

be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's Rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rule makings is available from the Commission's Consumer Assistance Office, FCC, Washington, D.C. 20554, (202) 632-7000.

5. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedures set forth in § 1.415, 47 CFR 1.415, of the Commission's Rules, interested persons may file comments on or before May 14, 1985, and reply comments on or before June 17, 1985. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

6. In accordance with § 1.419 of the Commission's Rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. Each set of comments must state on its face the proceeding to which it relates (PR Docket Number) and should be submitted to: The Secretary, Federal Communications Commission, Washington, D.C. 20554. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

7. In accordance with section 605 of the Regulatory Flexibility Act of 1980 (5 U.S.C. 605), the Commission certifies that these rules would not, if promulgated, have a significant economic impact on a substantial number of small entities because these

entities may not use the Amateur Radio Service for commercial radiocommunication (see 47 CFR 97.3 (b)). In addition, the proposed rule concerning persons who may not participate in third-party communications would not in any way impact on the manufacturers of amateur radio equipment.

8. It is ordered, that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall also cause a copy of this Notice to be published in the Federal Register.

9. For information concerning this proceeding, contact Maurice J. DePont, Federal Communications Commission, Private Radio Bureau, Washington, D.C. 20554, (202) 632-4964.

(Secs. 4, 303, 48 Stat., as amended, 1086, 1082: 47 U.S.C. 154, 303)

Federal Communications Commission.

William J. Tricarico,

Secretary.

## PART 97—[AMENDED]

### Appendix

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations would be amended, as follows:

#### § 97.79 [Amended]

1. Section 97.79 would be amended by removing paragraph (d) thereof.

2. Section 97.114 would be revised to read as follows:

#### § 97.114 Third-party communications.

(a) The transmission or delivery of the following amateur radiocommunications is prohibited:

(1) International third-party traffic except with countries which have assented thereto;

(2) Third-party traffic involving material compensation either tangible or intangible, direct or indirect, to a third party, a station licensee, a control operator, or any other person;

(3) Except for emergency communications as defined in this part, third-party traffic consisting of business communications on behalf of any party.

(b) The licensee of an amateur radio station transmitting third-party communication may not permit a third party to participate in amateur radiocommunications from the station if:

(1) The control operator is not present and is not continuously monitoring and supervising the radiocommunications to ensure compliance with the rules;

(2) The third party is a prior FCC licensee whose license was revoked; suspended for less than the balance of

the license term; suspended for the balance of the license term and relicensing has not taken place; surrendered for cancellation following notice of revocation, suspension or monetary forfeiture proceedings; or is the subject of an FCC Cease and Desist Order which relates to amateur operation and which is still in effect.

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 172 and 173

[Docket No. HM-196, Notice No. 85-1]

### Packaging and Placarding Requirements for Liquids Toxic by Inhalation; Extension of Comment Period

**AGENCY:** Materials Transportation Bureau, Research and Special Programs Administration, DOT.

**ACTION:** Extension of time to file comments on and interpretations of a notice of proposed rulemaking.

**SUMMARY:** On February 7, 1985, MTB published a Notice of Proposed Rulemaking [NPRM: Docket No. HM-196, Notice No. 85-1; 50 FR 5270] proposing special packaging and more stringent placarding requirements for certain poisonous liquids based on their potential inhalation hazards. Three petitions have been received citing a need for additional time in which to evaluate and comment on the proposals in the Notice and requesting a 60-day extension of time for filing comments. MTB believes that some extension is justified and is extending the comment period approximately 30 days.

**DATE:** Comments on Notice No. 85-1 must be received on or before April 16, 1985.

**ADDRESS:** Address comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should be submitted, if possible, in five copies. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW, Washington, D.C. Office hours are 8:30 a.m. to 5:00 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Darrell Raines, Standards Division, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Department of Transportation,

400 Seventh Street, SW, Washington, D.C. 20590, (202/426-2075).

**SUPPLEMENTARY INFORMATION:** Three potential commenters, the Chemical Manufacturers Association (CMA), the National Agricultural Chemicals Association and Hazardous Materials Advisory Council, have requested additional time to evaluate the proposals made in the above-cited NPRM. CMA indicated that LC<sub>50</sub> data are not available for some of the materials produced by its members and that additional time will be required for literature research. MTB agrees that some additional time should be allowed for this purpose but recognizes that there may be diminishing benefits from such efforts if data are not contained in sources that are readily available. However, MTB recognizes the considerable value of continuing literature research if "round-robin" exchanges of data are underway, and it is with this optimistic premise in mind that the closing date for comments on Notice No. 85-1 is extended to April 16, 1985.

MTB inadvertently omitted proposed changes to the labeling requirements

specified in § 172.402 to address highly volatile materials that do not fall within the definition of a class B poison based on inhalation toxicity (§ 173.343). Certainly all materials subject to the proposed placarding and shipping paper requirements should also be subject to "POISON" labeling requirements for packages; therefore, interested persons should consider such a requirement as part of the proposal. MTB does not believe that many materials would be affected by an expanded labeling requirement taking into account the two other routes of exposure (dermal and oral) that would make a material subject to the "POISON" labeling requirements. An example of a material addressed by the NPRM that would not meet the definition in § 173.343(a)(2), would be a material with an LC<sub>50</sub> value of 950 ppm, a molecular weight of 92, and a saturated vapor concentration of 17,000 ppm. Its inhalation toxicity according to the present regulations would be about 3.5 mg/1 (greater than 2 mg/1).

If no toxicity data are available on a material that is considered to be a possible candidate for being subject to the NPRM, it is not necessary to conduct

all the testing required to determine its precise LC<sub>50</sub> value. In order to accomplish the result that is intended by the NPRM, the saturated vapor concentration of the material at 20°C may be divided by 10 and this concentration used in the procedure described in the inhalation toxicity test for class B poisons (§ 173.343). If the test results are positive under these conditions, the liquid is subject to the NPRM. This would eliminate the necessity for costly determination of precise LC<sub>50</sub> values.

*For example:* If a liquid has a saturated vapor concentration of 500 ppm at 20°C, the concentration used in the test described in § 173.343(a)(2) would be 50 ppm.

(49 U.S.C. 1804; 49 CFR 1.53; App. A to Part 1 and paragraph (a)(4) of App. A to Part 106)

Issued in Washington, D.C., on March 8, 1985.

Alan I. Roberts,

*Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.*  
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