

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. 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 such issues, 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).

A record has been established for this rulemaking under docket number [PP 8F3662/R1176] (including any objections and hearing requests submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and hearing requests, identified by the document control number [PP 8F3662/R1176], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at: opp-Docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all objections and hearing requests submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action that is likely to result in 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 (also referred to as "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 entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

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: August 4, 1995.

Allen Jennings,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. In subpart D, adding new § 180.1117, to read as follows:

§ 180.1117 Urea; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of the frost protectant urea in or on the following raw agricultural commodities when used before harvest in the production of: alfalfa, almonds, apples, apricots, artichokes, asparagus, avocados, beans, bell peppers, blackberries, blueberries, broccoli, brussels sprouts, boysenberries, canberries, canola, cantaloupes, carrots, cauliflower, casaba, celery, cherries, chili peppers, chinese cabbage (bok choy, napa), cooking peppers, corn, cotton, crenshaw, cucumbers, figs, grapefruit, grapes, honeydew melon, hops, kiwifruit, kohlrabi, lemons, lentils, lettuce, limes, macadamia nuts, musk melon, nectarines, olives, onions, oranges, peaches, pears, peanuts, peas, persian melon, pistachios, plums, potatoes, pumpkin, prunes, radish, raspberries, rice, safflower, sorghum, spinach, spinach (New Zealand), squash (winter and summer), strawberries, sugar beets, sunflower, sweet pepper, table beets, tangerines, tomatoes, walnuts, watermelon, and zucchini.

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DEPARTMENT OF TRANSPORTATION**Maritime Administration****46 CFR Part 387**

[Docket No. R-157]

RIN 2133-AB18

Utilization and Disposal of Surplus Federal Real Property for Development or Operation of a Port Facility; Correction

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule; correction.

SUMMARY: This document makes a technical correction to a final rule published on August 16, 1995 concerning the terms, reservations, restrictions, and conditions under which the Secretary of Transportation will convey surplus Federal real property and related personal property to public entities for use in the development or operation of a port facility.

EFFECTIVE DATE: August 16, 1995.

FOR FURTHER INFORMATION CONTACT: James R. Carman (202) 366-4357.

SUPPLEMENTARY INFORMATION: Beginning on page 42466 in the issue of August 16, 1995, the Maritime Administration published a final rule adding a new part 387. However, in the table of contents for the part on page 42467, in the second column, and in the section headings of the sections on pages 42467 through 42469, the new sections were incorrectly designated as §§ 12.1 through §§ 12.6. These section numbers are corrected to read as §§ 387.1 through §§ 387.6. In addition, it should be noted that the new part 387 is added to Subchapter J—Miscellaneous, of Title 46 CFR chapter II.

By Order of the Maritime Administrator.

Dated: August 17, 1995.

Joel Richard,

Secretary, Maritime Administration.

[FR Doc. 95-20870 Filed 8-22-95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 90**

[PR Docket No. 92-235, FCC 95-255]

Private Land Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Final rule; Clarification.

SUMMARY: On June 15, 1995, the Commission adopted a *Report and Order* which resolves many of the technical issues which have inhibited private land mobile radio (PLMR) users from employing the most spectrally-efficient technologies. This Public Notice clarifies the June 15, 1995, *Report and Order* so that license applications requesting power in excess of that now permitted on the offsets (e.g., 2 watts output power in all services except the Special Industrial Radio Service, where entities may be licensed for an effective radiated power of up to 100 watts) will not be accepted for filing until issues are resolved relative to the consolidation of radio services and/or the designation of dedicated channels in the 450-470 MHz band for low power use. Upon the resolution of these issues, the Commission will notify the public as to the lifting of the freeze.

EFFECTIVE DATE: August 11, 1995.

FOR FURTHER INFORMATION CONTACT: Mark Rubin of the Wireless Telecommunications Bureau at (202) 418-0680.

SUPPLEMENTARY INFORMATION: On June 15, 1995, the Commission adopted a *Report and Order*, PR Docket No. 92-235, FCC 95-255 60 FR 37152, July 19, 1995 to promote more efficient use of the private land mobile radio (PLMR) spectrum below 800 MHz. The Commission formulated a narrowband channel plan in order to promote spectrum efficiency. Under the new plan, channels in the 450-470 MHz band available under former § 90.267 of the Commission's rules, 47 CFR 90.267, that are 12.5 kHz removed from regularly-assignable channels and reserved for low power operation ("12.5 kHz offset channels") can be assigned for high power operation. The Commission recognized, however, that there still is a need for low power channels. It stated that frequency coordinators, as part of the coordination transition plan, could designate specific channels for low power use. A key part of the frequency coordination plan is the consolidation of the twenty PLMR services. The Commission provided the PLMR community three months to negotiate and submit a consensus plan for consolidation.

Hewlett-Packard Company (HP) submitted a letter on July 25, 1995, to the Chief of the Private Wireless Division, requesting that, in light of the August 18, 1995, effective date of the new rules, the Commission protect current operations on these 12.5 kHz offset channels until the underlying issues regarding frequency coordination

and the establishment of dedicated channels in the 450-470 MHz band for low power use are addressed. HP stated that hospitals use tens of thousands of HP telemetry devices operating on the 12.5 kHz offsets to monitor electrocardiographs and other critical information on the status of cardiac patients. HP explained that these telemetry units play an important role in allowing cardiac patients to become ambulatory within limited proximity to the treating hospital, thereby facilitating recovery and reducing inpatient costs. HP suggested that medical telemetry and high-powered operations cannot co-exist on these 12.5 kHz offset channels.

The Bureau agrees with HP that a problem could develop if many applicants were to file for and obtain high powered operation on these offsets prior to coordinators identifying a new location for low power operations. Therefore, license applications requesting power in excess of that now permitted on the offsets (e.g., 2 watts output power in all services except the Special Industrial Radio Service, where entities may be licensed for an effective radiated power of up to 100 watts) will not be accepted for filing until issues are resolved relative to the consolidation of radio services and/or the designation of dedicated channels in the 450-470 MHz band for low power use. Upon the resolution of these issues, the Commission will notify the public as to the lifting of the freeze.

The imposition of the freeze is procedural in nature and, therefore, is not subject to the notice and comment and effective date requirements of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)(3)(B)). See *Neighborhood TV Co., Inc. v. FCC*, 742 F.2d 629 (D.C. Cir. 1984), *Buckeye Cablevision, Inc. v. United States*, 438 F.2d 948 (6th Cir. 1971), and *Kessler v. FCC*, 326 F.2d 673 (D.C. Cir. 1963). Furthermore, good cause exists for non-compliance with the APA's "notice and comment" and "effective date" requirements because it would be impractical, unnecessary, and contrary to the public interest if the Commission did not act to protect the critical operations on these 12.5 kHz offset channels. This action is effective immediately.

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

[FR Doc. 95-20732 Filed 8-22-95; 8:45 am]

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