used if approved by the Manager, Seattle Aircraft Certification Office (ACO). Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(f) Special flight permits may be issued in accordance with Federal Aviation Regulations (FAR) 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) The inspection and replacement shall be done in accordance with Boeing Service Bulletin 747–51–2048, dated January 14, 1993, or Boeing Service Bulletin 747–51–2048, Revision 1, dated January 27, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on May 5, 1994.

Issued in Renton, Washington, on March 23, 1994.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 94–7320 Filed 4–4–94; 8:45 am]

BILLING CODE 4910–13–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 3F4196/R2045; FRL-4762-3]

RIN 2070–AB78

Biochemical Pesticide Plant Floral Volatile Attractant Compounds: Cinnamaldehyde, Cinnamyl Alcohol, 4-methoxy Cinnamaldehyde 3-Phenyl Propanol, 4-Methoxy Phenethyl Alcohol, Indole, and 1,2,4-Trimethoxybenzene; Exemption From the Requirement of a Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes an exemption from the requirement of a tolerance for residues of the following biochemical pesticide plant floral volatile attractant compounds: cinnamaldehyde, cinnamyl alcohol, 4-methoxy cinnamaldehyde, 3-phenyl propanol, 4-methoxy phenethyl alcohol, indole, and 1,2,4-trimethoxybenzene in or on specific raw agricultural commodities as dispersed from the pesticidal bait Corn Rootworm Bait®. Micro Flo Co. petitioned EPA to establish an exemption from the requirement of a tolerance for the compounds.

EFFECTIVE DATE: Effective April 5, 1994.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 3F4196/R2045; FRL-4762-3], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

FOR FURTHER INFORMATION CONTACT: By mail: Phillip O. Hutton, Product Manager (PM) 18, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 213, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-7096.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 21, 1993 (58 FR 54353), EPA issued a notice which announced that Micro Flo Co., P.O. Box 5948, Lakeland, FL 33807, had submitted a pesticide petition (PP 3F4196) to EPA proposing to amend 40 CFR part 180, under section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 346a, by establishing a regulation to exempt from the requirement of a tolerance residues of the following biochemical pesticide plant floral volatile attractant compounds: cinnamaldehyde, cinnamyl alcohol, 4-methoxy cinnamaldehyde, 3-phenyl propanol, 4-methoxy phenethyl alcohol, indole, and 1,2,4-trimethoxybenzene on the following raw agricultural commodities: the following field crops—alfalfa, clover, cotton, dandelion, peanuts (including hay), rice, sorghum (milo), soybeans, sunflower, sweet potatoes, and wheat; the following vegetable crops—asparagus, beans (including forage hay), beets, carrots, celery, cole crops (cabbage, broccoli, brussels sprouts, cauliflower), collards (kale, mustard greens, turnip greens, kohlrabi), corn, fresh (field, sweet, pop, seed), corn fodder and forage, chinese cabbage, cowpeas, cucurbitis (cucumbers, squash, pumpkin), egg plant, endive (escarole), horseradish (radish, rutabagas, turnip roots), leafy greens (spinach, swiss chard), lettuce (head leaf), okra, parsley, parsnip, peas, peas with pods, peppers, potatoes, sugar beets, tomatoes; the following tree fruit, berry and nut crops—almonds, apples, apricots, berries (blackberry, boysenberry, dewberry, loganberry, raspberry), blueberry, cherry, citrus (grapefruit, kumquat, lemon, lime, orange, tangelo, and tangerine) cranberry, grapes, melons, (watermelon, honeydew, crenshaw, cantaloupe, casaba, persian), nectarines, pears, pecans, peaches, and strawberry as dispersed from the end-use product Corn RootwormBait®, a pesticidal bait.

The Agency has classified the seven floral attractants as biochemical pesticides based on their nontoxic mode of action and the natural occurrence of the components. The Agency notes that with the exception of 4-methoxy phenethyl alcohol and 1,2,4-trimethoxybenzene, the various components are used in the flavor and fragrance industry and are considered generally recognized as safe by the Flavor and Extract Manufacturers Association.

Residue Chemistry Data

No residue chemistry data were required. The Agency has taken into consideration the use pattern of the end-use product, its formulation, and the low application rate of the subject plant floral volatile attractants from the end-use product. The application rate of the subject attractants would be less than or equal to 20 grams of each per acre per application, given a maximum label rate of 5 applications of 10 pounds of Corn Rootworm Bait® formulation per acre per season.

Toxicology Data

Furthermore, the Agency has evaluated the toxicology submissions provided by the petitioner. Completed mammalian acute toxicology studies for the end-use product indicate the following: acute oral toxicity in rats (LD_{50} > 5,000 mg/kg, Toxicity Category IV), acute dermal toxicity in rabbits (LD_{50} > 2,000 mg/kg, Toxicity Category

III), acute inhalation toxicity in rats (LD_{50} >6.08 mg/kg, Toxicity Category IV), primary dermal irritation in rabbits (Toxicity Category IV), primary eye irritation in rabbits (Toxicity Category I), dermal sensitization study in guinea pigs (not a sensitizer), and an Ames assay (not mutagenic).

No comments were received in response to the Agency's announcement of the petition (PP 3F4196) in the **Federal Register** of October 21, 1993 (58 FR 54353) proposing the exemption.

Based on the information cited above and the conditions of use, the Agency has determined that the establishment of an exemption from the requirement of a tolerance in 40 CFR part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after the date of publication of this document in the **Federal Register**, file written objections and/or a request for a hearing with the Hearing Clerk at the address given above. 40 CFR 178.20. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. 40 CFR 178.25. Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on each such issue, and a summary of any evidence relied upon by the objector. 40 CFR 178.27. A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: there is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested. 40 CFR 178.32.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 29, 1994.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for 40 CFR part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In subpart D, by adding new § 180.1127, to read as follows:

§ 180.1127 Biochemical pesticide plant floral volatile attractant compounds: cinnamaldehyde, cinnamyl alcohol, 4-methoxy cinnamaldehyde, 3-phenyl propanol, 4-methoxy phenethyl alcohol, indole, and 1,2,4-trimethoxybenzene; exemptions from the requirement of a tolerance.

Residues of the biochemical pesticide plant floral volatile attractant compounds: cinnamaldehyde, cinnamyl alcohol, 4-methoxy cinnamaldehyde, 3-phenyl propanol, 4-methoxy phenethyl alcohol, indole, and 1,2,4-trimethoxybenzene are exempt from the requirement of a tolerance in or on the following raw agricultural commodities: the following field crops—alfalfa, clover, cotton, dandelion, peanuts (including hay), rice, sorghum (milo), soybeans, sunflower, sweet potatoes, and wheat; the following vegetable crops— asparagus, beans (including forage hay), beets, carrots, celery, cole crops (cabbage, broccoli, brussels sprouts, cauliflower), collards (kale, mustard greens, turnip greens, kohlrabi), corn, fresh (field, sweet, pop, seed), corn fodder and forage, chinese cabbage, cowpeas, cucurbitis (cucumbers, squash, pumpkin), egg plant, endive (escarole), horseradish (radish, rutabagas, turnip roots), leafy greens (spinach, swiss chard), lettuce (head leaf), okra, parsley, parsnip, peas, peas with pods, peppers, potatoes, sugar beets, tomatoes; the following tree fruit, berry and nut crops—almonds, apples, apricots, berries (blackberry, boysenberry, dewberry, loganberry, raspberry), blueberry, cherry, citrus (grapefruit, kumquat, lemon, lime, orange, tangelo, and tangerine) cranberry, grapes, melons, (watermelon, honeydew, crenshaw, cantaloupe, casaba, persian), nectarines, pears, pecans, peaches, and strawberry as dispersed from the end-use product Corn Rootworm Bait®, a pesticidal bait, in accordance with the prescribed conditions in paragraph (a) of this section.

(a) Cumulative yearly application cannot exceed 20 grams of each floral attractant/acre/application.

(b) [Reserved].

[FR Doc. 94-8105 Filed 4-4-94; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 89-552; DA 94-276]

Use of the 220-222 Mhz Band by the Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Interpretation.

SUMMARY: Because certain aspects of the procedures adopted by the FCC for filing and acceptance of 220-222 MHz license applications were appealed, non-nationwide licensees were granted an extension of 120 days from the final disposition of the appeal to construct their systems and place them in operation. The relevant appeal was settled. Upon motion by affected licensees, the Private Radio Bureau has adopted this Order granting an extension of time through December 2, 1994, for non-nationwide 220-222 MHz licensees to construct their systems and place them in operation. This action provides affected licensees with necessary time to account for the unanticipated prompt appellate finality that followed a previous period of uncertainty with respect to equipment purchasing, financing, system construction and management contracts.

DATES: Compliance date extended to December 2, 1994.

FOR FURTHER INFORMATION CONTACT: John J. Borkowski, Rules Branch, Land Mobile and Microwave Division, Private Radio Bureau, (202) 632-7125.

SUPPLEMENTARY INFORMATION:

Order

Adopted: March 28, 1994.

Released: March 30, 1994.

In the Matter of Amendment of Part 90 of the Commission's Rules to Provide for the Use of the 220-222 MHz Band by the Private Land Mobile Radio Services, PR Docket No. 89-552.

By the Chief, Private Radio Bureau:

1. On July 30, 1992, certain aspects of the Commission's procedures for filing and acceptance of 220–222 MHz license applications were appealed to the United States Court of Appeals for the District of Columbia Circuit.[1] As a result, we conditioned all grants of 220–222 MHz licenses upon the outcome of this appeal. We granted each non-nationwide 220–222 MHz licensee, regardless of its initial authorization date, an automatic extended period of 120 days from the date of the appeal's final disposition by the courts, to construct and place its licensed facilities in operation.[2]

2. On March 18, 1994, the pending appellate case upon which we conditioned these license grants was dismissed.[3] This action initiated the 120-day extended construction period granted to each non-nationwide 220–222 MHz licensee.

3. On February 15, 1994, the law firm of Keller and Heckman, on behalf of various 220 MHz licensees, requested that the Commission extend the time to construct non-nationwide 220–222 MHz facilities from 120 days after resolution of *Evans* v. *Federal Communications Commission* to 240 days after its resolution. Keller and Heckman based this request on:

(1) The unanticipated prompt appellate finality achieved by settlement of this matter;

(2) The probable inability of 220–222 MHz equipment vendors to accommodate, within a 120-day timeframe, the thousands of equipment orders that are likely to be placed with the advent of a settlement; and

(3) The likelihood that such an extension will result in the provision of 220–222 MHz local service to the public more quickly than through the automatic cancellation of existing licenses followed by the selection of new licensees.

4. Keller and Heckman indicated that most 220–222 MHz non-nationwide licensees "have been highly reluctant to commit to decisions on equipment purchasing, financing, system construction and management contracts while the air of uncertainty as to license retention created by the *Evans* case"[4] continues to prevail. Keller and Heckman stated that the requested extension would allow licensees the requisite time needed to address these matters.

5. Therefore, for good cause shown, it is ordered that the deadline for licensees to construct their non-nationwide 220–222 MHz facilities and place them in operation is hereby further extended. All licensees of such stations authorized on or before the release date of this Order must construct their facilities and place them in operation on or before December 2, 1994.[5]

Federal Communications Commission.

Beverly G. Baker,

Deputy Chief, Private Radio Bureau.

[FR Doc. 94–8074 Filed 4–4–94; 8:45 am]

BILLING CODE 6712–01–M

[1] See *Evans* v. *Federal Communications Commission*, Case No. 92–1317 (DC Cir. filed July 30, 1992).

[2] See public notice, Lottery for 220–222 MHz Private Radio Land Mobile "Local" Channels, DA–1231, 57 FR 41935, 41936 (September 14, 1992).

[3] Order, Per Curiam, *Evans* v. *Federal Communications Commission*, Case No. 92–1317 (DC Cir. March 18, 1994).

[4] Request for Additional Time to Construct 220 MHz Private Land Mobile Radio Systems, filed by Keller and Heckman, February 15, 1994, at 2.

[5] All licensees of non-nationwide 220–222 MHz stations authorized after the release date of this Order must construct their facilities and place them in operation within eight months of the date of initial license grant. See 47 CFR 90.725(f).

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 74–09; Notice 36]

RIN 2127–AE60

Federal Motor Vehicle Safety Standards; Child Restraint Systems

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule amends Standard No. 213, Child Restraint Systems, to create an exception to the requirement that a restraint must not change its adjustment position during dynamic compliance testing. A change in adjustment positions of a rear-facing restraint, *i.e.*, infant restraint, is permitted subject to a requirement intended to ensure that the design allowing such movement will not injure the infant.

The amendment will permit the production of restraints specially designed for infants with apnea or other breathing problems. To facilitate breathing by these infants, these restraints allow infants to ride in the reclined position under normal driving conditions. However, when the restraint is subjected to the forces of a frontal vehicle crash, a portion of the restraint adjusts so that the infants move into an upright, rear-facing position. In this position, the crash forces are spread over the full torso and the back of the infant's head is supported, thus reducing the chance of injury.

DATES: This rule is effective on May 5, 1994.

Petitions for reconsideration of the rule must be received by May 5, 1994.

ADDRESSES: Petitions for reconsideration should refer to the docket and number of this document and be submitted to: Administrator, room 5220, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Dr. George Mouchahoir, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590 (telephone 202–366–4919).

SUPPLEMENTARY INFORMATION: This document amends the requirement in Federal Motor Vehicle Safety Standard No. 213, "Child Restraint Systems," that a child restraint with adjustable (reclinable) positions must not change its adjustment position during dynamic testing (S5.1.1(b)). The purpose of the requirement is to prevent a child's fingers or limbs from being caught between the shifting parts of the restraint. Today's rule permits a change in adjustment positions of a rear-facing restraint system, i.e., infant restraint, provided that the restraint meets a requirement intended to ensure such movement will not injure the child. The amendments made by this document were proposed in a notice of proposed rulemaking (NPRM) published on May 26, 1993 (58 FR 30134). NHTSA commenced this rulemaking action in response to a petition for rulemaking from Century Products Company.

The provisions adopted in today's document are substantially similar to those NHTSA proposed in the May 1993 NPRM. This rule permits an infant restraint to have a means for repositioning the seating surface of the restraint that allows an infant to move from a reclined position to an upright position during a frontal crash. To protect the infant during that change in adjustment position, the rule regulates exposed openings in the restraint structure. No opening that is exposed and is larger than 1/4 inch (6.35 mm) before the testing is permitted to become smaller during the movement of the seating surface relative to the restraint system as a whole. This rule also requires that the printed instructions accompanying each rear-facing child restraint system that has a means for repositioning the seating surface of the system include a warning against