 26, 1984, proposing the assignment of Channel 275 to Hobbs, New Mexico, as that community's third commercial FM service. The *Notice* was adopted in response to a petition filed by Smith Family Radio, Inc. ("petitioner"). Petitioner failed to file timely comments or reply comments to the proposal.¹ Reply comments were filed by Noalmark Broadcasting Corporation ("Noalmark"), licensee of KYKK, Humble City, New Mexico, and KZOR-FM, Hobbs, New Mexico.

2. Since Hobbs, New Mexico, is located within 320 kilometers (199 miles) of the common U.S.-Mexican border, concurrence of the Mexican government has been obtained.

3. Noalmark states that the proceeding should be terminated without finalization of the proposed assignment to Hobbs because petitioner failed to file supporting comments or to restate its intention to apply for the channel, if assigned. However, petitioner has corrected the oversight of failing to restate its interest.

4. In view of petitioner's interest in applying for the proposed assignment and since Hobbs could receive its third commercial FM service, we believe that the public interest would be served by assigning Channel 275 to Hobbs, New Mexico. The channel can be assigned in compliance with the minimum distance separation requirements of § 73.207 of the Commission's Rules.

5. Accordingly, pursuant to the authority contained in sections 4(i),

¹ Petitioner's comments were filed late. Petitioner did not file a request for acceptance of the late-filed comments nor did it provide an explanation why they were filed late. However, we will accept the comments for the purpose of permitting the petitioner to reaffirm its interest in the proposed channel.