

**§ 944.15 Approval of amendments to State regulatory program.**

(r) With the exceptions of the definition of "road" at Utah Administrative Rule (Admin. R.) 614-100-200 to the extent that it includes the phrase "and may not include public roads as determined on a site specific basis" and Utah's February 25, 1991, policy statement titled "Division of Oil, Gas and Mining Policy for the Implementation of Site Specific Determinations of the Public Status of Roads under R614-100-200," which supplements this definition, the following amendment of the Utah permanent regulatory program rules, as submitted to OSM on March 1, 1991, is approved effective November 22, 1991: Utah Admin. R. 614-100-200, definition of "public road."

3. Section 944.16 is amended by adding new paragraphs (n) and (o) to read as follows:

**§ 944.16 Required program amendments.**

(n) By January 21, 1992, Utah shall submit a proposed amendment:

(1) Deleting from the definition of "road" at Utah Admin. R. 614-100-200 the phrase "and may not include public roads as determined on a site specific basis" and

(2) Withdrawing from the Utah program the February 25, 1991, policy statement titled "Division of Oil, Gas and Mining Policy for the Implementation of Site Specific Determinations of the Public Status of Roads under Utah Admin. R. 614-100-200," or modifying it to be consistent with SMCRA and the Federal regulations.

(o) By January 21, 1992, Utah shall submit a proposed amendment making the definition of "public road" at Utah Admin. R. 614-100-200 applicable only to the Utah rules for designating lands unsuitable for mining at Utah Admin. R. 614-103.

[FR Doc. 91-28137 Filed 11-21-91; 8:45 am]

BILLING CODE 4310-05-M

**POSTAL SERVICE****39 CFR Parts 111 and 602****Amendment of Policy for the Acquisition and Management of Intellectual Property Other Than Patent and Technical Data Rights**

**AGENCY:** Postal Service.

**ACTION:** Final rule.

**SUMMARY:** These regulations revise Postal Service policy for the acquisition and management of intellectual property other than patents. They transfer the role of the Postal Service Intellectual Property Rights Board to the Postal Service Office of Licensing, Philatelic and Retail Services Department. These regulations also describe the procedure by which requests for the use of intellectual property are processed. The information in this notice is provided to inform potential licensees and the general public of these revised policies and procedures.

**EFFECTIVE DATE:** December 15, 1991.

**FOR FURTHER INFORMATION CONTACT:** Director, Office of Licensing, Philatelic and Retail Services Department, (202) 268-6868.

**SUPPLEMENTARY INFORMATION:** Since 1978, the U.S. Postal Service has granted nonexclusive licenses to reproduce postage stamp designs and other intellectual properties. The principal objective of the licensing program has been to ensure that postal intellectual properties are not infringed or used inappropriately. Although royalty fees have been charged for commercial uses of these properties, revenue generation has been a secondary objective of the program. The Postal Service Intellectual Property Rights Board was established in 1978 to manage the intellectual property rights licensing program.

Recent market research and sales experience, however, have demonstrated a large consumer market for merchandise licensed by the Postal Service. Desiring to reach this market, the Postal Service has refined its objectives for the licensing program. New objectives include increasing royalty income by licensing products targeted to various consumer market segments and making these products available through traditional channels of distribution. These expanded licensing objectives should enhance the public's perception of the Postal Service and promote the hobby of stamp collecting.

The Postal Service will, therefore, seek experienced licensees able to design, manufacture, distribute, and promote merchandise nationwide to the consumer market.

Design must be imaginative, of high quality, and appealing to the intended market. Manufacture must also be of high quality and reasonable value. Distribution must be through traditional retail locations (department stores, specialty stores, boutiques, etc.) or through mail order catalogs. Because distribution for resale through post offices will not be a priority

consideration, promotion must be to the trade to ultimate consumers.

The Postal Service has determined that its licensing program should have many of the characteristics of highly successful licensing programs in the private sector. Accordingly, it will consider the use of exclusive licensing agreements within product categories and distribution channels, using particular licensed designs, and establishing minimum guaranteed royalties. The Postal Service, however, will continue to grant nonexclusive licenses to small businesses serving local or regional markets.

To accommodate these additional objectives, the Postal Service Intellectual Property Rights Board is being dissolved. Its former responsibility for the Postal Service's licensing program for postage stamp designs, service marks, and trademarks has been invested in the Office of Licensing, Philatelic and Retail Services Department. However, Postal Service contracting officers will continue to be responsible for patents and intellectual property rights pertaining to contracts, with oversight by the Procurement Policy Committee's subcommittee on Patents, Intellectual Property, Data and Software Rights. The Office of Licensing has retained the services of a professional licensing advisor as a liaison to existing and potential licensees. This advisor will negotiate licensing agreements for consideration by the Postal Service, and will generally administer the licensing effort for the Postal Service, but will not have the authority to execute licenses. The Postal Service retains the sole right of executing license agreements. This rule incorporates these changes into the Code of Federal Regulations and the Domestic Mail Manual. Because this rule relates to agency procedures and does not meaningfully affect conduct, activity, or an interest that is the subject of agency regulation, or the standards for eligibility for government programs, no useful purpose appears to be served by delaying adoption of the rule for public comment.

Accordingly, parts 111 and 602 of 39 CFR are amended as follows:

**List of Subjects in 39 CFR Parts 111 and 602**

Administrative Practice and Procedure, Postal Service.

**PART 111—GENERAL INFORMATION ON POSTAL SERVICE**

1. The authority citation for part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a), 39 U.S.C. 101 401 403, 404, 3001-3011 3201-3219, 3403-3406, 3621 5001

In addition, the Postal Service adopts the following amendments to parts 119 and 166 of the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1

2. Revise the Domestic Mail Manual as follows

#### **PART 119—TRADEMARKS, SERVICE MARKS, AND COPYRIGHTS**

a Revise 119.31 as follows.

119.31 Inquiries concerning Postal Service copyrights or the use of Postal Service trademarks and service marks, copyright materials, and intellectual property other than patents and technical data rights in Postal Service contracts must be sent to: Office of Licensing, Philatelic and Retail Services Department, US Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260-6700.

b Revise 119.32 as follows.

119.32 Inquiries concerning licenses to publish or reproduce ZIP Code information must be sent to: Office of Licensing, Philatelic and Retail Services Department, US Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260-6700.

#### **PART 166—COPYRIGHT OF PHILATELIC DESIGN**

c. Revise 166.4 as follows.

166.4 Requests for Licenses. The U.S. Postal Service may grant licenses for the use of illustrations of its copyright designs outside the scope of the above permission. Requests for such licenses must be sent to: Office of Licensing, Philatelic and Retail Services Department, US Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260-6700.

#### **PART 602—INTELLECTUAL PROPERTY RIGHTS OTHER THAN PATENTS**

3. The authority citation for part 602 continues to read as follows.

Authority: 39 U.S.C. 401(5).

4. Revise the heading of § 602.2 to read as follows:

**§ 602.2 Office of Licensing, Philatelic and Retail Services Department.**

5. Revise §§ 602.2 and 602.3 to read as follows.

**§ 602.2 Office of Licensing, Philatelic and Retail Services Department.**

In accordance with the foregoing policy, the Postal Service Office of Licensing, Philatelic and Retail Services

Department, formulates the program for the management of the Postal Service's rights in intellectual property (except patents and technical data rights in Postal Service contracts, which is the responsibility of Postal Service contracting officers). The Office of Licensing and the contracting officers identify intellectual properties in which the Postal Service should secure its rights. It receives and makes recommendations for the disposition of applications for use of Postal Service intellectual property. It periodically reviews the intellectual property rights portfolio to determine the extent of the utilization of protected properties and to recommend relinquishment of ownership when it considers ownership no longer desirable. It is advised by the Office of Procurement of performance under license agreements and makes recommendations for corrective measures when necessary. In consultation with the Law Department, it recommends appropriate action against unauthorized use of intellectual property.

#### **§ 602.3 Requests for use.**

(a) Inquiries concerning licenses to use Postal Service trademarks or service marks, copyright materials and intellectual property other than patents and technical data rights in Postal Service contracts must be sent to: Office of Licensing, Philatelic and Retail Services Department, US Postal Service, 475 L'Enfant Plaza SW., Washington, DC 20260-6700.

(b) Requests for the use of intellectual property should be submitted on the form provided by the Office of Licensing to the licensing advisor designated by that Office. Each request is considered in a timely fashion in accordance with the policy established in this section. Requests favorably considered are forwarded to the Office of Licensing for approval.

(c) Approved requests contemplating a permissive (no fee) use of the intellectual property are evidenced by a letter of permission furnished to the requester.

(d) Approved requests contemplating a contractual (fee) use of the intellectual property are forwarded to the Office of Licensing for the negotiation of a satisfactory license agreement.

(e) Each license agreement is subject to legal review.

(f) Requesters are promptly advised of unapproved requests.

A transmittal letter effecting the above changes to the Domestic Mail Manual will be published and transmitted automatically to subscribers. Notice of issuance of the

transmittal letter will be published in the Federal Register as provided by 39 CFR 111.3.

Stanley F. Mires,

Assistant General Counsel Legislative Division.

[FR Doc. 91-28107 Filed 11-21-91; 8:45 am]

BILLING CODE 7710-12-M

#### **ENVIRONMENTAL PROTECTION AGENCY**

#### **40 CFR Part 372**

[OPTS-400059; FRL-3944-3]

#### **Chromium (III) Compounds; Toxic Chemical Release Reporting; Community Right-To-Know**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Denial of petition.

**SUMMARY:** EPA is denying a petition to delete chromium (III) oxide from the list of toxic chemicals subject to section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). Specifically, EPA is denying this petition because chromium (III) can, under certain conditions, be oxidized to chromium (VI), which is a human carcinogen. Oxidation of chromium (III) to chromium (VI) can occur in soils and in water treatment processes that use chlorine.

**FOR FURTHER INFORMATION CONTACT:** Maria J. Doa, Petitions Coordinator, Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Stop OS-120, 401 M St., SW., Washington, DC 20460, Toll free: 800-535-0202, Toll number: 703-920-9877.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Introduction**

##### *A. Statutory Authority*

This Notice is issued under sections 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 (Pub. L. 99-499). EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act of 1986.

##### *B. Background*

Section 313 of EPCRA requires certain facilities manufacturing, processing or otherwise using toxic chemicals to report their environmental releases of such chemicals annually. Beginning with the 1991 reporting year, such facilities also must report pollution prevention and recycling data for such chemicals, pursuant to section 7 of the Pollution Prevention Act (section 6607 of the

Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508). Section 313 establishes an initial list of toxic chemicals that is comprised of more than 300 chemicals and 20 chemical categories. Any person may petition EPA to add chemicals to or delete chemicals from the list.

EPA issued a statement of petition policy and guidance in the *Federal Register* of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for petitions. EPA must respond to petitions within 180 days either by initiating a rulemaking or by publishing an explanation of why the petition is denied. On May 23, 1991 (56 FR 23703), EPA published guidance regarding the recommended content of petitions to delete individual members of the section 313 metal compound categories.

## II. Description of Petition

On May 21, 1991, EPA received a petition from California Products Corporation to exclude chromium (III) compounds from section 313 of EPCRA. Specifically, the petition requests that chromium (III) oxide (Chemical Abstracts Service (CAS) registry number 1308-38-9) be removed from the list of EPCRA section 313 chemicals subject to annual release reporting requirements. The petitioner contends that chromium (III) compounds should be deleted from the list because chromium (III) wastes that contain virtually no chromium (VI) which are typically and frequently managed in nonoxidizing environments are considered nonhazardous wastes under the Resource Conservation and Recovery Act (RCRA), under 40 CFR 261.4.

## III. Regulatory Status of Chromium

Due to concerns regarding the oxidation of chromium (III) to chromium (VI), which is a human carcinogen, the Agency regulates total chromium (total chromium includes all forms of chromium, including chromium (III)) under the RCRA Toxicity Characteristic rule (55 FR 11798, March 29, 1990). Oxidation of chromium (III) to chromium (VI) can occur in soils and in water treatment processes that use chlorine. Based on these concerns, the Agency is considering proposing the deletion of the exemption for specific chromium wastes that contain virtually no chromium (VI) (55 FR 11812, March 29, 1990).

Total chromium, including trivalent chromium (chromium (III)), is on the list of toxic pollutants of 40 CFR 401.15 designated pursuant to section 307(a)(1) of the Clean Water Act (CWA). Total chromium, including trivalent chromium,

is regulated under the Safe Drinking Water Act (SDWA), 40 CFR 141.11, 141.51, and 141.62. Chromium compounds are listed as Hazardous Air Pollutants under Title III of the Clean Air Act (CAA), as amended in 1990. Chromium is also on the Toxicity Characteristics list and is further regulated under the Resource Conservation and Recovery Act (RCRA), 40 CFR 261.24.

This is the second petition that EPA has received to delete a chromium (III) compound. On June 27, 1989, EPA received a petition to exempt Chromium Antimony Titanium Buff Rutile (CATBR) from the EPCRA section 313 list of toxic chemicals. This petition was denied based on the Agency's determination that CATBR is a potential carcinogen. EPA concluded that CATBR can reasonably be anticipated to cause cancer in humans via inhalation (55 FR 650, January 8, 1990). The support for this denial was based on evidence of the carcinogenicity of chromium and certain chromium compounds.

## IV. EPA's Technical Review of Chromium (III) Oxide

The technical review of the petition to delete chromium (III) oxide included an analysis of the chemistry, health effects, and environmental fate known for this substance.

### A. Chemistry

Chromium (III) oxide ( $\text{Cr}_2\text{O}_3$ ; CAS registry number 1308-38-9), also known as chromic oxide or chromium oxide, is a trivalent form of chromium having a light to dark green appearance, and is poorly soluble in water. Chromium (III) oxide, in either its anhydrous or hydrous form, is chiefly used as a pigment. Other uses include manufacture of chromium metal and aluminum-chromium alloys and, to a lesser extent, as a catalyst and chemical intermediate.

### B. Toxicological Evaluation

Information on the health and environmental effects of chromium compounds, and specifically, chromium (III) oxide, was obtained from the following sources: a 1984 EPA document entitled *Health Assessment Document for Chromium* (Ref. 15), a 1990 EPA document entitled *Noncarcinogenic Effects of Chromium-Update to Health Assessment Document* (Ref. 16), *Fifth Annual Report on Carcinogens-Summary (1989)* (Ref. 14), *International Agency for Research on Cancer (IARC) Monographs* (Refs. 7, 8, and 9), and studies found in the literature. Data on chromium (III) oxide were reviewed for environmental fate and evidence

indicating acute and chronic toxicity, and carcinogenicity.

1. *Carcinogenicity.* When administered orally to rats at dietary levels of 1, 2, and 5 percent 5 times weekly for 2 years, chromium (III) oxide induced slightly increased incidences of mammary fibroadenomas at each dose level: mammary fibroadenomas were found in 3 rats given 1 percent; in 1 given 2 percent; and in 3 given 5 percent. One mammary carcinoma and two fibroadenomas were detected in control animals. The investigators concluded that there was no significant difference in the occurrence of tumors between the test and control groups (Ref. 10). In rats, administration of chromium (III) oxide through intratracheal application or a single intraperitoneal injection in a gelatin-saline solution induced increased incidence of sarcomas, tumors, and reticulum cell sarcomas of the lung. The use of control animals was not reported in these studies and, therefore, the results are not sufficiently conclusive (Ref. 9).

Human epidemiology studies of workers exposed to chromium (VI) and chromium (III) compounds provide adequate evidence to indicate that, in some form, chromium is a respiratory tract carcinogen (Refs. 7 and 9). Increased incidence of respiratory cancers have also been found in some studies of chrome pigment workers at 11 plants in 4 countries. These studies and related studies are summarized in EPA's *Health Assessment Document for Chromium* (Ref. 15) and IARC (Ref. 9), and it was concluded that there is sufficient evidence in animals and humans for the carcinogenicity of chromium (VI) compounds, while evidence for the carcinogenicity of chromium (III) compounds in humans and animals is largely non-positive and is viewed as inadequate to develop clearer conclusions.

It is important to note that while hexavalent chromate ion (chromium (VI)) is readily transported across cell membranes, the trivalent form (chromium (III)) is not. Once inside the cell, however, conversion of hexavalent to trivalent chromium ion seems to be necessary for formation of ligands with macromolecules such as DNA (Ref. 14). Thus, chromium (III) is believed to be the ultimate carcinogenic form of chromium (VI) after its entry into target cells and subsequent intracellular metabolic reduction. Based on evidence of other chromium (III) compounds, it is possible that chromium (III) oxide may be taken up by lung cells via phagocytosis (Refs. 8 and 9). Therefore, the effect of relative cell impermeability

attributed to chromium (III) compounds, as it pertains to the mechanism for carcinogenic response, does not negate the possibility for chromium (III) oxide carcinogenic potential via inhalation in the absence of more definitive information.

2. *Acute toxicity.* Chromium (III) compounds, including chromium (III) oxide, have a low order of acute toxicity when administered orally, which is believed to be due to the relative insolubility and poor intestinal absorption of these compounds (Ref. 15). Chromium (VI) compounds are more acutely toxic than chromium (III) compounds. For example, the oral LD<sub>50</sub> of sodium dichromate (a chromium (VI) compound) in humans has been reported as 50 mg/kg (Ref. 12).

3. *Chronic toxicity.* In a 90-day feeding study, groups of rats (both sexes, 12 to 19 rats/group) were fed chromium (III) oxide in bread at dietary concentrations of 2 or 5 percent 5 days per week (Ref. 10). The only effects observed were reductions (12 to 37 percent) in the absolute weights of the livers and spleens of animals in the high-dose group when compared to control animals. No hematological or histopathological changes were reported. Based on these results and results from similar studies, EPA has low concern for chronic toxicity from chromium (III) oxide (Ref. 15).

#### C. Environmental Fate

Extensive literature now exists on the environmental fate of chromium (III) oxide and other chromium compounds (Refs. 1, 2, 3, 4, 5, 6, 11, 13, and 16). It is clear that essentially all chromium (III) compounds, including chromium (III) oxide, are oxidizable to chromium (VI) in soils (Refs. 3 and 4). Bartlett (Ref. 1) has reported that an important factor determining the oxidation of chromium (III) compounds to chromium (VI) compounds is the availability of fresh manganese oxide (a normal soil and sediment constituent), which becomes reduced as the chromium (III) is oxidized. The freshness of the manganese oxide is related to quantities of oxidizable organic substances, soil temperature, moisture, aeration and drying. Organic forms of chromium (III) compounds are more easily oxidized than insoluble oxides. When in soil, chromium (III) oxide typically exists in its slightly more soluble, hydrated form (Bartlett, unpublished results) and readily oxidizes to chromium (VI) oxide (Refs. 1 and 3). Chelation of chromium (III) oxide by organic acids in soils facilitates oxidation to chromium (VI) oxide (Ref. 11). Chromium (VI) compounds can reduce to chromium (III)

if the soil pH is low and an organic energy source is available. Reduction of chromium (VI) compounds and oxidation of chromium (III) compounds in soils may occur simultaneously.

It has been shown that water treatment involving chlorination will effectively transform chromium (III) to chromium (VI). The normal presence of residual oxidizing capacity in treated water is capable of maintaining dissolved chromium in the higher valence (VI) state (50 FR 46966, November 13, 1985). Thus if trivalent chromium is present in high concentrations in well water, chlorination can result in correspondingly high concentrations of hexavalent chromium at the point of exposure (i.e., at the tap).

Subtitle C of RCRA, as amended, establishes a federal program for the comprehensive regulation of hazardous waste. Section 1004(5) of RCRA defines hazardous waste, among other things, as solid waste that may "... pose a substantial present or potential hazard to human health and the environment when improperly treated, stored, transported, or disposed of, or otherwise managed." Under RCRA section 3001, EPA is charged with defining which solid wastes are hazardous. A solid waste is hazardous if it is listed at 40 CFR part 261 Subpart D, or if it exhibits a hazardous waste characteristic (corrosivity, ignitability, reactivity, or toxicity). These two mechanisms for identifying hazardous wastes are distinct and fundamentally different.

The hazardous waste characteristics promulgated by EPA designate broad classes of wastes which are hazardous by virtue of an inherent property. In the May 19, 1980 final rule (45 FR 33084), that instituted EPA's general framework for identifying hazardous waste, the Agency established two basic criteria for identifying hazardous wastes characteristics: (1) The characteristic should be capable of being defined in terms of physical, chemical, or other properties which cause the waste to meet the statutory definition of hazardous waste; and (2) the properties defining the characteristic must be measurable by standardized and available testing protocols or reasonably detected by generators through their knowledge of the waste (40 CFR 261.10).

In the final Toxicity Characteristic rule (55 FR 11812, March 29, 1990) EPA discusses its concerns regarding the potential for trivalent chromium to be converted to hexavalent chromium. It should be noted that because of this, the Agency is considering proposing the

deletion of the exclusion (40 CFR 261.4(b)(6)(i)) for specific chromium wastes that contain virtually no hexavalent chromium. Therefore, based on the known carcinogenicity of chromium (VI), and the evidence for the transformation of chromium (III) compounds to chromium (VI) compounds discussed above, EPA will not delete chromium (III) oxide from the EPCRA section 313 list of toxic chemicals.

#### D. Technical Summary

Chromium (III) compounds, including chromium (III) oxide, are oxidized to chromium (VI) compounds in soils and in water treatment involving chlorination. Chromium (VI) compounds are known human carcinogens.

Based on evidence of other chromium (III) compounds, it is possible that chromium (III) oxide may be retained in the lung and as such, it is a potential carcinogen via inhalation.

#### V. Rationale for Denial

EPA is denying the petition to delete chromium (III) compounds, and specifically, chromium (III) oxide from the section 313 list of toxic chemicals. The denial is based on the Agency's determination that conversion of chromium (III) to chromium (VI), which is a known human carcinogen, has been demonstrated to occur in soils and in water treatment processes that use chlorine. Thus, in accordance with EPCRA section 313(d)(2), EPA has determined that chromium (III) should not be deleted from the section 313 list of toxic chemicals.

#### VI. References

- (1) Bartlett, R. J., "Chromium Oxidation in Soils and Water: Measurements and Mechanisms," In: Serrone, D. M., ed. Proceedings, Chromium Symposium May, 1986: An Update. Pittsburgh, PA: Industrial Health Foundation, Inc., (1986), pp. 310-330.
- (2) Bartlett, R. J., "Manganese Redox Reactions and Organic Interactions in Soils," In: Graham, R. D., Hannam, R. J., Uren, N. C. eds., Manganese in Soils and Plants; Proceedings of the International Symposium on Manganese in Soils and Plants. Netherlands: Kluwer Academic, (1988b), pp. 59-73.
- (3) Bartlett, R., James, B., "Behavior of Chromium in Soils: III. Oxidation," Journal of Environmental Quality, 8, (1979), pp. 31-35.
- (4) Bartlett, R. J., James, B. R., "Mobility and Bioavailability of Chromium in Soils," Advanced

Environmental Science and Technology, 20, (1988a), pp. 267-304.

(5) Bartlett, R. J., Kimble, J. M., "Behavior of Chromium in Soils: I. Trivalent Forms," *Journal of Environmental Quality*, 5, (1976a), pp. 379-383.

(6) Bartlett, R. J., Kimble, J. M. (1976b) "Behavior of Chromium in Soils: II. Hexavalent Forms," *Journal of Environmental Quality*, 5, (1976b), pp. 383-386.

(7) International Agency for Research on Cancer (IARC) (1980) IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans: Some Metals and Metallic Compounds. Lyon, France: World Health Organization, 23, pp. 205-323.

(8) International Agency for Research on Cancer (IARC) (1987) IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Overall Evaluations of Carcinogenicity: An Updating of IARC Monographs Volumes 1 to 42. Lyon, France: World Health Organization, Suppl. 7, pp. 165-168.

(9) International Agency for Research on Cancer (IARC) (1990) IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Chromium Nickel and Welding. Lyon, France: World Health Organization, 49, pp. 49-256.

(10) Ivankovic, S., Preussmann, R., "Absence of Toxic and Carcinogenic Effects After Administration of High Doses of Chromic Oxide Pigment in Sub-Acute and Long-Term Feeding Experiments in Rats," *Food and Cosmetics Toxicology*, 13, (1975), pp. 347-351.

(11) James, B. R., Bartlett, R. J., "Behavior of Chromium in Soils: VI. Interactions Between Oxidation Reduction and Organic Complexation," *Journal of Environmental Quality*, 12, (1983b), pp. 173-176.

(12) National Institute for Occupational Safety and Health, *Registry of Toxic Effects of Substances* (1979).

(13) Ross, D. S., Bartlett, R. J., "Evidence for Nonmicrobial Oxidation of Manganese in Soil," *Soil Science*, 132, (1981), pp. 153-160.

(14) U. S. Department of Health and Human Services, National Toxicology Program, Fifth Annual Report On Carcinogens, Summary, (1989).

(15) U. S. Environmental Protection Agency, Health Assessment Document for Chromium, Environmental Criteria and Assessment Office, Research Triangle Park, NC, EPA 600/8-83014F, (1984).

(16) U. S. Environmental Protection Agency, Noncarcinogenic Effects of Chromium-Update to Health Assessment Document, Office of Research and Development, Washington, DC, EPA 600/8-87/048F, (1990).

#### VII. Administrative Record

The record for this decision is contained in docket control number OPTS-400059. All documents, including an index of the docket, are available to the public in the TSCA Public Docket Office from 8 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Public Docket Office is located at EPA Headquarters, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

#### List of Subjects in 40 CFR Part 372

Chemicals, Community-right-to-know, Environmental protection, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: November 14, 1991.

Victor J. Kimm,

*Acting Assistant Administrator for Pesticides and Toxic Substances.*

[FR Doc. 91-28139 Filed 11-21-91; 8:45 am]

BILLING CODE 6560-50-F

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[MM Docket No. 91-108; RM-7690]

#### Radio Broadcasting Services; Superior, NE

AGENCY: Federal Communications Commission.

ACTION: Final rule.

**SUMMARY:** The Commission, at the request of Superior Broadcasting Incorporated, substitutes Channel 280C3 for Channel 280A at Superior, Nebraska, and modifies its license for Station KRFS-FM to specify operation on the higher class channel. Channel 280C3 can be allotted to Superior in compliance with the Commission's minimum distance separation requirements and can be used at Station KRFS-FM's licensed transmitter site. The coordinates for Channel 280C3 at Superior are North Latitude 40-01-30 and West Longitude 98-04-38. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** December 30, 1991.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 91-108, adopted October 30, 1991, and released November 15, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

#### PART 73—[AMENDED]

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

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

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Nebraska, is amended by removing Channel 280A and adding Channel 280C3 at Superior.

Federal Communications Commission.

Michael C. Ruger,

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

[FR Doc. 91-28077 Filed 11-21-91; 8:45 am]

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