

RCRA program on Indian lands; this authority remains with EPA.

As stated above, Washington's authority to operate a hazardous waste program under Subtitle C of RCRA is limited by the November 1984 HSWA amendments to RCRA. Prior to that date, a State with final authorization administered its hazardous waste program entirely in lieu of the EPA. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obligated to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time as they take effect in non-authorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial Federal permits, until the State is granted authorization to do so. While States must still, adopt HSWA-related provisions as State law to retain final authorization, the HSWA applies in authorized States in the interim.

As a result of the HSWA, there will be a dual State/Federal regulatory program in Washington. To the extent the authorized State program is unaffected by the HSWA, the State program is authorized to operate in lieu of the Federal program. Where HSWA-related requirements apply, however, EPA will administer and enforce them in Washington until the State receives authorization to do so. When Washington is authorized to implement a HSWA requirement or prohibition, the State program in the area will operate in lieu of the Federal program. Washington is not being authorized today for any requirement implementing the HSWA. Until that time the State may assist EPA's implementation of the HSWA under a Cooperative Arrangement. Any State requirement that is more stringent than a HSWA provision also remains in effect; thus, the universe of the more stringent provisions in the HSWA and the approved State program define the applicable RCRA Subtitle C requirements in Washington.

EPA has published a *Federal Register* notice that explains in detail the HSWA and their effect on authorized States. That notice was published at 50 FR 28702-28755, July 15, 1985.

IV. Indian Lands

In the final authorization application, the State has asserted authority and intent to regulate hazardous waste management activities on Indian lands. The State also asserted such authority in its interim authorization application. For interim authorization, EPA concluded that the State had not adequately demonstrated it had such authority. In granting interim authorization, EPA therefore retained jurisdiction for regulating hazardous waste management activities on Indian lands. The State appealed this decision to the Ninth Circuit Court of Appeals; the Ninth Circuit upheld EPA's decision (*Department of Ecology v. EPA*, 752 F.2d 1465 (1985)). Based on the Court's decision, the State amended their application to focus their assertion on authority to cover non-Indian hazardous waste management activities on Indian lands. EPA will therefore retain jurisdiction for regulation of hazardous waste management activities on Indian lands. EPA view "Indian lands" to mean all lands (including fee lands) within Indian reservations, dependent Indian communities, and Indian allotments to which Indians hold title.

V. Effective Date

40 CFR 23.4 provides that the grant of final authorization under Section 3006 takes effect two weeks after the date of the *Federal Register* publication unless the *Federal Register* notice specifically provides otherwise. I have determined that a different effective date, January 31, 1986, is necessary in this instance. Washington currently has interim authorization for Phase 2 A and B of the RCRA program. Because interim authorization expires by statute on January 31, 1986, Washington must have final authority to administer the RCRA program on that date or the program will revert to EPA. To avoid the problems caused by a short term reversion, I have decided to shorten the period during which my decision will take effect.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization effectively suspends the applicability of certain Federal

regulations in favor of Washington's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: January 27, 1986.

Ernesta Barnes,

Regional Administrator.

[FR Doc. 86-2035 Filed 1-29-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[SW-5-FRL-2963-3]

Wisconsin: Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of final determination on Wisconsin's application for final authorization.

SUMMARY: Wisconsin has applied for final authorization under the Resource Conservation and Recovery Act, as amended (RCRA). The United States Environmental Protection Agency (U.S. EPA) has reviewed Wisconsin's application and found it includes all information necessary for RCRA final authorization. U.S. EPA is granting final authorization to the State of Wisconsin to operate its hazardous waste management program, in lieu of the Federal program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984 (HSWA).

EFFECTIVE DATE: The final authorization for Wisconsin takes effect 1:00 p.m., Eastern Standard Time on January 31, 1986.

FOR FURTHER INFORMATION CONTACT: Charles Wilk, Wisconsin Regulatory Specialist, Solid Waste Branch, U.S. EPA, Region V, 230 South Dearborn, Chicago, Illinois, 60604, (312) 886-4177 (FTS: 8-886-4177).

SUPPLEMENTARY INFORMATION: Section 3006 of RCRA allows U.S. EPA to authorize a State hazardous waste management program to operate in a State in lieu of the Federal hazardous waste management program. To qualify for final authorization, a State's program must: (1) Be equivalent to the Federal program; (2) Be no less "stringent" than the Federal program; (3) Be consistent with the Federal program and other authorized State program; (4) Provide for adequate enforcement authority; and (5) Provide for public participation in the permit process. [Section 3006(b) of the RCRA, 42 U.S.C. 6926(b).]

On July 26, 1985, the State of Wisconsin submitted a complete application to obtain final authorization to administer the RCRA program. Region V conducted a comprehensive Capability Assessment evaluating past State program performance and present resource capacity for future program implementation. The Capability Assessment, which documents that Wisconsin continues to demonstrate a commitment to effective implementation of the Hazardous Waste Management program, was transmitted to the State on November 1, 1985, together with a Letter of Intent. The Letter of Intent highlights the areas in which Wisconsin needs improvement and the measures U.S. EPA and Wisconsin will take to ensure that these improvements are implemented. These areas are Compliance and Enforcement, and Management and Reporting. Following the detailed review of the complete application and the development of a Capability Assessment evaluating past State program performance and present resource capacity for future program implementation, U.S. EPA published a notice in the *Federal Register* on November 27, 1985, announcing its tentative determination to grant final authorization to the State of Wisconsin. Further background on the tentative determination to grant or deny final authorization appears in the November 27, 1985, *Federal Register*, (50 FR 48801). That *Federal Register* notice summarized all major issues raised in U.S. EPA's review of the complete application and the State's responses to these issues.

Along with the notice of tentative determination, U.S. EPA announced the availability of Wisconsin's application for public inspection and copying, the date of the public comment period, the date of the public hearing on Wisconsin's application, and U.S. EPA's tentative determination to grant Wisconsin final authorization. The public hearing was held on December 26, 1985, in Madison, Wisconsin. Twelve people attended the public hearing.

Seven oral or written comments were presented at the public hearing or during

the public comment period. U.S. EPA's responses to comments it has received are contained in the Responsiveness Summary. A copy of the Responsiveness Summary is available from Charles Wilk, Wisconsin Regulatory Specialist, United States Environmental Protection Agency, 230 South Dearborn Street, 5HS-JC-13, Chicago, Illinois, (312) 886-4177.

Decision

After reviewing the public comments and the minor changes the State has made to its application since the tentative decision, I conclude that Wisconsin's application for final authorization meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Wisconsin is granted final authorization to operate its hazardous waste program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984, (Pub. L. 98-616, November 8, 1984) (HSWA). Wisconsin now has the responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out the other aspects of the RCRA program subject to the HSWA. Wisconsin also has primary enforcement responsibility, although U.S. EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA. Wisconsin is not authorized to operate the RCRA program on Indian lands, and this authority will remain with the U.S. EPA.

As stated above, Wisconsin's authority to operate a hazardous waste program under Subtitle C of RCRA is limited by the November 8, 1984, HSWA amendments to RCRA. Prior to that date a State with Final Authorization administered its hazardous waste program entirely in lieu of the U.S. EPA. The Federal requirements no longer applied in the authorized State, and U.S. EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obligated to enact equivalent authority within specified timeframes. New Federal requirements did not take effect in an authorized State until the State adopted those requirements as State law.

In contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time as they take effect in non-authorized States. U.S. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial Federal permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law

to retain final authorization, HSWA provisions apply in authorized States in the interim.

As a result of HSWA, there will be a dual State/Federal regulatory program in Wisconsin. To the extent the authorized State program is unaffected by HSWA, the State program is authorized to operate in lieu of the Federal program. Where HSWA-related requirements apply, however, U.S. EPA will administer and enforce them in Wisconsin until the State receives authorization to do so. Any State requirement that is more stringent than a HSWA provision also remains in effect; thus, the universe of the more stringent provisions in HSWA and the approved State program define the applicable Subtitle C requirements in Wisconsin.

Wisconsin is not being authorized now for any requirement implementing HSWA. Once the State is authorized to implement a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal program. Until that time the State will assist U.S. EPA's implementation of the HSWA under a Cooperative Agreement.

U.S. EPA has published a *Federal Register* notice that explains in detail HSWA and its effect on authorized States. That notice was published in the July 15, 1985 *Federal Register* (50 FR 28702), and should be referred to for further information.

EFFECTIVE DATE: 40 CFR 23.4 provides that the grant of final authorization under Section 3006 takes effect 2 weeks after the date of *Federal Register* publication unless the *Federal Register* notice specifically provides otherwise. I have determined that a different effective date January 31, 1986, is necessary in this instance. Wisconsin currently has interim authorization for Phase I of the RCRA program. Since interim authorization expires by statute on January 31, 1986, Wisconsin must have authority to administer the final authorization program, on that date, or the RCRA program will revert to EPA. To avoid the problem of a short-term reversion, I have decided to shorten the period during which my decision will take effect.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3, Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 505(b), I hereby certify that this authorization will not have a significant

economic impact on a substantial number of small entities. The authorization effectively suspends the applicability of certain Federal regulations in favor of Wisconsin's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority

This notice is issued under the

authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, amended, by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6926, and 6974(b), EPA Delegation 8-7.

Dated: January 17, 1986.

Robert Springer,

Acting Regional Administrator.

[FR Doc. 86-2034 Filed 1-29-86; 8:45 am]

BILLING CODE 8560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 169, 170, 171, and 173

[CGD 83-005]

Sailing School Vessel Regulations

Correction

In FR Doc. 86-176, beginning on page

888, in the issue of Thursday, January 9, 1986, make the following corrections:

1. On page 891, first column, twenty-eighth line of the second paragraph, "January 11, 1988" should have read "January 9, 1988".

2. On page 897:

a. In the first column, last line, in the entry for § 169.809, "natural" should have read "nautical";

b. In the third column, § 169.107(d), "(publication date)", "(one year from publication date)", and "(two years from publication date)" should have read "January 9, 1986", "January 9, 1987", and "January 9, 1988" respectively.

3. On page 904, first column, § 169.311(a), tenth line, "an" should read "than".

4. On page 911, § 169.567(a), Table 169.567(a) should have appeared as follows:

TABLE 169.567(A)

Space protected	Total number extinguishers required	Type extinguishers permitted		Coast Guard classification
		Medium	Minimum size	
Living space and open boats.....	1 per 1000 cu. ft. of space.....	Halon 1211 or 1301.....	2½ pounds.....	B-I
		Foam.....	1½ gallons.....	
		Carbon dioxide.....	4 pounds.....	
		Dry chemical.....	2 pounds.....	
Propulsion machinery space with fixed CO ₂ or halon system.....	1.....	Foam.....	1½ gallons.....	B-I
		Carbon dioxide.....	4 pounds.....	
		Dry chemical.....	2 pounds.....	
		Halon 1211 or 1301.....	2½ pounds.....	
Propulsion machinery space without fixed CO ₂ or halon system.....	2.....	Foam.....	2½ gallons.....	B-II
		Carbon dioxide.....	15 pounds.....	
		Dry chemical.....	10 pounds.....	
		Halon 1211 or 1301.....	10 pounds.....	
Galley (without fixed system).....	1 per 500 cu. ft.....	Foam.....	2½ gallons.....	B-II
		Carbon dioxide.....	15 pounds.....	
		Dry chemical.....	10 pounds.....	
		Halon 1211 or 1301.....	10 pounds.....	

5. On page 923, second column, in § 170.055(s), "(publication date)", "(one year from publication date)", and "(two years from publication date)" should have read "January 9, 1986", "January 9, 1987", and "January 9, 1988" respectively.

BILLING CODE 1505-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[PR Docket No. 85-104; RM-4872; FCC 86-35]

Amendment of the Rules To Permit Telephony Operation in the 7075-7100 kHz Frequency Band in the Caribbean Insular Areas

AGENCY: Federal Communications Commission.

ACTION: Final rules; proceeding terminated.

SUMMARY: This document adopts rules to permit telephony operation by FCC-licensed General, Advanced and Amateur Extra operators transmitting from the Commonwealth of Puerto Rico, Navassa Island and the United States Virgin Islands in the 7075-7100 kHz frequency band. These rules are being adopted in order to improve

communications effectiveness between amateur operators licensed by the FCC and by other nations in the Caribbean and surrounding regions.

DATE: This rule change is effective 0001 UTC February 28, 1986.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Private Radio Bureau, Washington, DC 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 97

Amateur radio, Emissions, Radio.

Report And Order

In the matter of Amendment of Part 97 of the Commission's Rules to Permit Telephony Operation in the 7075-7100 kHz Frequency Band in the Caribbean Insular Areas; PR Docket No. 85-104, RM-4872.

Adopted: January 16, 1986.

Released: January 22, 1986.

By the Commission.

Background

1. On November 6, 1984, David Novoa filed a Petition for Rule Making (RM-4872) in which he requested that telephony privileges be authorized for General, Advanced and Amateur Extra operators using the 7075-7100 kHz frequency band when their stations are in the Caribbean Insular Areas (the Commonwealth of Puerto Rico, Navassa Island and the United States Virgin Islands). After evaluating the comments filed in response to this petition, we released a *Notice of Proposed Rule Making*, 50 FR 15195, April 17, 1985, proposing to permit radio-telephony operation in the 7075-7100 kHz frequency band by General, Advanced or Amateur Extra control operators at stations transmitting from any location other than the forty-eight contiguous states.

2. Twenty-one comments and reply comments were filed.¹ Nineteen comments favored some version of the proposal; two opposed it. The American Radio Relay League (the ARRL) supported the proposal provided that it would be modified to restrict maritime mobile amateur telephony near the continental United States. The Puerto Rico Amateur Radio Club and the DX

Club of Puerto Rico supported expansion of the proposed telephony subband to 7050-7100 kHz for Advanced and Amateur Extra operators and 7075-7100 kHz for General, Advanced and Amateur Extra operators. David Popkin and Philip E. Galasso supported extension of telephony privileges in the 7075-7100 kHz band without geographical limitation. Robert G. Wheaton supported the proposal, but in addition advocated extension of telephony privileges in the 7075-7100 kHz band to all areas that were within the claimed boundaries of the former Republic of Texas at the time of its annexation by the United States in 1845.²

Discussion

3. The reasons advanced in the *Notice* for proposing to expand telephony privileges in the 7075-7100 kHz segment of the 40 meter band in the Caribbean Insular Areas were: (1) Stations in the Caribbean which transmit on the 7100-7300 kHz band are experiencing interference from broadcast stations, particularly at night; (2) almost all emergency, weather and DX nets in the Caribbean transmit between 7000 and 7100 kHz in order to avoid broadcast interference; (3) FCC-licensed amateurs in the Commonwealth of Puerto Rico and the U.S. Virgin Islands are excluded from Caribbean emergency nets and drills because the frequency segment used for this purpose is 7075-7100 kHz; (4) U.S. jurisdictions in the Caribbean are the only locations in the Caribbean where telephony is completely prohibited between 7000 kHz and 7100 kHz; and (5) extension of telephony privileges in the 7075-7100 kHz frequency band to FCC-licensed amateur operators would promote international goodwill.

4. The DX Club of Puerto Rico concurred with this position in its comments, in which it concluded: "... there is a real need for a telephony segment in the 40 meter band below 7100 kHz, due to the interference suffered in this area; that operating

full public record and because it will best conduce to the dispatch of Commission business, we grant Wheaton's motion and accept his comments for filing. For the same reasons we also accept for filing all late-filed comments which were filed during the reply comment period.

² Wheaton advanced this proposal in a separate petition for rule making. Because of its close relationship to the matters in this docket, we will consider Wheaton's petition in the context of this proceeding.

conditions here are similar to those in the Pacific where identical privileges were granted; that international goodwill would be promoted; that we would be better prepared to provide emergency communications and that no detrimental interference to other users of the same frequencies would occur." In its comments, the Puerto Rico Amateur Radio Club, Inc., noted that "... almost all traffic, weather reports and emergency nets are organized below 7100 kHz to avoid the heavy interference received from broadcast stations from Regions 1 and 3."

5. John H. Parrott, Jr., and David L. Reasoner opposed extension of telephony privileges in the 7075-7100 kHz frequency band to FCC-licensed amateur operators in the Caribbean Insular Areas. Reasoner stated: "This band segment is used primarily for radioteletype transmissions by Amateurs in the forty-eight contiguous states . . . [T]he effect of adoption of this NPRM would only be detrimental to these operations."

6. In his Petition for Rule Making David Novoa stated that the proposal would not cause detrimental interference to telegraphy operators in the continental United States because of the limited number of potential users. In its Comments, the ARRL concurred with this analysis. Additionally, Philip E. Galasso maintained in his comments that "[m]ost radiotelegraph stations already move below 7050 kHz at night in order to avoid the powerful Canadian (and other foreign) radiotelephone stations."

7. As of the end of October, 1985, our data base reflects 146 Amateur Extra, 356 Advanced and 489 General FCC-licensed amateur operators in the Caribbean Insular Areas. Presumably, not all of these amateur operators are active. Moreover, of those who are active, not all have the equipment necessary to transmit on or desire to use the 7075-7100 kHz frequency band. We conclude that the number of potential users of radiotelephony in the 7075-7100 kHz band in the Caribbean Insular Areas is sufficiently small that little additional interference to amateur operation in the continental United States should be expected.

8. The ARRL expressed concern that the rule as proposed would "significantly increase the radiotelephony use of the 7075-7100 kHz segment beyond that envisioned by the petitioner and beyond that necessary at

¹ Robert G. Wheaton filed a Motion to Accept Late Filed Pleading with his comment filed on June 19, 1985. Although this comment was filed two days after the comment period had expired, it was filed within the reply comment period. In the interest of a

present to accomplish the desired objective of allowing stations in Caribbean Insular Areas to effectively communicate with other Caribbean countries." Specifically, the ARRL contended that by allowing such telephony operation anywhere outside the continental United States we would also permit maritime mobile amateur operation far closer to the continental United States than either the current exceptions or Caribbean Insular Area operation would allow. We agree, and we will instead adopt a rule which defines the area of permissible operation in the Caribbean Insular Areas by specifying a northern boundary of a specific latitude. We note that the petitioner originally requested such a northern boundary at 17 degrees North latitude, but later amended his petition to request a boundary of 19 degrees North latitude. The ARRL recommended a boundary of 20 degrees North latitude. We are adopting the boundary of 20 degrees North latitude as the easiest to determine and comply with for amateur operators and because it permits the widest possible area of operation to the north of the Caribbean Insular Areas without causing harmful interference to telegraphy operations in the continental United States.

9. In our *Notice* we requested comment on Randall F. Sobol's recommendation that we expand the proposed telephony segment to 7050-7100 kHz. Sobol sought the addition of the 7050-7075 kHz frequency band to the proposed telephony segment because authorization was pending for a commercial shortwave station to operate above 7100 kHz. Seven commenters supported addition of the 7050-7075 kHz band for telephony use, including the DX Club of Puerto Rico and the Puerto Rico Amateur Radio Club, Inc. Reasons advanced for such an expansion included: (1) Pending shortwave station authorizations; (2) better Caribbean emergency preparedness; and (3) minimization of interference to continental U.S. telegraphy operations by spreading Caribbean 40 meter telephony over twice the amount of spectrum.

10. The ARRL opposed addition of the 7050-7075 kHz band for telephony use, on the basis that: "[f]urther expansion would disrupt existing telegraphy and RTTY operation to a greater extent than necessary to accomplish the goal of the proposal, without providing any significant marginal benefit." Robert A. Scupp commented that such an expansion would be contrary to our professed intention of limiting this proceeding's impact upon telegraphy

operation in the continental U.S. Since we anticipated that the number of likely Caribbean telephony users even in the proposed 25 kHz frequency segment would not cause harmful interference to telegraphy operations in the continental U.S., we see no advantage to be derived from spreading them across twice the amount of spectrum. Rather, we conclude that the increased likelihood of interference to additional telegraphy operations militates in favor of not expanding the proposed telephony band.

11. In the *Notice* we also requested comment on whether expanded 40 meter telephony privileges for the Caribbean Insular Areas should be limited to Advanced and Amateur Extra operators. None of the comments in response to the *Notice* supported completely excluding General operators from using these new telephony privileges. However, in conjunction with their support of a 7050-7100 kHz telephony band, seven comments suggested limiting the 7050-7075 kHz band to Advanced and Amateur Extra operators while permitting General, Advanced and Amateur Extra operators in the 7075-7100 kHz band. The commenters supporting such subbands argued that they would be consistent with the concept of incentive licensing.

12. The ARRL commented that excluding General operators from any Caribbean telephony privileges would be inconsistent with the object of this proceeding: to promote network operation and regional communication in the Caribbean Insular Areas. Sobol maintained that there is no reason whatever to exclude General class operators from any regional weather nets, and that reservation of any telephony subband for exclusively Advanced or Amateur Extra operator use would be elitist. The 7075-7100 kHz frequency band is currently available to General, Advanced and Amateur Extra operators. As we have previously noted the number of General operators licensed by the FCC in the Caribbean Insular Areas is roughly equal to the number of Advanced and Amateur Extra operators combined. The primary objective of this proceeding is to facilitate inter-nation and regional communication in the Caribbean. In light of this, we believe that all FCC-licensed amateur operators authorized to operate in the 7075-7100 kHz band in the Caribbean should also be authorized to use all permissible emissions, including telephony emissions, in that band. Therefore, we are adopting rules which include General class telephony privileges for the 7075-7100 kHz

frequency band in the Caribbean Insular Areas.

13. Two commenters recommended that there be no geographical limitation upon that portion of the 40 meter band in which we authorize telephony. Popkin stated that the interference concerns raised by this docket are equally applicable throughout most U.S. jurisdictions, and that authorization of 40 meter telephony privileges throughout the United States would facilitate communications with geographically proximate nations. Galasso stated that the United States is the only country in the world which does not allow telephony in this segment. Wheaton, in support of his proposal to extend these telephony privileges to those portions of the United States formerly within the Republic of Texas, cited our common border with Mexico and the strong Hispanic ties of that region.

14. The ARRL concurred that "the argument that amateurs in Caribbean Insular Areas should be given relief from the broadcast and other interference above 7100 kHz is equally applicable to the forty-eight contiguous states." However, the ARRL stated that there is good reason to give the relief proposed in the *Notice* which is unique to the Caribbean: (1) The number of potential users of radiotelephony at 7075-7100 kHz in the Caribbean Insular Areas is sufficiently small that little interference to telegraphy operation in the contiguous United States would be expected; and (2) it permits FCC-licensed Caribbean amateurs to communicate with their geographically proximate counterparts in other locations in the Caribbean on weather and emergency networks on the appropriate network frequencies. These arguments are not equally applicable to the mainland United States. The goal of this proceeding, to facilitate Caribbean Insular Area regional communication, can be achieved without the further-reaching proposals of Sobol, Popkin or Wheaton. We therefore decline to adopt rules extending 40 meter telephony privileges to FCC-licensed amateur operators transmitting from the mainland United States. In his comments in this matter Galasso also proposed to eliminate all amateur emission subbands. This recommendation goes far beyond the scope of this proceeding and we will not consider it.

15. In accordance with section 605 of the Regulatory Flexibility Act of 1980 (5 U.S.C. 605) we certified in the *Notice of Proposed Rule Making, supra*, in this proceeding that these rules would not, if promulgated, have a significant

economic impact on a substantial number of small entities, because these entities may not use the Amateur service for commercial radiocommunication (see 47 CFR 97.3(b)). The Chief Counsel for Advocacy of the Small Business Administration has been so notified.

16. The new rules adopted herein have been analyzed with respect to the Paperwork Reduction Act of 1980 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.

Conclusion

17. We are amending the Part 97 Amateur Radio Service Rules consistent with the previous discussion in order to permit telephony operation by General, Advanced and Amateur Extra operators in the 7075-7110 kHz frequency band in the Caribbean Insular Areas. It appears that amateur stations which transmit on 40 meters are experiencing increasing interference from broadcast stations in ITU Regions 1 and 3. However, this interference is not unique to the Caribbean and would not alone warrant a rule change. We take this action because we believe it will significantly improve international communication in the Caribbean without creating additional interference to amateur operation in the continental United States.

18. Accordingly, it is ordered, that effective 0001 UTC February 28, 1986, Part 97 of the Commission's Rules (47 CFR Part 97) is amended as shown in the Appendix attached hereto. The authority for this action is found in sections 4(i) and 303 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303.

19. It is further ordered, that this proceeding is terminated.

20. For further information concerning this document, contact John J. Borkowski, (202) 632-4964.

Federal Communications Commission.
William J. Tricarico,
Secretary.

Appendix

PART 97—[AMENDED]

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 97 continues to read:

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

§ 97.61 [Amended]

2. The phrase "or south of 20 degrees North latitude" is added to the end of paragraph (b)(1) of § 97.61.

[FR Doc. 86-1984 Filed 1-29-86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 173

[Docket No. HM-196; Amdt. Nos. 172-99 and 173-190]

Packaging and Placarding Requirements for Liquids Toxic by Inhalation

Correction

In FR Doc. 85-23977 beginning on page 41098 in the issue of Tuesday, October 8, 1985, make the following correction: On page 41096, in the second column, in § 173.3a(b)(1), in the fifth line, "173.254" should read "173.245".

BILLING CODE 1505-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 41276-4176]

Fishery Conservation and Management; Foreign Fishing

AGENCY: National Marine Fisheries Service (NMFS), NOAA Commerce.

ACTION: Notice of initial specifications.

SUMMARY: 50 CFR 611.20(c) requires that the specifications of optimum yield (OY), initial estimates of U.S. harvests, and total allowable levels of foreign fishing (TALFF) be published at the beginning of the relevant fishing year. Therefore, NOAA issues this notice presenting the numbers, as of January 1, 1986, for 1986 for all foreign fisheries.

EFFECTIVE DATE: January 1, 1986. Comments will be accepted until March 3, 1986.

ADDRESSES: Send comments on interim specifications to the appropriate NMFS Regional Director listed below.

For current apportionments at any time during the year contact the Regional Director.

Mr. Richard Schaefer, Acting Director, Northeast Region, NMFS, 14 Elm

Street, Federal Building, Gloucester, MA 01930, 617-281-3600

Mr. Jack T. Brawner, Director, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702, 813-893-3141

Mr. Robert W. McVey, Director, Alaska Region, NMFS, P.O. Box 1668, Juneau, AK 99802, 907-586-7221

Mr. Rolland A. Schmitt, Director, Northwest Region, NMFS, 7600 Sand Point Way, NE, BIN C15700, Seattle, WA 98115, 206-526-6150

Mr. E. Charles Fullerton, Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, CA 90731, 213-548-2575.

FOR FURTHER INFORMATION CONTACT: Elizabeth D. Haynes (Fisheries Management Specialist), 202-634-7432.

SUPPLEMENTARY INFORMATION: This notice announces initial 1986 specifications for all fisheries having a foreign fishing component.

1. Northwest Atlantic Ocean Fisheries (Northeast Region)

Foreign fishing regulations for Atlantic hake, river herring and other finfish, and mackerel, squid, and butterfish appear at §§ 611.50 and 611.51.

The hake and river herring fisheries are managed under preliminary management plans in which the initial annual specifications remain constant from year to year. Therefore, the numbers shown for these species in the table below are final for 1986.

The mackerel, squid, and butterfish fisheries are managed under one combined fishery management plan (FMP). Procedures for determining OY for these species each year are described in § 655.20. The preliminary initial annual amounts are scheduled to be published by February 1 for the fishing year beginning April 1, 1986. Therefore, the numbers shown in the table below are the current specifications for the fourth quarter of the 1985-86 fishing year ending March 31, 1986. Comments are invited regarding specifications for the 1986-87 fishing year.

2. Atlantic and Gulf Fisheries (Southeast Region)

Foreign fishing regulations for the Atlantic shark and royal red shrimp fisheries appear at §§ 611.61 and 611.62.

The shark fishery is managed under a multi-year preliminary management plan in which the specifications remain constant from year to year. Therefore, the numbers shown for sharks in the table below are final for 1986.