

- Section 1938 Underground Storage Tank Trust Fund.
  - Section 1939 Risk Retention Pool.
  - Section 1940 Underground Storage Tank Incentive Program.
  - Section 1941 Petroleum Cleanup Fund.
  - Section 1942 Petroleum Distributor Licensing Fee.
  - Section 1943 Petroleum Tank Assessment.
  - Section 1944 Underground Storage Tank Loan Assistance Program.
- (b) The regulatory provisions include State of Vermont, Agency of Natural Resources, Underground Storage Tank Regulations, February 1, 1991:
- (1) Subchapter 1: General.
    - Section 8-101 Purpose.
    - Section 8-102 Applicability.
    - Section 8-103 Severability.
  - (2) Subchapter 2: Definitions.
    - Section 8-201 Definitions.
  - (3) Subchapter 3: Notification and Permits.
    - Section 8-301 Notification, except for the following words in section 8-301(1), "Notification is also required for any tank used exclusively for on-premises heating that is greater than 1100 gallons in size."
    - Section 8-302 Permits.
    - Section 8-303 Financial Responsibility Requirements.
    - Section 8-304 Petroleum Tank Assessment.
    - Section 8-305 Innovative Technology.
  - (4) Subchapter 4: Minimum Standards for New and Replacements Tanks and Piping.
    - Section 8-401 General Requirements.
    - Section 8-402 Tanks—Design and Manufacturing Standards.
    - Section 8-403 Tanks—Secondary Containment.
    - Section 8-404 Tanks—Release Detection.
    - Section 8-405 Piping—Design and Construction.
    - Section 8-406 Compatibility.
    - Section 8-407 Spill and Overfill Prevention Equipment.
    - Section 8-408 Installation.
  - (5) Subchapter 5: Minimum Operating Standards for Existing Tanks and Piping.
    - Section 8-501 General Requirements.
    - Section 8-502 Spill and Overfill Prevention.
    - Section 8-503 Corrosion Protection of Metallic Components.
    - Section 8-504 Release Detection.
    - Section 8-505 Compatibility.
    - Section 8-506 Repairs.
  - (6) Subchapter 6: Reporting, Investigation, Corrective Action and UST Closure.
    - Section 8-601 General Requirement, except for the following words, "Heating oil tanks greater than 1100 gallons capacity used exclusively for on-premise heating purposes are subject to the requirements for permanent closure in accordance with subsection 8-605(2)."
    - Section 8-602 Reporting.
    - Section 8-603 Release Investigation and Confirmation.
    - Section 8-604 Corrective Action.
    - Section 8-605 Closure of USTs.
  - Appendix A Groundwater Monitoring Requirements.

- Appendix B Inventory Monitoring Procedures.
- Appendix C Procedures for Manual Tank Gauging.
- Appendix D Installation Requirements Applicable to New and Replacement UST Systems.

[FR Doc. 95-22487 Filed 9-11-95; 8:45 am]  
 BILLING CODE 6560-50-P

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 2**

[GEN Docket No. 89-623; FCC 91-43]

**Emergency Position Indicating Radiobeacons; Correction**

**AGENCY:** Federal Communications Commission.  
**ACTION:** Correcting amendments to the CFR.

**SUMMARY:** This document contains a correction to the final regulations, which were published on March 20, 1991, (56 FR 11683). The regulations relate to the test procedures for Emergency Position Indicating Radiobeacons contained in 47 CFR 2.1515(b).

**EFFECTIVE DATE:** September 8, 1995.  
**FOR FURTHER INFORMATION CONTACT:** John Reed, Office of Engineering and Technology, (202) 739-0704.

**List of Subjects in 47 CFR Part 2**

Communications equipment, Radio.

**PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS**

Accordingly, 47 CFR Part 2 is corrected by making the following correcting amendments:

1. The authority citation for Part 2 continues to read as follows:

**Authority:** Sections 4, 302, 303, and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154, 302, 303, and 307, unless otherwise noted.

**§ 2.1515 [Corrected]**

2. In Section 2.1515, paragraph (b) (Step 2), the I.F. bandwidth "10 Hz" is corrected to read "10 kHz" and in (Step 5), the I.F. bandwidth of "100 kHz" is corrected to read "100 Hz".

Federal Communications Commission.  
**William F. Caton,**  
*Acting Secretary.*  
 [FR Doc. 95-22567 Filed 9-11-95; 8:45 am]  
 BILLING CODE 6712-01-M

**47 CFR Part 18**

[GEN Docket No. 92-255; FCC 94-155]

**Magnetic Resonance Systems; Correction**

**AGENCY:** Federal Communications Commission.

**ACTION:** Correcting amendments to the CFR.

**SUMMARY:** This document contains a correction to the final regulations, which were published on August 3, 1994, (59 FR 39472). The regulations relate to the exemption from the standards for non-consumer ultrasonic equipment of non-consumer magnetic resonance equipment used for medical diagnostic and monitoring applications contained in 47 CFR Section 18.121.

**EFFECTIVE DATE:** September 8, 1995.

**FOR FURTHER INFORMATION CONTACT:** John Reed, Office of Engineering and Technology, (202) 739-0704.

**SUPPLEMENTARY INFORMATION:**

**Background**

The final regulations that are the subject of this correction were amended in ET Docket No. 92-255, modifying 47 CFR Section 18.121.

**Need for Correction**

As published in the CFR, the final regulations contain errors that may prove to be misleading and are in need of correction.

**Correction of Publication**

Accordingly, the publication on August 3, 1994, of the final regulations, which were the subject of FR Doc. 94-18799, is corrected as follows:

Section 18.121 is revised to read as follows:

**§ 18.121 Exemptions.**

Non-consumer ultrasonic equipment, and non-consumer magnetic resonance equipment, that is used for medical diagnostic and monitoring applications is subject only to the provisions of Section 18.105, Sections 18.109 through 18.119, Section 18.301 and Section 18.303 of this Part.

Federal Communications Commission.  
**William F. Caton,**  
*Acting Secretary.*  
 [FR Doc. 95-22568 Filed 9-11-95; 8:45 am]  
 BILLING CODE 6712-01-M

**47 CFR Part 73**

[MM Docket No. 95-86; RM-8636]

**Radio Broadcasting Services; Frankenmuth, MI****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

**SUMMARY:** This document allots Channel 229A to Frankenmuth, Michigan, as that community's first local service in response to a petition filed by Frankenmuth Broadcasting, Inc. See 60 FR 32933, June 26, 1995. There is a site restriction 14.9 kilometers (9.3 miles) southeast of the community at coordinates 43-18-21 and 83-33-28. Concurrence has been received from the Canadian government for Channel 229A as a specially negotiated short-spaced allotment. With this action, this proceeding is terminated.

**DATES:** Effective October 23, 1995. The window period for filing applications will open on October 23, 1995, and close on November 24, 1995.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Report and Order*, MM Docket No. 95-86, adopted August 30, 1995, and released September 7, 1995. 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:** Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

**§ 73.202 [Amended]**

2. Section 73.202(b), the Table of FM Allotments under Michigan, is amended by adding Frankenmuth, Channel 229A.

Federal Communications Commission.

**John A. Karousos,**

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

[FR Doc. 95-22569 Filed 9-11-95; 8:45 am]

BILLING CODE 6712-01-F

**47 CFR Part 90**

[PR Docket No. 92-235, DA 95-1839]

**Freeze on the Filing of Applications for 12.5 KHz Offset Channels in the 421-430 MHz and 470-512 MHz Bands****AGENCY:** Federal Communications Commission.**ACTION:** Final rule; Clarification.

**SUMMARY:** On June 15, 1995, the Commission adopted a *Report and Order* that resolves many of the technical issues which have inhibited private land mobile radio (PLMR) users from employing the most spectrally efficient technologies. This document clarifies the June 15, 1995 *Report and Order* so that license applications on frequencies 12.5 kHz removed from any channel available under the former rules in the 421-430 MHz and 470-512 MHz frequency bands will not be accepted for filing until issues are resolved relative to proper frequency coordination. Upon the resolution of these issues, the Commission will notify the public as to the lifting of the freeze.

**EFFECTIVE DATE:** August 22, 1995.

**FOR FURTHER INFORMATION CONTACT:** Ira Keltz of the Wireless Telecommunications Bureau at (202) 418-0616.

**SUPPLEMENTARY INFORMATION:** On June 15, 1995, the Commission adopted a *Report and Order*, PR Docket 92-235, FCC 95-255 (60 FR 37152, July 19, 1995), to promote more efficient use of the private land mobile radio (PLMR) spectrum in the 150-174 MHz VHF band, and in the 421-430 MHz, 450-470 MHz, and 470-512 MHz UHF bands. In the *Report and Order*, the Commission recognized the need for time to develop frequency coordination standards for the new narrowband channel plans. It stated that all new channels 7.5 kHz removed from any channel available in the 150-174 MHz band under the former rules, and those channels 6.25 kHz removed from any channel available in the 421-512 MHz UHF bands under the former rules, would not be available for licensing until August 18, 1996. See *Report and Order*, paragraph 41. Consistent with comments of the PLMR community, however, the Commission concluded that coordination and assignments on

the new channels 12.5 kHz removed in the UHF band could proceed.

On August 11, 1995, the Bureau granted a request by Hewlett-Packard Company (HP) to freeze the filing of new high-powered stations on 12.5 kHz offset channels in the 450-470 MHz band (60 FR 43720, August 23, 1995). On that same day, August 11, the Land Mobile Communications Council (LMCC) submitted a request to stay all assignments on the new channels in the VHF 150-174 MHz band and the UHF 421-430, 450-470, and 470-512 MHz bands. On August 17, LMCC provided supplemental information relating to this request. LMCC notes that the *Report and Order* created a complex new PLMR environment with a wide variety of operational systems, including analog and digital, trunked and conventional, older wideband and newer narrowband, and high and low-power stations. LMCC contends that at this time, the frequency coordinators do not have the information to make informed frequency recommendations regarding the assignment of the new channels.

In the *Report and Order*, we decided not to accept applications for new channels 7.5 kHz removed from any channel in the VHF band and 6.25 kHz removed from any channel in the 421-512 MHz UHF band pending the development of standards. The Bureau now also believes that the public interest will be served by giving the land mobile community additional time to develop standards for 12.5 kHz offset channels in the 421-430 MHz and 470-512 MHz UHF bands. Therefore, we are expanding the freeze granted on August 11 to include all new frequencies that are 12.5 kHz removed from any frequency available in the 421-430 MHz and 470-512 MHz bands under the former rules. As with our freeze on applications for high-powered stations on the 450-470 MHz offset channels, this freeze will be in effect until the issues related to proper coordination are resolved. Upon resolution of these issues, we will notify the public of the lifting of the freeze on these channels.

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). 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 this exception to the APA's notice and comment, and effective date requirements, because it would be impractical, unnecessary, and