

pertaining to the State's revision application discussed in this document is received by the end of the comment period. If an adverse comment is received EPA will publish either: (1) A

withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final

decision takes effect or reverses the decision.

New Jersey's program revision application covers provisions which are analogous to the following Federal program provisions:

Federal requirement	Analogous state authority
Listing of spent solvents, 50 FR 53315, December 31, 1985, as amended on January 21, 1986 at 51 FR 2702 ¹	NJAC 7:26-8.13.
Listing of EDB wastes, 51 FR 5327, February 13, 1986 ¹	NJAC 7:26-8.14, 8.19.
Listing of four spent solvents, 51 FR 6537, February 25, 1986 ¹	NJAC 7:26-8.13, 8.15, 8.16, 8.19.
Paint filter test, 50 FR 18370, April 30, 1985 ¹	NJAC 7:26-9.4, 10.8, 11.4.
Exception reporting for small quantity generators of hazardous waste, 52 FR 35894, September 23, 1987. ¹	NJAC 7:26-7.4, 8.3.
Corrections to test methods manual, 49 FR 47390, December 4, 1984	NJAC 7:26-8.19.
Definition of solid waste, 50 FR 614, January 4, 1985, as amended on April 11, 1985 at 50 FR 14216 and August 20, 1985, at 50 FR 33541.	NJAC 7:26-1.4, 1.6, 7.5, 8.1, 8.2, 8.3, 8.13, 8.15, 9.1, 10.7, 11.1, 11.5, 11.6, 12.1.
Satellite accumulation, 49 FR 49568, December 20, 1984	NJAC 7:26-9.3.
Interim status standards for treatment, storage, and disposal facilities, 50 FR 16044, April 23, 1985	NJAC 7:26-10.6, 11.4, 7:14A-4.7.

¹ Indicates HSWA provisions.

New Jersey's hazardous waste program is broader in scope than the Federal program in that the State regulates a larger universe of solid and hazardous wastes. For example, the State refers in NJAC 7:26-8.1 to the following State provisions which are considered broader in scope: (1) NJAC 7:26-8.20 which lists waste oils and Polychlorinated Biphenyls ("PCBs") as hazardous wastes from non-specific sources, and (2) NJAC 7:26-8.6 which provides for the classification of waste streams as hazardous waste, on a case-by-case basis, by the State. State-imposed requirements which are beyond the scope of coverage of the Federal program are not part of the federally approved program. New Jersey is not seeking or receiving authorization for regulations that are broader in scope than the Federal regulations. State regulations which do not correspond to the Federal regulations for which New Jersey is seeking authorization, but which are included in the State's September 28, 1993 program revision application, are present solely for informational purposes. Anyone concerned about determining with specificity which State provisions are broader in scope than the Federal regulations should refer to the program revision application.

Although EPA suspended its issuance of RCRA permits upon the effective date of final authorization of New Jersey's base program, EPA has continued to administer RCRA hazardous waste permits which were issued by EPA prior to EPA's final authorization of New Jersey's base program. EPA, upon the effective date of this authorization will no longer include in future HSWA permits, to be issued by EPA, those

HSWA provisions covered by these program revisions. EPA will, however, continue to administer any HSWA permit with these newly authorized provisions where the permits were issued prior to EPA's authorization of these program revisions. EPA's administration of these permits will be in accordance with 40 CFR part 124 and will continue until such time as New Jersey issues its own State permits for these provisions and EPA terminates the federally issued permits.

New Jersey is not authorized nor seeking to be authorized to operate the Federal program on Indian lands. This authority shall remain with EPA.

C. Decision

I conclude that New Jersey's application for program revisions meets all of the statutory and regulatory requirements established by RCRA. Accordingly, New Jersey is granted final authorization to operate its hazardous waste program as revised. New Jersey now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its revised program application, previously approved authorities and HSWA. New Jersey also has primary enforcement responsibilities, although EPA retains the right to conduct inspections and other information under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the

requirements of section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of New Jersey's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

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

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

Dated: September 30, 1993.

William J. Muszynski,
Acting Regional Administrator.

[FR Doc. 93-27600 Filed 11-8-93; 8:45 am]

BILLING CODE 6580-50-P

40 CFR Part 761

[OPPTS-62122A; FRL 4648-2]

RIN 2070-AC01

Criteria for Granting Approval for Commercial Storage of Polychlorinated Biphenyls (PCBs) for Disposal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This final rule amends the PCB regulations to finalize an amendment to the criteria EPA uses as a basis for granting written, final approval to engage in the commercial storage of PCB waste. Specifically, the amendment clarifies that the existence of two or more related civil violations or a single environmental criminal conviction in an applicant's environmental compliance history will not automatically lead to denial of an application for a PCB commercial storage approval. This document reflects changes made in response to comments on the proposed rule.

DATES: In accordance with 40 CFR 23.5 (50 FR 7271), this rule shall be promulgated for purposes of judicial review at 1 p.m. Eastern Daylight Time on November 23, 1993. These amendments shall be effective on December 9, 1993.

FOR FURTHER INFORMATION CONTACT:

Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. E-543B, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551, FAX: (202) 554-5603 (document requests only).

SUPPLEMENTARY INFORMATION: This final rule is issued pursuant to section 6(e)(1)(A) of the Toxic Substances Control Act (TSCA), which authorizes the Environmental Protection Agency to promulgate rules to prescribe methods for the disposal of PCBs.

I. Background

On December 21, 1989, EPA published in the *Federal Register* a final rule amending its regulations for the disposal and storage of PCBs (Polychlorinated Biphenyls; Notification and Manifesting for PCB Waste Activities (54 FR 52716)). Among other things, the rule required commercial storers of PCB waste to obtain approval from EPA to operate a commercial storage facility. On March 5, 1990, the National Solid Wastes Management Association and Chemical Waste Management, Inc. (petitioners) filed a

joint petition for review of the PCB Notification and Manifesting Rule in the United States Court of Appeals for the District of Columbia Circuit (Docket No. 90-1127). On November 20, 1992, EPA and the petitioners filed a Settlement Agreement with the court whereby petitioners agreed to dismiss with prejudice their petition if EPA amended the criteria for the approval of commercial storers at 40 CFR 761.65(d)(2)(vii) in substantial conformity with the following language:

The environmental compliance history of the applicant, its principals, and its key employees shall be deemed to constitute a sufficient basis for denial of approval whenever in the judgment of the Regional Administrator (or Director, EED) that history evidences a pattern or practice of noncompliance that demonstrates the applicant's unwillingness or inability to achieve and maintain its operations in a compliance status.

On January 26, 1993, EPA published a proposal in the *Federal Register* (58 FR 6184) to amend § 761.65(d)(2)(vii) to read as follows:

The environmental compliance history of the applicant, its principals, and its key employees may be deemed to constitute a sufficient basis for denial of approval whenever in the judgment of the Regional Administrator (or Director, CMD) that history evidences a pattern or practice of noncompliance that demonstrates the applicant's unwillingness or inability to achieve and maintain compliance with the regulations.

The comment period for the proposed rule ended on March 12, 1993.

Section 761.65(d)(2) establishes seven criteria which an applicant must meet before EPA grants it a commercial storage approval for PCB waste. As promulgated in 1989, § 761.65(d)(2)(vii) (environmental compliance history criteria) provided that there was sufficient basis to deny an application:

...whenever in the judgment of the Regional Administrator (or Director, EED) two or more related civil violations or a single environmental criminal conviction evidence a pattern or practice of noncompliance that demonstrate the applicant's unwillingness or inability to achieve and maintain its operations in a compliance status.

In the context of their joint petition for review of the PCB Notification and Manifesting Rule, petitioners raised the concern that § 761.65(d)(2)(vii) might be interpreted to mean that a compliance history containing two civil violations or one criminal conviction would automatically result in a determination

that an applicant for a commercial storage approval was unwilling or unable to maintain its operations in a compliance status. The petitioners believed that the language in the regulation regarding specific numbers of past civil (two) and criminal (one) violations might be understood by EPA, citizens' groups or reviewing courts as establishing absolute, numerical approval criteria applicable to any commercial storage applicant, regardless of the nature of the violations, the size of its business or the length of time it has been engaged in waste handling activities.

Having considered the matter further and in response to comments, EPA has decided that inclusion in § 761.65(d)(2)(vii) of references to specific numbers of past violations is not necessary to achieve its goal of ensuring that PCB storage approval applications not be granted when an applicant's history of environmental civil violations or criminal convictions evidences a pattern or practice of noncompliance that demonstrates the applicant's unwillingness or inability to achieve and maintain compliance with the regulations. To broaden its discretion in this area, EPA has also decided to change the phrase "shall be deemed to constitute" to "may be deemed to constitute."

Each commercial storage approval decision will entail a case-by-case evaluation of all the circumstances of an applicant's environmental compliance history. In addition to the number of violations, EPA will consider a variety of factors in determining whether the existence of prior violations evidences a pattern or practice of noncompliance sufficient to warrant denial of a commercial storage approval application. Those factors will include, but are not necessarily limited to: the size of the applicant's business; the extent of the applicant's services; the length of time the applicant has been in business; the nature and details of the acts attributed to the applicant; the degree of culpability of the applicant; the applicant's cooperation with State or Federal agencies involved in an investigation of the underlying incidents; and self-policing or internal education programs established by the applicant to prevent such incidents.

II. Response to Comments on the Proposed Rule

The comment period for the proposed rule ended on March 12, 1993, and EPA received four comments on the proposal. Comments were received from a private citizen, the Hazardous Waste Treatment Council (HWTC), the

Chemical Manufacturers Association (CMA), and General Electric (GE). All comments were considered, and EPA's responses are given below.

A private citizen thought it inappropriate for EPA to amend the PCB regulations if the primary impetus is to comply with a settlement agreement entered into with members of the regulated community. The commenter said it gave the appearance that the EPA was merely going through the motions required by the Administrative Procedure Act and not really interested in comments from other segments of the public. EPA disagrees. In the November 20, 1992 Settlement Agreement between EPA and the National Solid Wastes Management Association and Chemical Waste Management, Inc., EPA did not commit itself to adopting specific language as a final regulation. Instead, EPA agreed to publish the proposed regulation in the *Federal Register* for comment. While EPA agreed to make its best efforts to conclude the rulemaking proceeding within 9 months of the issuance of the proposed rulemaking, EPA did not promise that the final rule would be identical to the proposal. Indeed, it is not. The parties to the Settlement Agreement understood that EPA could not promise specific final regulatory language and provided a mechanism for reactivating the lawsuit in the event EPA did not adopt a final regulation "in substantial conformity with the proposal."

CMA supported the proposed changes to the criteria for EPA granting approval to commercial storers of PCB waste. It believed that evaluation of each applicant on a case-by-case basis would provide adequate protection for the environment as well as afford EPA the flexibility to preserve disposal resources necessary for removing PCBs from the environment.

GE supported the Agency's efforts to clarify this section of the regulation but believed that there is a sense in which the proposed amendment was not as clear as the original section. GE noted that the proposed amendment uses the less specific term "environmental compliance history" as a substitute for the more specific term "two or more related civil violations or a single environmental criminal conviction." In a given case, said GE, this lack of specificity could work injustice. To illustrate, GE presents a situation where EPA or a state agency might allege violations in an informal way which for one reason or another do not rise to the level of enforcement actions. Even though the regulated entity might wish to deny and contest such allegations, there may be no way to do so on the

record. GE believes that if such informal allegations became part of the applicant's "environmental compliance history" the denial of a permit would suffer from lack of due process of law.

GE recommended that the amendment pick up the specificity of the original language in defining the kind of compliance history that would be taken into account during EPA's review of the application, but do so without indicating a specific number of violations that could be used as a benchmark for the denial of an application. GE's recommendation was to delete the term "environmental compliance history" from § 761.65(d)(2)(vii) and in its place insert the phrase "the history of environmental civil violations or criminal convictions." EPA agrees with GE's comment regarding the need for more specificity with respect to the term "environmental compliance history." However, rather than adopting GE's suggested language for this final rule, EPA is amending the language proposed at § 761.65(d)(2)(vii) to read as follows:

The environmental compliance history of the applicant, its principals, and its key employees may be deemed to constitute a sufficient basis for denial of approval whenever in the judgment of the Regional Administrator (or Director, CMD) that history of environmental civil violations or criminal convictions evidences a pattern or practice of noncompliance that demonstrates the applicant's unwillingness or inability to achieve and maintain compliance with the regulations.

The HWTC fully supported the proposed changes but at the same time believed that further clarification was needed to ensure the objective review of a commercial storage application. They suggested that EPA establish clear guidance for evaluating and rating the environmental compliance history of an applicant seeking approval as a commercial storer of PCB waste and that this guidance be binding on all EPA officials and made available to the public and the regulated community.

EPA does not agree that additional guidance is necessary to ensure the objective review of commercial storage applications. Publishing a rating system to control each review, as HWTC recommends, is not reasonable given that each review case is different. The seven factors for evaluating an applicant's compliance history mentioned in Unit I of this preamble, as well as the changes made in response to the comment submitted by GE, help to ensure that each review of an applicant's compliance history is a fair and objective assessment of an

applicant's environmental compliance history in light of the totality of the circumstances. While EPA understands HWTC's desire for predictability in the application review process, we believe that construction of a decision matrix approximating that used for calculating TSCA penalties would inject an element of complexity and rigidity into the approval process distinctly at odds with the spirit of today's amendment.

III. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether or not the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e. Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (aka "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlements, grants, user fees, or loan programs; or (4) raising novel legal or policy issues. Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and therefore not subject to OMB review.

B. Regulatory Flexibility Act

Section 603 of the Regulatory Flexibility Act (15 U.S.C. 8091 et seq., Pub. L. 96-534, September 19, 1980), requires EPA to prepare and make available for comment a regulatory flexibility analysis in connection with rulemaking. The initial regulatory flexibility analysis must describe the impact of the final rule on small business entities. If, however, a regulation will not have a significant impact on a substantial number of small entities, no such regulatory impact analysis is required. This final rule is clarifying in nature, i.e., it neither imposes nor removes a burden on small business. Therefore, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C., the Assistant Administrator, who has been delegated the authority by the Administrator, certifies that this rule

will not have a significant impact on a substantial number of small entities.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., authorizes the Director of OMB to review certain information collection requests by Federal Agencies. EPA has determined that nothing in this rule constitutes a "collection of information" as defined at 44 U.S.C. 3502(4).

IV. Public Record

In accordance with the requirements of section 19(a)(3) of TSCA, EPA is issuing the following list of documents, which constitutes the record of this final rulemaking. This record includes basic information considered by the Agency in developing this proposal. The official records of previous PCB rulemakings are incorporated by reference as they exist in the TSCA Nonconfidential Information Center (NCIC). A full list of these materials is available for inspection and copying in the NCIC. However, any Confidential Business Information (CBI) is not available for public review. A public version of the record, from which CBI has been excluded, is available for inspection.

A. Previous Rulemaking Records

1. Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs); Disposal and Marking Rule," Docket No. OPTS68005, 43 FR 7150, February 17, 1978.
2. Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions Rule," 44 FR 31514, May 31, 1979.
3. Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs); Manufacturing, Process, Distribution in Commerce, and Use Prohibitions: Use in Electrical Equipment," Docket No. OPTS-62015, 47 FR 37342, August 25, 1982.
4. Official Rulemaking Record from "Polychlorinated Biphenyls (PCBs); Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions: Exclusions, Exemptions and Use Authorizations," Docket No. OPTS-62032A, 49 FR 28172, July 10, 1984.
5. Official Rulemaking Record from "Polychlorinated Biphenyls; Notification and Manifesting for PCB Waste Activities," Docket No. OPTS-62059B, 54 FR 52176, December 21, 1989.

B. Reference Documents

1. In the United States Court of Appeals for the District of Columbia Circuit. National Solid Wastes Management Association and

Chemical Waste Management, Inc., Petitioners, v. United States Environmental Protection Agency, Respondent: Joint Petition for Review — Case No. 90-1127, (March 5, 1990):3pp. Submitted by J.B. Molloy, et al. of Piper Marbury, counsel.

2. In the United States Court of Appeals for the District of Columbia Circuit. National Solid Wastes Management Association and Chemical Waste Management, Inc., Petitioners, v. U. S. Environmental Protection Agency, Respondent. Settlement Agreement — Case No. 90-1127, (November 20, 1992):4pp.

3. Chemical Waste Management, Inc. Letter from G.R. Siedor to C. Elkins, USEPA. Subject: New PCB Rules Promulgated in 54 FR 52716, (Feb. 23, 1990):4pp.

4. USEPA, OTS. Letter from J.J. Merenda to G.R. Siedor of Chemical Waste Management, Inc. Subject: Response to Feb. 23, 1990 Letter, (June 8, 1990):3pp.

Lists of Subjects in 40 CFR Part 761

Environmental protection, Hazardous substances, Labeling, Polychlorinated biphenyls, Reporting and recordkeeping requirements.

Dated: November 1, 1993.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I, part 761 is amended as follows:

PART 761—[AMENDED]

1. The authority citation for part 761 continues to read as follows:

Authority: 15 U.S.C. 2605, 2607, 2611, 2614 and 2616.

2. In § 761.65, by revising paragraph (d)(2)(vii) to read as follows:

§ 761.65 Storage for Disposal

* * * * *

(d) * * *

(2) * * *

(vii) The environmental compliance history of the applicant, its principals, and its key employees may be deemed to constitute a sufficient basis for denial of approval whenever in the judgment of the Regional Administrator (or Director, CMD) that history of environmental civil violations or criminal convictions evidences a pattern or practice of noncompliance that demonstrates the applicant's unwillingness or inability to achieve and maintain compliance with the regulations.

* * * * *

[FR Doc. 93-27608 Filed 11-8-93; 8:45 am]
BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-147]

Radio Broadcasting Services; Volcano, Hawaii

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 299C1 for Channel 299A at Volcano, Hawaii, and modifies the construction permit for Station KKOA(FM) to specify operation on Channel 299C1, at the request of Li Hing Mui, Inc. See 58 FR 32503, June 10, 1993. Channel 299C1 can be allotted to Volcano in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.5 kilometers (1.6 miles) west. The coordinates for Channel 299C1 at Volcano are North Latitude 19-26-00 and West Longitude 155-15-42. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 17, 1993.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 93-147, adopted October 19, 1993, and released November 2, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 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, Inc., (202) 857-3800, 1919 M Street NW., room 246, or 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 under Hawaii, is amended by removing Channel 299A and adding Channel 299C1 at Volcano.

Federal Communications Commission.

Victoria M. McCauley,

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

[FR Doc. 93-27448 Filed 11-8-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 93-210; RM-8283]

Radio Broadcasting Services; Webster Springs, West Virginia

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Cat Radio, Inc., substitutes Channel 262B for Channel 262A at Webster Springs, and modifies its construction permit accordingly. See 58 FR 40398, July 28, 1993. Channel 262B can be allotted to Webster Springs in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction petitioner's requested site. The coordinates for Channel 262B at Webster Springs are North Latitude 38-28-42 and West Longitude 80-34-54. Since Webster Springs is located within the protected areas of the National Radio Astronomy Observatory "Quite Zone" at Green Bank, West Virginia, petitioner will be required to comply with the notification requirements of § 73.1030(a) of the Commission's Rules. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 17, 1993.

FOR FURTHER INFORMATION CONTACT:

Sharon P. McDonald, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 93-210, adopted October 10, 1993, and released November 2, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 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, Inc., (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

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 West Virginia, is amended by removing Channel 262A and adding Channel 262B at Webster Springs.

Federal Communications Commission.

Victoria M. McCauley,

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

[FR Doc. 93-27449 Filed 11-8-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 93-219; RM-8290]

Radio Broadcasting Services; Staples, Minnesota

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 234C3 for Channel 234A at Staples, Minnesota, and modifies the construction permit for Station KSKK to specify operation on Channel 234C3 in response to a petition filed by Normin Broadcasting Company. Canadian concurrence has been received for the allotment of Channel 234C3 at Staples at coordinates 46-23-29 and 94-57-21. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 17, 1993.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 93-219, adopted October 19, 1993, and released November 2, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street NW., suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

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 Minnesota, is amended by removing Channel 234A and adding Channel 234C3 at Staples.

Federal Communications Commission.

Victoria M. McCauley,

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

[FR Doc. 93-27450 Filed 11-8-93; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Parts 204, 672, 675, and 676**

[Docket No. 921114-3183; I.D. 102892B]

RIN 0648-AD19

Pacific Halibut Fisheries; Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands; Limited Access Management of Fisheries off Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a final rule to implement Amendment 15 to the Fishery Management Plan (FMP) for the Groundfish Fishery of the Bering Sea and Aleutian Islands area (BSAI), Amendment 20 to the FMP for Groundfish of the Gulf of Alaska (GOA), and a regulatory amendment affecting the fishery for Pacific halibut in and off the State of Alaska (Alaska or State). These regulations establish an individual fishing quota (IFQ) limited access system in fixed gear fisheries for Pacific halibut and sablefish in and off Alaska. In addition, this action implements a Western Alaska Community Development Quota (CDQ) program for halibut and sablefish fixed gear fisheries.

These actions are intended by the North Pacific Fishery Management Council (Council) to promote the conservation and management of halibut and sablefish resources, and to further the objectives of the Northern Pacific Halibut Act of 1982 (Halibut Act) and the Magnuson Fishery Conservation and Management Act (Magnuson Act)