

existing SIP limit is not feasible and also that there is no other feasible limit more stringent than what is contained in GM's variance. This claim of infeasibility has not been adequately documented particularly in light of the fact that complying coating systems are available, booth incineration is in use by GM (including at its Arlington, Texas, plant), and spray booth recirculation is being used by automotive manufacturers outside the United States and is planned for use within the United States.

5. USEPA disagrees with the use of 27 percent DL as the baseline for evaluating cost-effectiveness. GM Lordstown was using 17 percent DL as of the date of GM's Yellow Book and adoption of Ohio's autocoating rule. The level of control during this period is, therefore, the appropriate baseline for evaluating cost-effectiveness. The subsequent implementation of any partial control measures (e.g., conversion to 27 percent DL) does not constitute a valid argument for the economic infeasibility of achieving compliance with an emission limit previously established as RACT. As stated by Ohio in its August 13, 1986, letter to GM, "[t]he use of incremental cost-effectiveness would promote variances by allowing entities to employ marginally unacceptable control technology or only go part way in achieving compliance with an applicable emission limitation and then argue that to achieve full compliance is not cost-effective."

Final Action

Based upon a review of the SIP revision request and the public comments raised on behalf of General Motors' Lordstown auto assembly plant in Warren, Ohio, USEPA is taking final action to disapprove this SIP revision as not constituting RACT, as required by the CAA. USEPA is not evaluating the merits of this proposal as a temporary relaxation, because it was submitted as a permanent relaxation. However, USEPA will evaluate any compliance date extension which is submitted for approval.

Under Executive Order 12291, today's action is not "Major". This action is not subject to review by the Office of Management and Budget.

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 August 28, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See § 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ozone, Hydrocarbons.

Dated June 14, 1989.

Valdas V. Adamkus,
Regional Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart KK—Ohio

1. This notice is issued under authority of the Clean Air Act, as amended.

Authority: 42 U.S.C. 7401—7642.

2. Section 52.1885 is revised by adding new paragraph (l) to read as follows:

§ 52.1885 Control strategy: Ozone.

(l) *Disapproval.* On October 21, 1986, the Ohio Environmental Protection Agency submitted a revision to the ozone portion of the Ohio State Implementation Plan (SIP) for Volatile Organic Compounds (VOC). This revision request is for a relaxation of emission limitation for topcoat and final repair coatings operations for General Motors Lordstown auto assembly facility in Warren (Trumbull County), Ohio. As a result of USEPA's disapproval, the source remains subject to the control requirements of the Ohio Administrative Code (OAC) Rule 3745-09(C).

[FR Doc. 89-14913 Filed 6-26-89; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 60

[AD-FRL-3605-5]

Standards of Performance for New Stationary Sources; Amendment to Test Methods and Procedures

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical Amendment.

SUMMARY: On October 6, 1988, a notice entitled "Sewage Treatment Plants" was published in the Federal Register (53 FR 39412). This rule added § 60.154(d). A notice entitled "Amendments to Test Methods and Procedures" was published in the Federal Register on February 14, 1989 (54 FR 6660). This rule consolidated all test methods and procedures necessary to determine compliance with the applicable

standards or related monitoring requirements and clarified certain procedures. The rule revised § 60.154 (a), (b) and (c) into § 60.154 (a) and (b) and appears to delete § 60.154(d). The purpose of this action is to reserve § 60.154(c), state that § 60.154(d) remains unchanged from the October 6, 1988, rule, and will make minor corrections.

EFFECTIVE DATE: June 27, 1989.

FOR FURTHER INFORMATION CONTACT:

Roger Shigehara, Emission Measurement Branch (MD-19), Technical Support Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-1058.

SUPPLEMENTARY INFORMATION:

List of Subjects in 40 CFR Part 60

Air pollution control.

Date: June 15, 1989.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

40 CFR Part 60 is amended as follows:

PART 60—[AMENDED]

1. The authority citation for Part 60 continues to read as follows:

Authority: Sections 101, 111, 114, 116, and 301 of the Clean Air Act, as amended (42 U.S.C. 7401, 7411, 7414, 7416, and 7601).

2. In § 60.154, paragraphs (c) and (d) are added to read as follows:

§ 60.154 Test methods and procedures.

(c) [Reserved]

(d) The owner or operator of any sludge incinerator subject to the provisions of this subpart shall conduct a performance test during which the monitoring and recording devices required under § 60.153(a)(1), (b)(1), (b)(2), (b)(3), and (b)(4) are installed and operating and for which the sampling and analysis procedures required under § 60.153(b)(5) are performed. The owner or operator shall provide the Administrator at least 30 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(1) For incinerators that commenced construction or modification on or before April 18, 1986, the performance test shall be conducted within 360 days of the effective date of these regulations unless the monitoring and recording devices required under § 60.153(a)(1), (b)(1), (b)(2), (b)(3), and (b)(4) were installed and operating and the sampling and analysis procedures required under § 60.153(b)(5) were performed during the

most recent performance test and a record of the measurements taken during the performance test is available.

(2) For incinerators that commence construction or modification after April 18, 1986, the date of the performance test shall be determined by the requirements in § 60.8.

(3) For the initial performance test required by paragraph (d) of this section, the three samples collected by Test Method 5 shall be analyzed first for particulate mass and then in one of the following two ways:

(i) Two samples shall be analyzed by neutron activation for arsenic, cadmium, chromium, copper, nickel, selenium, and zinc; and one sample shall be analyzed by atomic absorption for beryllium and lead. The sample analyzed for beryllium and lead shall be analyzed according to Method 104 and Method 12, respectively.

(ii) Three samples shall be analyzed by atomic absorption for arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, and zinc. The samples shall be analyzed for arsenic, beryllium, and lead according to Method 108, Method 104, and Method 12, respectively. The samples shall be analyzed for cadmium, chromium, copper, nickel, selenium, and zinc according to standard analytical procedures as recommended by atomic absorption equipment manufacturers.

(4) During the initial performance test required by paragraph (d) of this section, sludge samples shall be collected for the purpose of determining the metals content of the sludge. Samples shall be collected from the sludge charged to the incinerator at the beginning of each run and at approximately 30 minute intervals thereafter until the test run ends. The sludge samples collected during each test run shall be combined into a single composite sample. During the performance test, three composite samples shall be generated. The composite samples shall be analyzed in one of the following two ways:

(i) The composite samples shall be analyzed for arsenic, cadmium, chromium, copper, nickel, selenium, and zinc by neutron activation procedures, and for beryllium and lead by atomic absorption according to Method 104 and Method 12, respectively.

(ii) The composite samples shall be analyzed by atomic absorption for arsenic, beryllium, cadmium, chromium, copper, lead, nickel, selenium, and zinc. The samples shall be analyzed for arsenic, beryllium, and lead according to Method 108, Method 104, and Method 12, respectively. The samples shall be analyzed for cadmium, chromium, copper, nickel, selenium, and zinc

according to standard analytical procedures as recommended by atomic absorption equipment manufacturers.

(5) The requirements of paragraphs (d)(3) and (d)(4) of this section shall apply only during the first performance test required pursuant to these regulations.

§ 60.335 [Amended]

3. In § 60.335(c)(1), the first equation is revised to read as follows:

$$NO_x = (NO_{x0}) (P_r/P_0)^{0.5} e^{19(H_0 - 0.00633) (288^\circ K / T_r)^{1.53}}$$

§ 60.474 [Amended]

4. In § 60.474(c)(4) introductory text "200 lb/ton" is revised to read "2000 lb/ton".

§ 60.485 [Amended]

5. In § 60.485(g)(4), the equation is revised to read as follows:

$$H_T = K \sum_{i=1}^n C_i H_i$$

[FR Doc. 89-14680 Filed 6-26-89; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 80

[AMS-FRL-3607-1]

Volatility Regulations for Gasoline and Alcohol Blends Sold in Calendar Years 1989 and Beyond; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: This notice corrects minor errors in a notice of final rulemaking promulgating volatility regulations for gasoline and alcohol blends, which was published on March 22, 1989 (54 FR 11868).

FOR FURTHER INFORMATION CONTACT:

Robert E. Kenney, Senior Staff Attorney, Field Operations and Support Division (EN-397F), EPA, 401 M Street SW., Washington, DC 20460. Telephone: (202) 382-2633.

SUPPLEMENTARY INFORMATION: This notice corrects minor errors in a notice of final rulemaking promulgating volatility regulations for gasoline and alcohol blends, which was published on March 22, 1989 (54 FR 11868). The reasons for these corrections are set forth below.

(1) In the final rulemaking, the Agency added a new definition of "ethanol blender" at 40 CFR 80.2(v). This definition created a special subcategory of refiner for persons who produce

gasoline solely through the addition of ethanol to finished gasoline, with separate liability and defense provisions from other refiners. When the final regulations were drafted, these parties were inadvertently omitted from certain provisions which should have applied to them, specifically 40 CFR 80.27(a), 80.27(d)(3)(ii), and 80.28(g)(4)(iii)(F). This notice corrects these inadvertent omissions.

(2) Section 4.1 of 40 CFR Part 80, Appendix D, describes the types of sampling containers that can be used as part of the promulgated sampling procedures. As published, this section provides that the only cans that can be used for this purpose are "those with the seams soldered on the exterior surface with a flux of rosin in a suitable solvent." Since publication, EPA has learned that such cans may be difficult to procure. Therefore, the language in section 4.1 has been revised to state that cans soldered in this manner are preferred, but that if such cans are not available other cans made with a welded construction may be used as long as their construction is not affected by (and it does not affect) the gasoline being sampled.

(3) Section 12.6 of Appendix D sets forth a water displacement method of sampling gasoline. This method was promulgated erroneously because the sampling and testing methods were intended to eliminate all contact with water in order to allow their use with alcohol blends. The water displacement method, however, allows direct contact between water and product being sampled. Therefore, it is being deleted as an acceptable sampling method. The Agency notes that the American Society for Testing and Materials (ASTM) does not allow use of this sampling method in conjunction with alcohol blends. See ASTM D-4814-88, Annex A2, section A2.6.2.

(4) Figure 4 of Appendix D was drawn incorrectly. In each of the sample probes illustrated in this figure, the center line notation appeared to be a "w" rather than a "CL" (the proper notation). In addition, in Probe (C) the orifice facing upstream should have been a smooth curve instead of a sharp angle, and there should not have been a space in the line facing downstream. A new Figure 4 correcting these errors is included in this notice.

(5) Section 8.1 of Method 1 of 40 CFR Part 80, Appendix E, describes the sample transfer portion of the volatility test procedures. Language has been added to this section to make clear that the fuel chamber should be dried prior

to the running of a volatility test (along with other parts of the test apparatus).

(6) Section 8 of Method 2 of Appendix E (the "dry Herzog" volatility test procedures) lists certain test procedure sections that are different from those in Method 1. One of these changed sections is section 7.4, which deals with preparation of the air chamber part of the test apparatus. As published, this provision of Method 2 requires that the lower connection of the Herzog air chamber be plugged with a #3 rubber stopper. EPA has subsequently detected leaks using this type of stopper and has learned that the manufacturer now sells its testing equipment with a screw-type cap threaded to plug this connection. Therefore, this section is being corrected to allow use of such a cap. As another alternative, it is also acceptable to use a spare fuel chamber to seal the lower connection.

(7) The cross-references in section 8.5 of both Methods 1 and 2 of Appendix E to Note 5 were incorrect. They are corrected to refer to Note 7.

(8) The amount of the special allowance for certain alcohol blends (1.0 pound per square inch) is clarified in section 80.27(d)(1).

(9) Misspellings and incorrect terminology are corrected in: section 80.28(f); Appendix E, Method 1, section 8.1; and Appendix E, Method 2, sections 7.4 and 8.5.

The regulatory corrections made in this notice do not significantly affect the stringency, applicability, compliance burden, or compliance costs of the gasoline volatility regulations. Because these corrections do not result in such changes and are necessary to the proper implementation of these regulations during the ozone season, I find that notice and comment rulemaking is impracticable and unnecessary and thus there is good cause to publish this corrections notice and to make it effective upon publication.

Date: June 16, 1989.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

PART 80—[CORRECTED]

The following corrections are made in AMS-FRL-3538-5, the Volatility Regulations for Gasoline and Alcohol Blends Sold in Calendar Years 1989 and Beyond published in the *Federal Register* on March 22, 1989 (54 FR 11868):

§ 80.27 [Corrected]

1. On page 11883, third column, is § 80.27(a), third line, the phrase "ethanol blender," is added after "carrier,".

2. On page 11885, first column, in § 80.27(d)(1), last line, the phrase "(1.0 psi)" is added after "inch".

3. On page 11885, first column, in § 80.27(d)(3)(ii), ninth line, the phrase "ethanol blenders," is added after "carriers,".

§ 80.28 [Corrected]

4. On page 11885, third column, is § 80.28(f), eighth line, the word "refinery" is corrected to read "refiner".

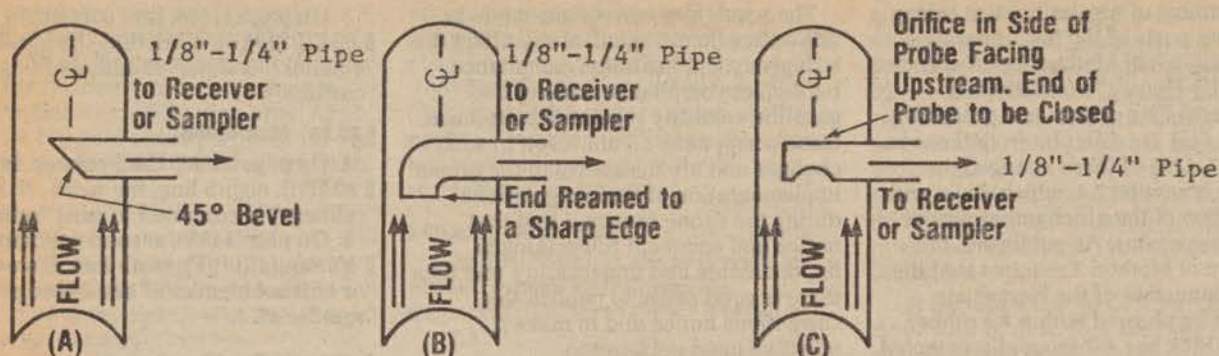
5. On page 11886, second column, in § 80.28(g)(4)(iii)(F), tenth line, the words "or ethanol blender's" are added after "reseller's".

Appendix D—[Corrected]

6. On page 11887, second column, in Appendix D section 4.1 the last two sentences are deleted and replaced with the following sentences, "Cans with the seams soldered on the exterior surface with a flux of rosin in a suitable solvent are preferred because such a flux is easily removed with gasoline, whereas many others are very difficult to remove. If such cans are not available, other cans made with a welded construction that are not affected by, and that do not affect, the gasoline being sampled are acceptable."

7. On pages 11889, third column, through 11890, first column, Appendix D section 12.6 is removed and section 12.7 is redesignated as section 12.6.

8. On page 11893, in Appendix D, Figure 4 is corrected to appear as follows:



Note: Probe may be fitted with valves or plug cocks.
Probe should be disposed horizontally.

PROBES FOR CONTINUOUS SAMPLING



TYPICAL ASSEMBLY FOR LINE SAMPLING

Figure 4. Probes for Continuous Sampling

Appendix E—[Corrected]

9. On page 11897, third column, in Appendix E, Method 1, section 8.1, line 5, the phrase "After drying with absorbent material," is added before the word "Quickly" (which is no longer capitalized).

10. On page 11897, third column, in Appendix E, Method 1, section 8.1, line 11, the word "botton" is corrected to read "bottom".

11. On page 11898, second column, in Appendix E, Method 1, section 8.5, line 4, the words "Note 5" are corrected to read "Note 7".

12. On page 11902, third column, in Appendix E, Method 2, under Part 8. Test Procedure, in section 7.4, line 6, the following sentences are added after "stopper.": "The lower connection of the Herzog air chamber may also be stoppered by utilizing a cap threaded to

match the threads of the air chamber, or by attaching a spare fuel chamber to the air chamber. In any procedure used, the interior surfaces of the vapor pressure apparatus and the sample must be kept completely free of water."

13. On page 11902, third column, in Appendix E, Method 2, under Part 8. Test Procedure, in section 7.4, line 14, the word "for" is corrected to read "from".

14. On page 11903, first column, in Appendix E, Method 2, under Part 8. Test Procedure, in section 8.5, line 7, the words "Note 5" are corrected to read "Note 7".

15. On page 11903, first column, in Appendix E, Method 2, under Part 8. Test Procedure, in section 8.5, line 12, the word "vaccum" is corrected to read "vacuum".

FR Doc. 89-14917 Filed 6-26-89; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 161

[CGD 85-208]

RIN 2115-AC95

Floating Electric Waterlight

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising its regulation for designing, constructing, testing, and approving a floating electric waterlight by replacing the existing detailed requirements with the incorporation by reference of Underwriters Laboratories Inc. (UL), ANSI/UL 1196, Standard for Floating Waterlights. Also, the Coast Guard is replacing the plan approval process for a waterlight with an approval procedure which uses a test performed by an independent laboratory and a manufacturer certification method. Incorporation by reference of ANSI/UL

1196 allows a waterlight to be designed using the most current technological innovations. The end results will be the development of an improved waterlight design, and a reduction in time delays and administrative procedures.

DATES: This regulation is effective July 27, 1989. The incorporation by reference of certain publications listed in this regulation is approved by the Director of the Federal Register as of July 27, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Randall N. Crenwelge, Marine Technical and Hazardous Materials Division, Office of Marine Safety, Security and Environmental Protection, Room 1218, U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001, (202) 267-2206. Normal office hours are from 7:30 a.m. until 4:00 p.m., Monday through Friday, except holidays.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) was published in the Federal Register on December 1, 1988 (53 FR 48558). Interested persons were requested to submit comments, and three were received. No requests for a public hearing were received, and one was not held.

Drafting Information

The principal persons involved in drafting this rulemaking are Mr. Randall N. Crenwelge, Project Manager, and Lieutenant Commander Don M. Wrye, Project Counsel, Office of Chief Counsel.

General Discussion

Coast Guard regulations require floating electric waterlights to be attached to lifebuoys, liferafts, lifefloats, and other buoyant apparatus. Floating electric waterlights are required to be constructed and marked in accordance with 46 CFR Subpart 161.010, and they must be U.S. Coast Guard approved.

The Coast Guard, waterlight manufacturers, and Underwriters Laboratories Inc. (UL), an independent standards development and product certification organization, have jointly developed an industry standard for waterlights. This standard, ANSI/UL 1196 (Standard for Floating Waterlights), specifies construction and test requirements, and it is equivalent to previous U.S. Coast Guard regulations. It also contains the requirements of the 1983 amendments to the International Convention for the Safety of Life at Sea of 1974 (SOLAS 74/83).

This rulemaking revises Subpart 161.010 by deleting the specific material, construction, performance, and test requirements, and incorporates ANSI/UL 1196 by reference. Also, the

manufacturer must test the waterlight using an independent laboratory which complies with 46 CFR 159.010-3. The manufacturer of a new waterlight must submit to the Commandant (G-MTH-2), U.S. Coast Guard, a pre-approval sample, plans, specifications, a test report, and a self-certification statement indicating compliance with Subpart 161.010. After reviewing all the required items and ensuring compliance to the regulations, an approval certificate is then issued to the manufacturer, and the plans, test report, and other materials are retained by the Coast Guard for future reference. The manufacturer must then label the light with a Coast Guard approval number as required by the ANSI/UL standard. The light can then be mass produced.

Waterlights which have been previously approved and are currently being or will be manufactured with an existing approval number are not affected by this rulemaking, as long as the present certificate is up-to-date. The Coast Guard will continue to accept requests for extensions of approval for previously approved waterlights when their certificates expire.

Discussion of Comments

SOLAS 74/83, Chapter III, Regulation 31-1.7, requires that some lifebuoys have a mass sufficient to operate the quick release mechanism provided for the self-activating and self-igniting lights, or 8.816 pounds (4 kilograms), whichever is greater. Section 8.4 of ANSI/UL 1196 states that a waterlight shall not require more than 20 pounds-force (89N) of tension to release from the mounting bracket. One comment stated that this would require the ring buoy to weigh approximately 20 pounds in order to pull free both the waterlight and smoke signal when released from the bridging. This analogy is incomplete due to the fact that the pulling forces applied to the waterlight and smoke signals are dynamic forces. Their magnitude is a function of the mass of the lifebuoy, as well as the acceleration that the lifebuoy gains when released from the quick release mechanism. This force is significantly greater than the required twenty pounds maximum tension that is required to remove the waterlight from its bracket. Waterlights that have been tested to UL 1196 have an average release tension of six pounds. This force is two pounds less than the required eight pound weight of the lifebuoy. The Coast Guard feels the testing requirements in UL 1196 are adequate to ensure release of the waterlight without having to increase the weight of the lifebuoy.

Another comment questioned the justification of incorporating by reference ANSI/UL 1196 in lieu of the existing detailed-design requirements. The comment's position is that by incorporating this standard, the Coast Guard is actually "locking in" on the technology contained in the incorporated standard. The Coast Guard does not agree with this position. ANSI/UL 1196 was developed under a procedure which provides for participation and comment from the affected public, industry, and governmental organizations. This procedure takes into consideration a survey of known existing standards, and the needs and opinion of a wide variety of interests concerned with the subject matter. Thus, manufacturers, consumers, individuals associated with consumer-oriented organizations, academicians, industrial and commercial users, insurance interests, the Coast Guard, and others provide input in the formulation of this standard. These organizations keep this standard consonant with technological advances, and additions and changes are issued as needed to keep abreast with technology. The Coast Guard will revise the regulations as needed to incorporate the latest editions and revisions to this standard.

The Coast Guard has been actively involved in formulating nongovernment standards for over 20 years, working with industry in the interest of safety. This equal partner approach is vital to maintaining an acceptable level of safety while lessening the regulatory burden on our maritime industry. In the Marine Safety program, over 250 industry consensus standards have been adopted into the regulations.

A final comment expressed concern that the proposed rules do not contain provisions for a factory inspection. The comment also suggested that approval and production tests be conducted by a recognized independent laboratory; suggested specific criteria by which a recognized independent laboratory is accepted by the Coast Guard; suggested that accepted independent laboratories be listed in the regulations; suggested that a compliance label by a recognized independent laboratory accepted by the Coast Guard be allowed in lieu of a Coast Guard approval number; and suggested that the operational test be modified by reducing the float test to a duration of one hour and the light output test following the float test be a visual rather than a photometric test.

Section 161.010-4(d) of the rule states that the Coast Guard reserves the right to make any inspection or test it deems

necessary to determine the conformance of the materials and equipment to the regulations. The Coast Guard believes that this statement is sufficient to require and perform a factory inspection by the Coast Guard when sufficient information is available to indicate that a manufacturer's product does not conform to the regulations. As to laboratory testing, this rule requires that a waterlight manufacturer use an independent laboratory accepted by the Coast Guard to conduct approval and production testing. The Coast Guard's position is that an independent laboratory which meets the criteria stated in 46 CFR 159.010-3 is acceptable to perform the required testing. The Coast Guard has decided that it will no longer list those laboratories it accepts pursuant to Subpart 159.010. A provision for obtaining a list of Coast Guard accepted laboratories has been added to § 161.010-4(b). This procedure follows current Coast Guard practice for independent laboratories that test other life-saving appliances. The Coast Guard does not agree that a compliance label can be used in lieu of a Coast Guard approval number. Regulation 4 of Chapter III, SOLAS 74/83, which has been adopted by the United States, specifically requires approval by the Administration. The Coast Guard issued approval number satisfies the requirement of SOLAS 74/83.

The changes to the operational test suggested in the comment are not accepted. The operational test is an integral part of ANSI/UL 1196. By incorporating this standard by reference, the Coast Guard accepts the operational test as it is in the standard as a required element. As discussed either, this standard was developed in coordination with industry and is a consensus standard. This standard would not have been adopted if it was too severe or was impractical. The Coast Guard has independently evaluated this performance standard and concluded that it is a reasonable method of determining that the light will perform as required under actual use. In order to benefit from the incorporation by reference of an industry consensus standard, all technical changes should be accomplished by revising the standard itself.

Regulatory Evaluation

These regulations are considered to be nonmajor under Executive Order 12291 and nonsignificant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). They do not impose any new or additional submission requirements on manufacturers. Although they remove

the manufacturer's option to perform tests under Coast Guard supervision, they only reflect current practice. Manufacturers, who usually do not have the equipment required to perform their own tests, currently rely on third party laboratories to perform testing. The Coast Guard has not been contacted to witness any manufacturer performed tests for several years. Therefore, the economic impact of these regulations has been found to be so minimal that further evaluation is unnecessary. Since the impact of this rulemaking is minimal, the Coast Guard certifies that it does not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

These regulations do not impose any new information collection or recordkeeping requirements on the public. The only paperwork requirements involve submittal of plans and test results for review, oversight, and recordkeeping purposes. These requirements have been previously approved by the Office of Management and Budget (OMB) and issued OMB Control Number 2115-0121, as displayed in 46 CFR 159.001-9.

Environmental Impact

The Coast Guard has considered the environmental impact of these regulations, and in accordance with section 2.B.2. of Commandant Instruction M16475.1B, has determined that this rule-making is categorically excluded from further environmental documentation.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rule-making does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects

46 CFR Part 161

Fire prevention, Marine safety, Reporting and recordkeeping requirements; Incorporation by reference.

For the reasons set forth in the preamble, the Coast Guard is amending Part 161 of Chapter 1 of Title 46, Code of Federal Regulations, as follows:

PART 161—[AMENDED]

1. The authority citation for Part 161 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703, 4104; 4302; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

2. Subpart 161.010 is revised to read as follows:

Subpart 161.010—Floating Electric Waterlight

Sec.

- 161.010-1 Incorporation by reference.
- 161.010-2 Design, Construction, and Test Requirements.
- 161.010-3 Inspections and methods of test.
- 161.010-4 Procedure for approval.

Subpart 161.010—Floating Electric Waterlight

§ 161.010-1 Incorporation by reference.

(a) Certain materials are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a). To enforce any edition other than the one listed in paragraph (b) of this section, notice of change must be published in the Federal Register and the material made available to the public. All approved material is on file at the Office of the Federal Register, 1100 L Street NW., Washington, DC, and at the U.S. Coast Guard, Marine Technical and Hazardous Materials Division (G-MTH), 2100 Second Street SW., Washington, DC 20593-0001, and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part, and the sections affected are:

Underwriters Laboratories, Inc.
333 Pfingsten Road, Northbrook,
Illinois 60062, ANSI/UL 1196,
Standard for Floating Waterlights,
Second Edition March 23, 1987.
161.010-2; 161.010-4

§ 161.010-2 Design, Construction, and Test Requirements.

Each floating electric waterlight shall meet the requirements of ANSI/UL 1196.

§ 161.010-3 Inspections and methods of test.

(a) Each inspection and test report required by this subpart shall comply with § 159.005-11 of this chapter.

(b) The U.S. Coast Guard reserves the right to make any inspection or test it deems necessary to determine the conformance of the materials and equipment to this subpart.

(c) The facilities, materials, and labor for all tests shall be furnished at no cost to the U.S. Coast Guard.

§ 161.010-4 Procedure for approval.

(a) A request for approval of an automatic floating electric waterlight must be submitted to the Commandant

(G-MTH-2), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001.

(b) All inspections and tests must be performed by an independent laboratory which meets the requirements of § 159.010-3 of this chapter. A list of independent laboratories accepted by the Coast Guard as meeting § 159.010-3 of this chapter may be obtained by contacting the Commandant (G-MTH).

(c) Each request for approval must contain:

(1) The name and address of the applicant,

(2) One copy of all plans and specifications that meet the requirements of § 159.005-12 of this chapter,

(3) A pre-approval sample of the watertight,

(4) An inspection and test report verifying compliance with the construction and test requirements of ANSI/UL 1196, and

(5) A statement by the manufacturer certifying that the watertight complies with the requirements of this subpart.

Dated: May 2, 1989.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 89-12398 Filed 6-26-89; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 88-533; RM-6398; RM-6470]

Radio Broadcasting Services; Clarksville and Lanesville, IN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots FM Channel 226A to Clarksville, Indiana, as that community's first local broadcast service. Coordinates for Channel 226A at Clarksville are 38-17-01 and 85-50-32. A mutually-exclusive proposal, filed by Janet Miller, seeking the allotment of Channel 226A to Lanesville, Indiana, as that community's first local broadcast service, is denied.

Our determination was reached after comparatively evaluating each proposal. That analysis revealed that each community receives at least five aural services. Therefore, Clarksville was preferred since it is the larger community. With this action, the proceeding is terminated.

DATES: Effective August 3, 1989; the window period for filing applications on Channel 226A at Clarksville, Indiana, will open on August 4, 1989, and close on September 5, 1989.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530. Questions related to the window application filing process should be addressed to the Audio Services Division, FM Branch, (202) 632-0394.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-533, adopted May 31, 1989, and released June 20, 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 contractors, 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 Table of FM Allotments is amended under Indiana, by adding Clarksville, Channel 226A.

Federal Communications Commission.

Karl A. Kensinger,

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

[FR Doc. 89-15098 Filed 6-26-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-531; RM-6383, RM-6667]

Radio Broadcasting Services; Paris and Dover, TN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 231A to Paris, Tennessee, as that community's second local FM service, at the request of Benton-Weatherford Broadcasting of Tennessee, Inc. The allotment of Channel 231A can be made to Paris in compliance with § 73.207 of the Commission's Rules, at coordinates

36-18-12 and 88-19-24. With this action, this proceeding is terminated.

DATES: Effective August 3, 1989; the window period for filing applications will open on August 4, 1989, and close on September 5, 1989.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 88-531, adopted May 31, 1989, and released June 20, 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 contractors, 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 Table of FM Allotments is amended, under Tennessee, by adding Channel 231A at Paris.

Karl A. Kensinger,

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

[FR Doc. 89-15099 Filed 6-26-89; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 87-410; RM-5802, RM-6206, RM-6207]

Radio Broadcasting Services; Waterbury and Royalton, VT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 277C2 for Channel 276A at Waterbury, Vermont, and modifies the license of Station WGLY-FM to specify operation on the higher class channel at the request of Harvest Broadcasting, Inc. The upgrade could provide Waterbury with its first wide coverage area FM service. In addition, this action substitutes Channel 286A for Channel 278A at Plattsburg, New York, which is required in order to accomplish the