the SAAs participating in the enforcement program. These SAAs are currently funded from the incoming label fees which provide them $12.00 for each manufactured home sited in their respective State. Under Cooperative Agreements signed with HUD, SAAs are required to monitor manufacturer's compliance with Federal Regulations (24 CFR Part 3282) which provide for notification to homeowners with defective homes or correction of homes with serious defects. This monitoring requires SAAs to perform investigations to determine whether there are similar defects in more than one home produced by a manufacturer. Present funding provides necessary resources for SAAs to assist consumers within their own States. However, it does not account for other inspection-related activities or the heavy workload involved with manufacturing plants in States that produce a large volume of homes that are exported to other States. Several of these SAAs have reported substantial net losses under the Federal Program. Consequently, many of these SAAs have not been able to function effectively. The increase of $3.00 per floor will be used to meet the funding needs of the States to carry out the inspections and inspection-related activities of the States. Further, the Department intends to amend 24 CFR 3282.307(b) in the near future to provide for a more equitable method for distributing funds to the States to meet their inspections and related expenses.

The following table details the fee income and expenses for FY 89 through FY 93 with the $8.00 per floor fee increase. The table shows the unobligated balance at the end of each year to be just adequate to offset short-term fluctuations in costs. The Department does not anticipate the need to revise the fee over the five year period, 1989–1994.

FEE ACCOUNT ($24 PER FLOOR)

	Estimate FY 88	Estimate FY 89	Estimate FY 90	Estimate FY 91	Estimate FY 92	Estimate FY 93
Manufactured homes produced	215,000	215,000	215,000	215,000	215,000	215,000
Transportable sections	305,000	305,000	305,000	305,000	305,000	305,000
Unobligated balance start of year	[2] 1,610	630	796	811	669	525
Fee at $24.00 [1]	[1] 4,880	7,320	7,320	7,320	7,320	7,320
Fee expenses:						
SAA Monitoring	2,245	3,290	3,290	3,290	3,290	3,290
Contractor	2,750	3,000	3,150	3,308	3,308	3,308
HUD salaries and expenses	865	865	865	865	866	866
Expenses	5,860	7,187	7,337	7,495	7,496	7,496
Unobligated balance end of year	630	796	811	669	525	382

[1] FY 88 Fee at $16.00.
[2] Does not include the amount of $259,000 sequestered in FY 1986, which is unavailable for obligations.

Therefore notice is hereby given that the monitoring inspection fees established by 24 CFR 3282.307(a) and 24 CFR 3282.454 (a) and (b) shall be $24.00 for each transportation section of each manufactured housing unit.

Authority: National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 3419, Sec. 7(d)), Department of Housing and Urban Development Act, (42 U.S.C. 3535(d))

Dated: December 16, 1988.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 89-981 Filed 1-13-89; 8:45 am]

BILLING CODE 4210-27-M

VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Interest Rates on Guaranteed Manufactured Home Loans, Home and Condominium Loans, and Home Improvement Loans

AGENCY: Veterans Administration.

ACTION: Correction; final regulations.

SUMMARY: On December 22, 1988, on pages 51550 through 51552 (53 FR 51550), the Veterans Administration (VA) published final rules to increase the maximum interest rates on guaranteed manufactured home unit loans, lot loans, and combination manufactured home unit and lot loans. In addition, maximum interest rates applicable to fixed payment and graduated payment home and condominium loans, and to home improvement and energy conservation loans were also increased.

EFFECTIVE DATE: December 19, 1988.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420 (202-233-3042).

SUPPLEMENTARY INFORMATION: In publishing the interest rates increase, the VA inadvertently neglected to change the effective date contained in § 36.4311(c) to the effective date of the regulation. The VA hereby corrects that error.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing, Loan programs—housing and community development, Manufactured homes, Veterans.

Dated: January 9, 1989.

C.G. Verenes,

Acting Chief, Directives Management Division.

PART 36—[AMENDED]

38 CFR Part 36, Loan Guaranty, is amended by correctly revising § 36.4311(c) to read as follows:

§ 36.4311 Interest rates.

* * * * *

(c) Effective December 19, 1988, the interest rate on any loan solely for energy conservation improvements or other alterations, improvements or repairs, which is guaranteed or insured wholly or in part on or after such date may not exceed 12 per centum per annum on the unpaid principal balance.

(Authority: 38 U.S.C. 1803(c)(1))

[FR Doc. 89-935 Filed 1-13-89; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3493-2; EPA Docket No. AMO69 MD]

Approval and Promulgation of Implementation Plan; Maryland; Stack Height Regulation EPA Docket No. AMO69 MD

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. The revision consists of an amendment to the State's regulation (COMAR) 10.18.01.08, Determination of Ground Level Concentration Acceptable Techniques. EPA has reviewed this revision and has concluded that it conforms to 40 CFR Part 51, including the July 8, 1985 amendments (50 FR 29906).

EFFECTIVE DATE: This rule will become effective on February 16, 1989.

ADDRESSES: Copies of the submittal are available for public inspection during normal business hours at the following locations:

Public Information Reference Unit, Environmental Protection Unit, 401 M Street, S.W., Washington, D.C. 20460.

U.S. Environmental Protection Agency, Region III, Air Management Division, 841 Chestnut Building, Philadelphia, PA 19107, Attn: Esther Steinberg (3AM11).

Maryland Air Management Administration, 201 West Preston Street, Baltimore, Maryland 21201, Attn: George P. Ferreri.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Magerr (3AM13) at (215) 597–6863 or at the EPA Region address above. The commercial and FTS numbers are the same.

SUPPLEMENTARY INFORMATION:

On August 27, 1987 (52 FR 25371), EPA published a Notice of Proposed Rulemaking (NPR) to revise the SIP for the State of Maryland. The NRP proposed to approve amendments to the State's stack height regulations to conform to the Federal stack height regulations as amended July 8, 1985 (50 FR 27892).

A description of the revision was provided in the NPR and will not be restated here.

Public Participation

The SIP revision was proposed under a procedure called "parallel processing" (47 FR 27073). Under this procedure, the State and EPA propose the regulation at the same time, announce concurrent comment periods, and jointly review the comments. If the State or EPA receive no substantive comments that would necessitate significant changes to the regulation, it is adopted by the State and formally submitted to EPA. The State adopted regulation is then acted on by EPA, as a final rulemaking. If significant changes are made to the regulation, EPA would have to repropose the regulation. In the case of Maryland's stack height regulation, the public was given an opportunity to comment as a result of EPA's proposed rulemaking of August 27, 1987 (52 FR 32321) and during the State's public comment period as advertised in the local newspapers on August 29, 1986. In both cases, no comments were received.

Final Action

EPA has reviewed this amendment and believes there will be no adverse effects on air quality if approved. Furthermore, the revisions meet the requirements under 40 CFR Part 51, and section 110 of the Clean Air Act. Therefore, EPA is approving this regulatory revision to the Maryland SIP, codified COMAR 10.18.01.08, Determination of Ground Level Concentrations Acceptable Techniques.

Conformity With EPA's GEP Stack Height Requirements

The EPA's stack height regulations were challenged in *NRDC* v. *Thomas*, 838 F2d. 1224 (D.C. Cir. 1988). On January 22, 1988, the U.S. Court of Appeals for the D.C. Circuit issued its decision affirming the regulations in large part, but remanding three provisions to the EPA for reconsideration. These are:

1. Grandfathering pre-October 11, 1983, within-formula stack height increases from demonstration requirements [40 CFR 51.1000(kk)(2)];

2. Dispersion credit for sources originally designed and constructed with merged or multiflue stacks [40 CFR 15.100(hh)(2)(88)(A)]; and

3. Grandfathering pre-1979 use of the refined H + 1.5L formula (40 CFR 51.100(ii)(2)).

Although the EPA generally approves Maryland's stack height rules on the grounds that they satisfy 40 CFR Part 51, the EPA also provides notice that this action may be subject to modification when EPA completes rulemaking to respond to the decision in *NRDC v. Thomas*, 838 F.2d 1224 (D.C. Cir. 1988). If the EPA's response to the *NRDC* remand modifies the July 8, 1985, regulations, the EPA will notify the State of Maryland that its rules must be changed to comport with the EPA's modified requirements. This may result in revised emission limitations or may affect other actions taken by Maryland and source owners or operators.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 20, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Particulate matter, and Sulfur dioxide.

Note: Incorporation by reference of the State Implementation Plan for the State of Maryland was approved by the Director of the Federal Register on July 1, 1982.

Authority: 42 U.S.C. 7401–7642.

Date: December 12, 1988.

Lee M. Thomas,

Administrator.

40 CFR Part 52, Subpart V, is amended as follows:

PART 52—[AMENDED]

Subpart V—Maryland

1. The authority citations for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1070 is amended by adding paragraph (c)(87) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(87) A revision submitted by the Secretary, Maryland Department of Health and Mental Hygiene on March 30, 1987, consisting of amendments to the Good Engineering Practice (GEP) Stack Height Regulations, COMAR 10.18.01.08 (Determination of Ground Level Concentrations—Acceptable Techniques).

(i) Incorporation by reference

(A) Letter of March 30, 1987 from the Secretary, Maryland Department of Health and Mental Hygiene.

(B) COMAR 10.18.01.08 (Determination of Ground Level Concentrations—Acceptable Techniques), which was adopted by the Maryland Department of Health and Mental Hygiene on January 23, 1987.

(ii) Additional Information

(A) None

[FR Doc. 89-1062 Filed 1-13-89; 8:45 am]
BILLING CODE 6560-50-M

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40 CFR Part 52

[FRL-3480-5]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rulemaking.

SUMMARY: USEPA is taking final action to approve a revision to the Ohio State Implementation Plan (SIP) for the Coulton Chemical Plant in Toledo, Ohio, and for the E.I. duPont de Nemours and Company facility in Miami, Ohio. The revision is in the form of Permits to Operate for the two facilities. The permits require the installation and operation of continuous emission monitors for sulfur dioxide.

This revision was submitted by the State to satisfy section 110(a)(2)(F) of the Clean Air Act and 40 CFR 51.214 (previously codifed at 40 CFR 51.19(e)) and to address a remand from the Sixth Circuit Court of Appeals concerning continuous emission monitoring for sulfur dioxide. (*Northern Ohio Lung Association* v. *U.S. Environmental Protection Agency*, 572 F.2d 1182 (6th Cir. 1978), hereafter "NOLA Remand.")

EFFECTIVE DATE: This rule will become effective on February 16, 1989.

ADDRESSES: Copies of the SIP revision are available at the following addresses for review: (It is recommended that you telephone Debra Marcantonio, at (312) 886-6088, before visiting the Region V office.)

U.S. Environmental Protection Agency, Public Information Reference Unit, 401 M Street SW., Washington, DC 20460.

U.S. Environmental Protection Agency, Region V, Air and Radiation Branch (5AR-26), 230 South Dearborn Street, Chicago, Illinois 60604.

Ohio Environmental Protection Agency, Office of Air Pollution Control, 1800 WaterMark Drive, P.O. Box 1049, Columbus, Ohio 43266-0149.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, (312) 886-6088.

SUPPLEMENTARY INFORMATION: Section 110(a)(1) of the Clean Air Act (Act) requires each State to adopt and submit to USEPA a plan which provides for attainment and maintenance of the primary and secondary national ambient air quality standards. The plan for achieving the secondary standard may be submitted as part of a State's plan for achieving the primary standard or as a separate plan. The primary standard plan must provide for attainment no later than 3 years from plan approval. Attainment of the secondary standard must be within a reasonable time.

Under section 110(c) of the Act, USEPA promulgated its substitute sulfur dioxide plan for the State of Ohio on August 27, 1976, which set emission limitations for Ohio sources to assure that the State of Ohio attain and maintain the national ambient air quality standards for sulfur dioxide (SO_2).

See 41 FR 36324, 41 FR 52155, and 42 FR 27588. The Federal plan was designed to ensure attainment of both the primary and secondary sulfur dioxide standards within 3 years of plan approval.

On February 9, 1978, the United States Court of Appeals for the Sixth Circuit remanded to USEPA for its further consideration two aspects of the plan. *Northern Ohio Lung Association* v. *USEPA*, 572 F.2d 1182 (6th Cir. 1978). The Court held that the plan did not comply with the requirements of Section 110(a)(2)(F) of the Act and did not include specific provisions for meeting the secondary ambient air quality standards for SO_2.

USEPA previously addressed the secondary standard portion of the remand on October 6, 1981 (46 FR 49123), and July 26, 1982 (47 FR 32121). This notice addresses the portion of the sulfur dioxide remand regarding section 110(a)(2)(F) of the Clean Air Act which requires appropriate sources to monitor their own emissions.

On January 27, 1981 (46 FR 8481), USEPA approved a significant portion of Ohio's sulfur dioxide SIP which replaced USEPA's August 27, 1976, plan. (Effective date was subsequently delayed until April 13, 1982 (47 FR 15782)). Amendments were approved by USEPA on April 20, 1982 (47 FR 16784), and May 13, 1982 (47 FR 20586). The SO_2 plan in Ohio is no longer the Federal plan promulgated by USEPA but, in most cases, is the revised State SO_2 plan. Therefore, Ohio submitted a revision to the SIP to satisfy both section 110(a)(2)(F) of the Clean Air Act and 40 CFR 51.214 (previously codified at 40 CFR 51.19(e)) as they pertain to sulfur dioxide emissions, and to address the remand from the Sixth Circuit Court of Appeals.

Section 110(a)(2)(F)

According to section 110, SIPs must require the installation of equipment to monitor emissions from stationary sources, the periodic reporting of such emissions, and the correlation of such reports with any emission limitations. To implement this provision of section 110, USEPA promulgated regulations identifying the minimum emission monitoring requirements (40 CFR Part 51, Appendix P). For SO_2, continuous emission monitoring (CEM) is required for the following source categories:

(1) Fossil fuel-fired steam generators greater than 250 Million British Thermal Units per hour (MMBTU/HR) which have installed SO_2 pollution control equipment, and

(2) Sulfuric acid plants of greater than 300 tons per day production capacity.

(1) Fossil Fuel-Fired Generating Units—Ohio SIP

Currently, there are only two fossil fuel-fired steam generating units greater than 250 MMBTU/HR that have SO_2 pollution control equipment in Ohio: C&SOE Conesville—Units 5 and 6. Continuous emission monitoring of SO_2 for Conesville Units 5 and 6 were already installed to satisfy New Source Performance Standards (NSPS) requirements at 40 CFR Part 60, Subpart D.

On December 21, 1976 (41 FR 55575), and December 22, 1981 (46 FR 62065), USEPA delegated authority to implement NSPS to Ohio. Because Subpart D (fossil fuel-fired generators which commenced construction after August 17, 1971) and Subpart Da (electric utility steam operating units which commenced construction after September 18, 1978) both require the installation and operation of continuous emission monitors for SO_2, any new fossil fuel-fired generator greater than 250 MMBTU/HR in Ohio will be required to have continuous emission monitors.

Any existing source greater than 250 MMBTU/HR not subject to NSPS which alters its compliance method to include the use of SO_2 pollution control equipment must install CEM equipment consistent with the NOLA remand. For any such source, OEPA plans to specify the monitoring requirements as part of the source's Permit to Operate. The State must also submit any such CEM requirement to USEPA as a SIP revision request.

Thus, all existing and future fossil fuel-fired generating units in Ohio subject to the control requirements of Subparts D, and Da, will comply with the requirements of section 110(a)(2)(F).

(2) Sulfuric Acid Plants—Ohio SIP

As noted in a letter dated September 5, 1985, from Ohio EPA, there are only two sulfuric acid plants with greater than 300 tons per day production capacity in Ohio (Coulton Chemical and E.I. duPont). This letter is contained in the docket for this proposed action.

A. Coulton Chemical Company

The State submitted two permits to operate (identified as A-Plant and B-Plant) for the Coulton Chemical Company in Lucas County. The State requested that Terms and Conditions listed in item 3 of the permits be incorporated into the Ohio SIP.

Condition 3 references a compliance time schedule for installing and operating continuous emission monitoring equipment. The schedule requires completion of testing and calibration of installed continuous emission monitoring within 18 months of issuance of the permit for A-Plant and by July 3, 1987, for B-Plant. Ohio EPA requested USEPA to act on these compliance schedules as part of Condition 3. Additionally, Condition 3 requires these facilities to submit quarterly reports pursuant to 40 CFR Part 51, Appendix P, Paragraph 4 documenting all instances of sulfur dioxide emissions in excess of the limitations specified in OAC Rule 3745-18-54(X). This rule is identical to the currently effective SIP for this source as contained in 40 CFR 52.1881(b)(39)(vi)(B). USEPA finds that the continuous emission monitoring requirements for SO_2 in these permits satisfy 40 CFR Part 51, Appendix P.

B. E.I. duPont

The State submitted a permit to operate for the E.I. duPont Fort Hill Plant in Miami. The State requested that Terms and Conditions listed in Condition 3 of the permits be incorporated into the Ohio SIP. Condition 3 requires the source to operate and maintain existing equipment to continuously monitor and record the SO_2 emissions from the source as required by 40 CFR Part 60.13. Additionally, Condition 3 requires this facility to submit quarterly reports pursuant to 40 CFR Parts 60.7 and 60.84, documenting all instances of sulfur dioxide emissions in excess of the Ohio SIP. The continuous emission monitoring requirements for SO_2 in these permits satisfy 40 CFR Part 51, Appendix P.

As noted above, USEPA delegated authority to implement NSPS to Ohio. Because 40 CFR Part 60, Subpart H requires the installation and operation of continuous emission monitors for SO_2, any new sulfuric acid production unit in Ohio will be required to have continuous emission monitors. Thus, all existing and future applicable sulfuric acid plants in Ohio will comply with the requirements of section 110(a)(2)(F).

USEPA Action

On April 30, 1986, Ohio EPA submitted a draft revision to the Ohio SIP in the form of operating permits for Coulton Chemical and for E.I. duPont. On December 24, 1986, a notice was published in the **Federal Register** (51 FR 46693) proposing to approve this revision. The notice stated that in order for USEPA to approve this revision in final, the State must submit a final plan which was identical to the draft plan. On May 5, 1987, the State submitted the final plan which is in the form of operating permits for Coulton Chemical and E.I. duPont. The final operating permits for these facilities contain CEM requirements which are substantially identical to the draft permits that USEPA proposed to approve. Additionally, no public comments were received during the public comment period on USEPA's proposed action.

USEPA is approving the requirements for SO_2 continuous emission monitors in the operational permits for Coulton Chemical and E.I. duPont as a revision to the Ohio SIP. These SIP revisions, coupled with Ohio's NSPS delegation, satisfy the requirements of section 110(a)(2)(F) for the SO_2 SIP and respond to the NOLA remand.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 20, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).) Identification of subjects for Part 52.

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Sulfur oxides.

Note: Incorporation by reference of the State Implementation Plan for the State of Ohio was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 28, 1988.

Lee M. Thomas,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Ohio—Subpart KK

Title 40 of the Code of Federal Regulations, Chapter I, Part 52, is amended as follows:

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7462

2. Section 52.1870 is amended by adding new paragraph (c)(78) to read as follows:

§ 52.1870 Identification of plan.

(c) * * *

(78) On April 30, 1986, (draft) and on May 5, 1987, (final) the Ohio Environmental Protection Agency (OEPA) submitted a revision request to Ohio's sulfur dioxide SIP. The revision was in the form of Permits to Operate for the Coulton Chemical Plant in Toledo, Ohio, and the E.I. duPont de Nemours and Company facility in Miami, Ohio. The permits require the installation and operation of continuous emission monitors for sulfur dioxide at these facilities, and the reporting of monitoring data.

(i) Incorporation by reference.

(A) Special Term and Condition No. 3 of Permit to Operation No. 0448020014P001 for Coulton Chemical Corporation, effective January 3, 1986, Permit to Operate No. 0448020014P002 for Coulton Chemical Corporation, effective March 25, 1986.

(B) Special Term and Condition No. 3 of Permit to Operate No. 1431350817P001 for E.I. duPont de Nemours and Company (Fort Hill Plant), effective March 2, 1984.

(ii) Additional material

(A) September 5, 1985, letter from Charles M. Taylor, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency; to Steve Rothblatt, Chief, Air and Radiation Branch, U.S. Environmental Protection Agency.

3. Section 52.1881 is amended by adding new paragraph (a)(10) to read as follows:

§ 52.1881 Control strategy: Sulfur oxides (sulfur dioxide).

(a) * * *

(10) Approval—USEPA approves Condition #3 of the permits for the Coulton Chemical Plant in Toledo and the E.I. duPont de Nemours and Company plant in Miami, Ohio. This condition requires the installation and operation of continuous emission monitors for sulfur dioxide.

* * * * *

[FR Doc. 89-1063 Filed 1-13-89; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[FRL-3478-7]

Approval and Promulgation of State Implementation Plans; Utah; Visibility Protection

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: In this action, EPA is approving the general plan requirements and long-term strategies (LTS) for visibility protection in a revision to the Utah State Implementation Plan (SIP). This action is a result of rulemaking on November 24, 1987 (52 FR 45132), at which EPA disapproved SIPs of states which failed to comply with the provisions of 40 CFR 51.302 (visibility general plan requirements) and 51.306 (visibility LTS). EPA also incorporated these Federal plans and regulations into the SIPs of these states.

The Governor of Utah submitted a SIP revision for visibility protection on December 11, 1987. Review of the plan indicates that Utah has met the criteria of 40 CFR 51.302 and 51.306, and that these revisions will replace the Federal plans and regulations in the Utah Visibility SIP.

DATES: This action will be effective on March 20, 1989, unless notice is received by February 16, 1989 that someone wishes to submit adverse or critical comments.

ADDRESSES: Copies of the State submittal are available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at the following locations:

Environmental Protection Agency, Region VIII, Air Programs Branch, 999 18th Street, Suite 500, Denver, Colorado 80202-2405.

Environmental Protection Agency, Public Information Reference Unit, Waterside Mall, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Michael Silverstein, Air Programs Branch, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2405, (303) 293-1769, (FTS) 564-1769.

SUPPLEMENTARY INFORMATION:

Background

Section 169A of the Clean Air Act (Act), 42 U.S.C. 7491, requires visibility protection for mandatory Class I Federal areas where EPA has determined that visibility is an important value. ("Mandatory Class I Federal areas" (hereinafter Class I areas) are certain national parks, wilderness areas, and international parks, as described in section 162(a) of the Act, 42 U.S.C. 7472(a), 40 CFR 81.400-81.437.) Section 169A specifically requires EPA to promulgate regulations requiring certain states to amend their State Implementation Plans (SIPs) to provide for visibility protection.

On December 2, 1980, EPA promulgated the required visibility regulations in 45 CFR Part 80084, codified at 40 CFR 51.300 *et seq.* It required the states to submit their revised SIPs to satisfy those provisions by September 2, 1981. (See 45 FR 80091, codified at 40 CFR 51.302(a)(1).) That rulemaking resulted in numerous parties seeking judicial review of the visibility regulations. In March 1981, the court stayed the litigation, pending EPA action on related administrative petitions for reconsideration of the visibility regulations filed with the Agency.

In December 1982, the Environmental Defense Fund (EDF) filed suit in the U.S. District Court for the Northern District of California alleging that EPA failed to perform a nondiscretionary duty under section 110(c) of the Act to promulgate Visibility SIPs. Part of the negotiated Settlement Agreement between EPA and EDF required EPA to determine the adequacy of State Visibility SIPs to meet the general plan provisions including implementation control strategies (40 CFR 51.302), integral vista protection (40 CFR 51.302-51.307), and LTS (40 CFR 51.306). The Settlement Agreement required EPA to propose and promulgate Federal Visibility SIPs (hereinafter Federal Implementation Plans (FIPs)) to remedy any deficiencies on a specified schedule. On January 23, 1986 (51 FR 3046), EPA preliminarily determined that the SIPs of 32 states (including Utah) were deficient with respect to the visibility provisions.

The EPA and the plaintiffs negotiated revisions to the Settlement Agreement which extended the deadlines for proposing FIPs to remedy the deficiencies. Under this revised agreement, EPA must propose and promulgate FIPs to address the deficiencies relating to the general plan requirements and LTS, and can defer proposing and promulgating FIPs to remedy deficiencies related to impairment which the Federal Land Managers (FLMs) have certified to EPA.

On March 12, 1987 (52 FR 7802), EPA proposed to disapprove the SIPs of 32 states (including Utah) for failing to meet the general plan and LTS requirements of 40 CFR 51.302 and 51.306, and to incorporate these Federal regulations into each State's SIP. The states were given the opportunity to avoid promulgation, if they submitted SIP revisions to EPA by August 31, 1987. Additionally, the EPA proposed to defer a decision on the necessity of a best available retrofit technology (BART) review for Canyonlands National Park, Utah, pending the development of additional monitoring information to determine the source(s) of impairment.

On November 24, 1987, EPA disapproved SIPs for states (including Utah) which failed to meet the requirements of 40 CFR 51.302 and 51.306. EPA also incorporated these Federal regulations into the SIPs of these states.

On December 11, 1987, Utah submitted a SIP revision pertaining to the general plan requirements and the LTS for visibility protection in Class I areas. Utah has deferred a BART review for Canyonlands National Park pending further information. Additionally, the December 11, 1987, submittal revises § 16.1 of Utah's SIP by providing for a review of the Visibility SIP every three years. (EPA had originally approved an annual review of the Visibility SIP (51 FR 19550, May 30, 1986, final rulemaking; 50 FR 46782, November 13, 1985, proposed rulemaking).) This submittal appears to meet the requirements of 40 CFR 51.302 and 51.306. Final approval of this submittal would replace the Federal visibility plans and regulations pertaining to the LTS and general provisions in Utah's SIP.

Earlier drafts of this submittal provided for visibility protection of integral vistas that are identified by the FLMs. The State has chosen not to list scenic views (integral vistas) or establish the mechanism to protect these views from impairment. Utah's submittal meets the requirements of 40 CFR 51.304.

Affected Areas

The following areas in Utah are Class I areas where visibility is an important value:

Arches National Park
Bryce Canyon National Park
Canyonlands National Park
Capitol Reef National Park
Zion National Park

General Plan Requirements

A. Requirements

The visibility regulations provide general plan requirements for the Visibility SIPs. The general plan requirements of 40 CFR 51.302(c) require that the SIPs include: (1) An assessment of visibility impairment and a discussion of how each element of the plan relates to the national goal; (2) emission limitations, or other control measures, representing BART for certain sources;

(3) provisions to protect integral vistas; (4) provisions to address any existing impairment certified by the FLM; and (5) a long-term (10 to 15 year) strategy for making reasonable progress toward the national goal.

The Utah Visibility SIP reiterates these general plan requirements in §§ 16.2 ("Background") and 16.3 ("Visibility Protection") with the exception of (3) above, "provisions to protect integral vistas". Utah has chosen not to list integral vistas or establish the mechanism to protect integral vistas from impairment.

B. Control Strategies

The regulations establish the following process for developing control strategies to remedy existing impairment. First, the State or the FLM identifies the Class I areas where visibility impairment exists. The regulations require the State to address in the SIP any impairment which has been certified at least 6 months prior to SIP submittal. (See 40 CFR 51.302(c)(4).)

In identifying existing facilities which cause or contribute to the visibility impairment, the regulations require the State to adopt control strategies only to remedy impairment which has been reasonably attributed to a specific source or group of sources. Although the FLMs may provide the State with a list of sources suspected of causing any existing impairment in the certification, the responsibility of identifying sources is the State's. (See 45 FR 80086, col. 3, and 40 CFR 51.302(c)(4)(i).)

The State is required to perform a BART analysis for any existing stationary facility which has been identified as causing impairment in a Class I area. The State determines BART on a case-by-case basis, taking into account the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, the remaining useful life of the source, and the degree of improvement that can be anticipated to result from the use of the controls. The State must adopt emission limitations representing BART which must be installed as expeditiously as practical, but no later than five years from SIP approval. (See 40 CFR 51.302(c)(4).)

The State is not required to adopt emission limitations representing BART if, for example, retrofit controls do not exist or are not anticipated to result in improvements in visibility. (See 45 FR 80087, col. 1.) However, if a source has not been subject to BART because control technologies do not exist, and if the Administrator determines that new technologies are available which would more effectively control that pollutant, the State must reanalyze for BART at that time. (See 40 CFR 51.302(c)(4)(v).)

Under 40 CFR 51.303, sources may apply to the Administrator of EPA for exemptions from BART if they can demonstrate that their emissions do not cause "significant" visibility impairment. The concurrence of the State and the FLM must be obtained before an exemption is granted.

The regulations do not specify methods other than visual observation for characterizing visibility impairment. However, if a State is to adequately and timely address existing visibility impairment, a thorough characterization may be necessary. The EPA is aware that it, or the State, may find that the impairment cannot be attributed to specific sources and therefore cannot be addressed under the existing visibility regulations. (See 52 FR 7804, col. 1.)

A thorough characterization is important when a BART analysis is conducted, so that the anticipated improvements in visibility may be estimated. The State or EPA may find that the impairment is attributable to minor stationary sources or to emissions from prescription fires. In these cases, the need for a control strategy to remedy the impairment is assessed as part of the LTS rather than BART. (See 52 FR 7804, col. 1.)

The Utah Visibility SIP, § 16.6 ("Existing Source Visibility Impact and BART") contains provisions which address the development of these control strategies. (A significant amount of detail on the development of Federal control strategies is contained in 52 FR 7802 (March 12, 1987).)

C. Assessment of Visibility Impairment

The EPA reviewed the information provided by the Department of Interior (DOI) to determine if impairment (1) appeared to occur in Utah's Class I areas, and (2) if impairment was a type which may be traceable to specific sources.

The information provided by the FLMs indicated that one Class I area in Utah—Canyonlands National Park—is experiencing visibility impairment within the park boundaries which may be traceable to specific sources.

The EPA is aware that the FLMs may, in the future, provide additional information on this impairment which would allow EPA or a State to attribute it to a specific source. In such cases, the information would be reviewed under the procedures described above and addressed in the periodic review of the LTS discussed below.

Long-term Strategy

A. Requirements

The regulations require that the LTS be a 10 to 15 year plan for making reasonable progress toward the national goal. The LTS must cover any existing impairment that the FLM certified at least six months before plan submission. A LTS must be developed which covers each Class I area within the State and each Class I area in another State that may be affected by sources within the State. The strategy must be coordinated with existing plans and goals for a Class I area including those of the FLMs. The strategy must state with reasonable specificity why it is adequate for making reasonable progress toward the national goal. The LTS and SIP must provide for the review of the impact of new sources as required by 40 CFR 51.307. The State must consider at a minimum the following six factors in the LTS: (1) Emission reductions due to ongoing air pollution control programs; (2) additional emission limitations and schedules for compliance; (3) measures to mitigate the impacts of construction activities; (4) source retirement and replacement schedules; (5) smoke management (techniques for agricultural and forestry management purposes, including such plans as currently exist within the State for these purposes); and (6) enforcement of emission limitations and control measures.

The SIP must include a statement as to why these factors were or were not addressed in developing the LTS.

The State must commit to periodic review of the SIP on a schedule not less frequent than every three years. A periodic report must be developed in consultation with the FLMs and must contain the following: (1) Progress achieved in remedying existing impairment; (2) the ability of the LTS to achieve reasonable progress toward the national goal; (3) any change in visibility conditions since the last report or since plan approval; (4) additional measures, including the need foir SIP revisions, that may be necessary to achieve progress toward the national goal; (5) the progress achieved in implementing BART and meeting other schedules laid out in the LTS; (6) the impact of any exemption granted.

B. Remedies

The existing visibility regulations are designed to address impairment which can be traced to specific sources and EPA is deferring action on such existing impairment. Therefore, the Federal LTS is limited to the prevention of future impairment. It establishes a mechanism to address any additional impairment which may be certified in the future. Although EPA intends for these discussions to be the Federal remedy, each State must develop its own LTS when developing its Visibility SIP.

1. Ongoing Air Pollution Control Programs

The regulations require that each LTS provide for the review of the potential impact on visibility of new major stationary sources or major modifications in accordance with 40 CFR 51.307. The regulations further require that each SIP contain a discussion of the effect of on-going air pollution control programs on remedying existing and preventing future impairment of visibility.

The Utah Visibility SIP has met this requirement; EPA approved the Utah NSR program for visibility protection on May 30, 1986 (51 FR 19550).

2. Smoke Management Practices

The FLMs have not specifically identified smoke from prescribed fires as a cause of impairment in the Class I areas. Nonetheless, EPA believes that this could be a significant cause of impairment in certain Class I areas.

Utah commits to negotiate with the FLMs to include a review for visibility impacts on Class I areas due to smoke from prescribed burning. Utah's plan requires that the impacts of prescribed burning on visibility be reduced or minimized.

3. Future Certifications of Impairment

Under the revised Settlement Agreement, EPA must address existing deficiencies in Visibility SIPs. Thus, EPA has only addressed the certifications of impairment in Class I areas made by the FLMs prior to June 1, 1986. The EPA is aware, however, that information may become available which indicates the existence of additional visibility impairment within the Class I areas or which may allow EPA or the State to attribute impairment to a specific source which could not be addressed at this time. A discussion of how any future impairment will be addressed may be found in 40 CFR 51.302(c).

4. Existing Visibility Impairment

Since the EPA deferred action on the requirements to address existing visibility impairment, discussions related to source impact (such as additional emission limitations, source retirement and replacement, construction activities, and enforceability of emission limitations) are not required in the SIPs at this time. However, Utah has chosen to establish the mechanism for addressing existing visibility impairment, and implementing BART once an existing source(s) has been identified as causing visibility impairment in a Class I area.

The Utah Visibility SIP includes provisions which address Federal LTS requirements in § 16.8 ("Long Term Plan to Show Progress Toward Improved Visibility"). Additional information and detail concerning the Federal LTS requirements is contained in 52 FR 7802 (March 12, 1987).

Summary of Action

The December 11, 1987, submittal by the Governor of Utah includes an adequate visibility plan to meet the general plan requirements and LTS of 40 CFR 51.302 and 51.306 and the criteria discussed in 52 FR 45132. (One should reference March 12, 1987, 52 FR 7802, for additional information.) The State commits to a review of the Visibility SIP every three years, making any changes deemed necessary. The SIP, therefore, has established the commitment to review the visibility requirements listed in 40 CFR Part 51 Subpart P—Protection of Visibility. The submittal will replace the Federal plans and regulations of 40 CFR 51.302 and 51.306 in Utah's SIP.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of the Federal Register notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted.

If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective (60 days from publication).

Final Action

EPA hereby approves the revisions in the Utah Visibility SIP for general plan and LTS requirements. With such approval EPA is removing the federal requirements in the Utah SIP, 40 CFR 52.2347.

EPA finds good cause exists for making the action taken in this notice immediately effective because the implementation plan revisions are already in effect under State law or regulation and EPA's approval poses no additional regulatory burden.

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by (March 20, 1989). This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

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

List of Subjects in 40 CFR Part 52

Air pollution control, Particulate matter, Incorporation by reference.

Note: Incorporation by reference of the State Implementation Plan for the State of Utah was approved by the Director of the Federal Register on July 1, 1982.

Date: November 2, 1988.

Lee M. Thomas,

Administrator.

Part 52 Chapter I, Title 40 of the *Code of Federal Regulations* is amended as follows:

PART 52—[AMENDED]

Subpart TT—Utah

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.2320 is amended by adding paragraph (c)(21) to read as follows:

§ 52.2320 Identification of plan.

* * * * *

(c) * * *

(21) A revision to the SIP was submitted by the Governor on December 11, 1987, for visibility general plan requirements and long-term strategies.

(i) Incorporation by reference.

(A) Letter dated December 2, 1988, from the Utah Bureau of Air Quality to the U.S. Environmental Protection Agency, Region VIII.

(B) A revised section 16, Visibility Protection, of the Utah SIP was adopted on November 12, 1987, except for the first three paragraphs of § 16.1, the fifth and sixth paragraph of § 16.4, and the second and third paragraphs of § 16.5.

§ 52.2347 [Removed]

3. Section 52.2347 is removed.

[FR Doc. 89-1064 Filed 1-13-89; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[General Docket 87-212; FCC 88-412]

Equipment Authorization Procedures

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the equipment authorization procedures to reduce application filing requirements, simplify equipment identification and labeling requirements and improve the efficiency of the equipment sampling procedures.

EFFECTIVE DATE: February 21, 1989.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Paul Marrangoni, telephone (202) 653-8107.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in General Docket 87-212, adopted December 15, 1989, released January 5, 1989. The full text of the 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 contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington DC 20037.

Summary of Report and Order

1. In the *Notice of Proposed Rule Making (Notice)* in General Docket 87-212, adopted June 4, 1987, FCC 87-204, the Commission proposed to amend the equipment authorization provisions of Part 2 of its rules to discontinue the use of the manufacturer code as part of the FCC identification code, delete the requirement of file an application with the Commission when trade names are changed or added, delete the requirement to indicate the country of origin on the FCC label for products not produced in the United States, and permit a less restrictive format for the FCC equipment authorization label. In addition, modifications were proposed in the Commission's equipment sampling program and in the time period within which a grantee must report changes in name and/or address. Finally, new administrative Sections, as well as editorial amendments to §§ 2.910, 2.954 and 2.1043(b) and (d), were proposed.

2. While most of the commenters were supportive of the proposed amendments, several opposed discontinuing the use of the manufacturer code. These parties argued that the manufacturer code serves to encourage manufacturers to be more compliant with the Commission's technical standards and is necessary for the Commission's enforcement program. The Commission concluded that the manufacturer code is not necessary for compliance or enforcement proposes. Accordingly, it deleted the manufacturer code from the FCC identification code and eliminated the requirement for filing a new equipment authorization application whenever a grantee uses a new manufacturer to produce a device that has been authorized previously.

3. Some commenters also believed that the requirement for indicating the country of origin on the FCC label should be retained so that prospective buyers could easily identify products not produced in the United States. The Commission stated that while it understands these concerns, the U.S. Customs Service, which is the agency with primary responsibility for matters relating to identification of foreign products, has adequate regulations to address these concerns. The Commission found no communications policy need for separate country of origin labeling requirement and delete the existing rule in this regard. The Commission also deleted the requirement that grantees circumscribed the information on the FCC label with a line and permitted grantees to combine the FCC label with other labeling information so long as that label is affixed to the exterior of the device.

4. With regard to modification of the Commission's equipment sampling procedures, several commenters suggested that 60 days would be a more appropriate time period for submission of equipment in response to FCC requests for samples than the 30 day period proposed in the *Notice*. Several parties also proposed that the Commission accept written responses in lieu of the requested equipment samples in certain cases. The Commission adopted the 60 day time period for submission of samples suggested by the commenters. It found that the longer period is necessary to allow grantees to complete internal activities involved in submitting a sample and to allow grantees with inventory problems to make a unit of a device available for testing. However, the Commission decided not to accept written responses in lieu of the requested sample because to do so would negate the intent of this rule, i.e., to obtain the timely submission of an equipment sample for testing. However, the Commission stated that in extenuating circumstances it may specify a lesser time period for grantees to submit requested samples and upon a good cause showing, it may consider requests for extensions of time.

5. In the *Notice* the Commission requested comment on a proposed sampling procedure whereby a Commission representative would select a specific sample of a grantee's equipment for compliance testing. The commenters generally opposed this proposal arguing that it would subject the grantees to problems involving inventory availability. While the Commission was not convinced that the issues raised were insurmountable, it was persuaded not to adopt the proposed sampling procedure at this time. The Commission concluded that in the absence of evidence indicating the test samples submitted by the grantees are not representative of the devices being marketed, the burden that would be imposed by having a Commission representative select samples is not warranted. The Commission stated that it will continue to use its current procedure for obtaining samples.

6. The Commission also made several administrative changes to its rules for equipment authorization. The first was to add a new § 2.910 to the rules to indicate the correct mailing address for the submission of equipment and/or test samples to the Commission. The second administrative change was to modify § 2.934, which addresses changes in the name of the grantee, by requiring that changes in the grantee name and /or address be filed with the Commission no later than 30 days after the change occurs. The third change was to revise § 2.954 to clarify that identification used on equipment subject only to verification is not to be of a type and format that could be confused with the FCC Identifier used on certified, notified, type accepted, or type approved equipment. The final administrative rule change was to revise § 2.1043(b) and (d), which address permissive changes in certified equipment, to more accurately reflect the new FCC equipment labeling requirements adopted in this proceeding.

Regulatory Flexibility Final Analysis

7. Pursuant to 5 U.S.C. 601 et seq., the Commission's Final Regulatory Flexibility Analysis is:

I. Need and Purpose of This Action

The regulations adopted herein are intended to relieve applicants for equipment authorization from unnecessary application filing and increase the grantee's flexibility when labeling equipment. The administrative and equipment sampling rules adopted herein are intended to increase the efficiency of our equipment authorization and sampling procedures.

II. Summary of Issues Raised by the Public Comments in Response to the Regulatory Flexibility Analysis

No comments were received that specifically addressed the Initial Regulatory Flexibility Analysis in this proceeding. Moreover, our action imposes no new reporting or record keeping requirements. There should be a savings to the grantee of approximately 26,400 hours by the elimination of the application filing requirements in this proceeding as well as $700,000 in filing fees.

III. Significant Alternatives

The Commission considered all the alternatives in this proceeding, and considered all timely filed comments directed to the various issues in the Notice. After carefully weighing all aspects of this proceeding, the Commission has adopted the most reasonable course under the mandate of the Communications Act of 1934, as amended.

Paperwork Reduction Act Statement

8. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to decrease the information collection burden which the commission imposes on the public. This proposed reduction in information collection burden is subject to approval by the Office of Management and Budget as prescribed by the Act.

Ordering Clauses

9. It is ordered that, pursuant to the authority contained in sections 4(i), 302 and 303(r) of the Communications Act of 1934, Part 2 of Chapter 1 of Title 47 of the Code of Federal Regulations *Is Amended* as set forth below. *It is further ordered,* That this proceeding is terminated.

List of Subjects in 47 CFR Part 2

Equipment authorization.

47 CFR Part 2 is amended as follows:

PART 2—[AMENDED]

10. The authority citation for Part 2 is revised to read as follows:

Authority: Sec. 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 302, 303, and 307, unless otherwise noted.

11. All authority citations contained in Subparts I, J, and K are removed.

12. A new § 2.910 is added to read as follows:

§ 2.910 Submittal of equipment authorization application or information to the Commission.

(a) Applications and Fees for equipment authorization shall be submitted to the FCC, 1919 M Street North West, Washington DC 20554-1300, unless otherwise directed.

(b) Any information or equipment samples requested by the commission pursuant to the provisions of Subpart J of this Part shall, unless otherwise directed, be submitted to the FCC, Autorization and Evaluation Division, 7434 Oakland Mills Road, Columbia, MD 21046.

13. A new § 2.924 is added to read as follows:

§ 2.924 Marketing of electrically identical equipment having multiple trade names and models or type numbers under the same FCC Identifier.

The grantee of an equipment authorization may market devices having different model/type numbers, or trade names without additional authorization provided such devices are electrically identical and the equipment bears an FCC Identifier validated by a grant of equipment authorization.

14. In § 2.925, paragraphs (a) and (b)(1) are revised to read as follows:

§ 2.925 Identification of equipment.

(a) Each equipment covered in an application for equipment authorization shall bear a nameplate or label listing the following:

(1) FCC Identifier consisting of the two elements in the exact order specified in § 2.926. The FCC Identifier shall be preceded by the term "FCC ID" in capital letters on a single line, and shall be of a type size large enough to be legible without the aid of magnification.

Example: FCC ID XXX123. XXX—Grantee Code 123—Equipment Product Code

(2) Any other statements or labeling requirements imposed by the rules governing the operation of the specific class of equipment, except that such statement(s) of compliance may appear on a separate label at the option of the applicant/grantee.

(3) Equipment subject only to registration will be identified pursuant to Part 68 of this chapter.

(b) * * *

(1) Separate FCC Identifiers may be assigned to a device consisting of two or more sections assembled in a common enclosure, but constructed on separate sub-units or circuit boards with independent frequency controlling circuits. The FCC Identifier assigned to any transmitter section shall be preceded by the term "TX FCC ID", the FCC Identifier assigned to any receiver section shall be preceded by the term "RX FCC ID" and the identifier assigned to any remaining section(s) shall be preceded by the term "FCC ID".

* * * * *

15. In § 2.926, paragraphs (a), (b), (c) and (d) are revised as follows:

§ 2.926 FCC Identifier.

(a) A grant of equipment authorization issued by the Commission will list the validated FCC Identifier consisting of the grantee code assigned by the FCC pursuant to paragraph (b) of this section, and the equipment product code assigned by the grantee pursuant to paragraph (c) of this section. See § 2.925.

(b) The grantee code assigned pursuant to paragraph (c) of this section is assigned permanently to applicants/grantees and is valid only for the party specified as the applicant/grantee in the code assignment(s).

(c) A grantee code will have three characters consisting of Arabic numerals, capital letters, or combination thereof. A prospective grantee or his authorized representative may submit a written request to the Commission for assignment of a grantee code at any time. However, it is preferred that grantee codes be requested prior to filing applications for equipment authorization. If a grantee code is not requested in advance, one will be assigned at the time an application is received by the FCC Laboratory and the applicant will be notified to make any necessary label revisions in order to comply fully with application procedural rules.

(1) After assignment of a grantee code each grantee will continue to use the same grantee code for subsequent equipment authorization applications.

In the event the grantee name is changed or ownership is transferred, the circumstances shall be reported to the Commission so that a new grantee code can be assigned, if appropriate. See §§ 2.934 and 2.935 for additional information.

(d) The equipment product code assigned by the grantee shall consist of a series of Arabic numerals, capital letters or a combination thereof, and may include the dash or hyphen (-). The total of Arabic numerals, capital letters and dashes or hyphens shall not exceed 14 and shall be one which has not been previously used in conjunction with:

(1) The same grantee code, or

(2) An application denied pursuant to § 2.919 of this chapter.

* * * * *

§ 2.929 [Removed]

16. In § 2.929 paragraph (b)(3) is removed.

17. Section 2.934 is revised to read as follows:

§ 2.934 Change in name and/or address of grantee.

Whenever there is a change in the name and/or address of the grantee of an equipment authorization, written notice of such change(s) shall be filed within 30 days after the grantee starts using the new name and/or address, in order for the Commission to update its records of grantee names, addresses and grantee codes. See § 2.910(b).

18. A new § 2.946 is added to read as follows:

§ 2.946 Penalty for failure to provide test samples and data.

(a) Any party holding a grant of equipment authorization issued by the Commission, or who markets equipment subject to the provisions of this chapter shall provide test sample(s) or data upon request by the Commission. Failure to comply with such request within 60 days may be cause for forfeiture, pursuant to § 1.80 of Part 1 of this chapter, or other administrative sanctions such as suspending action on any applications for equipment authorization submitted by such party while the matter is being resolved.

(b) In the case of equipment involving harmful interference or safety of life or property, the Commission may specify that test samples be submitted within less than 60 days, but not less than 14 days. Failure to comply within the specified time period will be subject to the sanctions specified in paragraph (a).

(c) The Commission may consider extensions of time upon submission of a showing of good cause.

19. Section 2.954 is revised to read as follows:

§ 2.954 Identification.

Devices subject only to verification shall be uniquely identified by the person responsible for marketing or importing the equipment within the United States. However, the identification shall not be of a format which could be confused with the FCC Identifier required on certificated, notified, type accepted or type approved equipment. The importer or manufacturer shall maintain adequate identification records to facilitate positive identification for each verified device.

§ 2.1035 [Removed]

20. Section 2.1035 is removed.

21. In § 2.1043, paragraphs (b) and (d) are revised to read as follows:

§ 2.1043 Changes in certified equipment.

* * * * *

(b) Two classes of permissive changes may be made in certificated equipment without requiring a new application for and grant of certification. Neither class of change shall result in a change in identification.

* * * * *

(d) A modification which results in a change in the identification with or without change in circuitry requires a new application for, and grant of certification. If the changes affect the characteristics required to be reported, a complete application shall be filed. If the characteristics required to be reported are not changed the abbreviated procedure of § 2.933 may be used.

22. Section 2.1300 is revised to read as follows:

§ 2.1300 Cross reference.

The general provisions of this part, §§ 2.909, 2.923, 2.929, 2.935, 2.936, and 2.946 shall apply to applications for and grants of registration for telephone terminal equipment pursuant to Part 68 of this Chapter.

Federal Communications Commission

Donna R. Searcy,

Secretary.

[FR Doc. 89-647 Filed 1-13-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-51; RM-6265]

Radio Broadcasting Services; Warrenton, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Harold Hinsley, allots Channel 226A to Warrenton, Georgia, as the community's first local FM service. Channel 226A can be allotted to Warrenton in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for this allotment are North Latitude 33-24-24 and West Longitude 82-39-42. With this action, this proceeding is terminated.

DATES: Effective February 21, 1989, the window period for filing applications will open on February 22, 1989, and close on March 24, 1989.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's First Report and Order, MM Docket No. 88-51, adopted November 18, 1988, and released January 6, 1989. 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, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington DC 20037.

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 FM Table of Allotments for Georgia is amended by adding the following entry, Warrenton, Channel 226A.

Federal Communications Commission.

Steve Kaminer,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 89-990 Filed 1-13-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-175; RM-6248]

Radio Broadcasting Services; Lawrenceburg, TN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 248A to Lawrenceburg, Tennessee, as that community's second FM service, as requested by Robert W. Wright. A site restriction of 5.4 kilometers (3.4 miles) southwest of the city is required, at coordinates 35-12-30 and 87-22-30. With this action, this proceeding is terminated.

DATES: Effective February 21, 1989; The window period for filing applications will open on February 22, 1989, and close on March 24, 1989.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings (202) 634-6530.