

Noncommercial Television Licensees Joint  
Comments  
Central California Educational Television  
Connecticut Educational  
Telecommunications Corporation  
KQED, Inc.  
University of Maine  
University of New Hampshire  
New Jersey Public Broadcasting Authority  
The Ohio State University  
School District No. 1, City and County of  
Denver and State of Colorado  
South Carolina Educational Television  
Commission  
South Central Education Broadcasting  
Council  
University of Vermont and State  
Agricultural College  
Virginia Department of  
Telecommunications

Ohio Educational Broadcasting Network  
Commission  
Oklahoma Educational Television Authority  
Public Service Satellite Consortium  
The Public Broadcasting Service  
Schwartz, Woods & Miller Joint Comments  
Arizona Board of Regents for Arizona State  
University  
Maryland Public Broadcasting Commission  
Mississippi Authority for Educational  
Television  
Mohawk-Hudson Council on Educational  
Television, Inc.  
Rhode Island Public Telecommunications  
Authority  
The Greater Toledo Educational Television  
Foundation  
Western New York Public Broadcasting  
Association  
Storer Broadcasting Company  
Westinghouse Broadcasting Company, Inc.  
WGBH Educational Foundation

#### Reply comments

National Association of Broadcasters  
National Broadcasting Company, Inc.  
The Public Broadcasting Service  
Westinghouse Broadcasting Company, Inc.

[FR Doc. 83-10512 Filed 4-20-83; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

#### 49 CFR Parts 107, 173, and 177

[Docket No. HM-138A; Amdt. Nos. 107-11,  
173-161, 177-58]

### Exemption and Enforcement Procedures and Related Miscellaneous Provisions; Corrections

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

**ACTION:** Final rule; corrections.

**SUMMARY:** This document makes four  
editorial corrections to section or office  
designations as published in the *Federal  
Register* on January 20, 1983 (48 FR 2646)  
under Docket HM-138A (FR Document  
83-1241) relating to exemptions and

enforcement procedures. In addition, a  
reference is added to § 173.22(a)(2)(i) to  
reflect Department of Defense (DOD)  
hazardous materials regulations, and  
two references to § 173.22 in Part 177 are  
corrected. Finally, § 107.319 is amended  
to provide that requests for hearings are  
made to the official who issued the  
notice of probable violation.

**EFFECTIVE DATE:** These corrections and  
additions are effective April 21, 1983.

**FOR FURTHER INFORMATION CONTACT:**  
George W. Tenley, Jr., Office of Chief  
Counsel, Research and Special Programs  
Administration, Room 8420, 400 Seventh  
Street, S.W., Washington, D.C. 20590  
(202) 755-4973.

**SUPPLEMENTARY INFORMATION:** Three of  
the corrections made herein are  
necessary to reflect proper references,  
either to the assignment of  
responsibilities within the MTB or to the  
appropriate cross referenced section.

At 48 FR 2651, under Subpart C—  
Preemption, the blanket change of "OE"  
and "OOE" to "HMR" and "OHMR"  
failed to recognize language in  
§ 107.205(b) which referred to "OHMR  
or OOE." Consequently, in order to  
make complete within Part 107 the  
assignment of the inconsistency ruling  
responsibility to the Office of Hazardous  
Materials Regulation, § 107.205(b) has  
been amended to delete the words "or  
OOE."

At 48 FR 2655, under Part 173, there is  
an incorrect reference in § 173.22(a)(3) to  
"paragraph (a)(1) of this section." The  
correct reference is to "paragraph (a)(2)  
of this section," and is changed  
accordingly.

Also with regard to § 173.22, the  
redesignation of paragraph (b) to  
paragraph (c) inadvertently changed a  
reference to § 173.22(b) appearing in  
§ 177.825(e) and paragraph VI. A of  
Appendix A to Part 177 which was  
adopted under HM-164 (46 FR 5317;  
January 19, 1981). Accordingly, in order  
to keep the requirements of HM-164  
complete, the reference in § 177.825(e)  
and the Appendix reference to  
"§ 173.22(b)" have been changed to read  
"§ 173.22(c)."

In addition to the corrections noted  
above, two additional changes have  
been made. First, in adopting the  
provisions of § 107.319 pertaining to  
hearing requests, the official to whom  
the request should be made was not  
identified. Although under previous  
requirements in § 107.353 it was the  
Associate Director for Operations and  
enforcement to whom requests were  
submitted, the change adopted herein  
requires hearing requests to be made to  
the official who issued the notice. This  
is appropriate because in a hearing

matter, the Associate Director is not  
involved in the proceeding. The general  
language adopted will cover any  
administrative reorganizations or  
redelegations that might occur in the  
future.

Second, an additional change to  
§ 173.22 has been made at the  
recommendation of the Department of  
Defense. As adopted under HM-138A,  
§ 173.22(a)(2) required that the person  
offering a package for transportation  
determine that it had been  
manufactured, assembled, and marked  
in accordance with Part 178 or 179, a  
DOT specification in effect on the date  
of manufacture, or an exemption or  
approval. However, as noted by the  
DOD, and as adopted, this section  
presently fails to recognize shipments  
made by DOD in accordance with DOD  
requirements, as provided in § 173.7(a).  
Therefore, in paragraph (a)(2)(i) of  
§ 173.22 a reference to § 173.7(a) is being  
added.

### I. Classification of Rule; Reporting Requirements; and Impact on Small Entities

**A. Non-Major Rule.** The Materials  
Transportation Bureau has determined  
that this regulatory amendment is not a  
major rule under terms of Executive  
Order 12291 or significant under DOT's  
regulatory procedures (44 FR 11034), and  
does not require a Regulatory Impact  
Analysis, nor does it require an  
environmental impact statement under  
the National Environmental Policy Act  
(42 U.S.C. 4321 et. seq.) This  
determination is made on the basis that:  
(1) The final rule will have an annual  
effect on the economy not exceeding  
\$100 million, (2) there will be no major  
increase in costs or prices for  
consumers, individual industries,  
Federal, State, or local governmental  
agencies, or geographic regions, (3) it  
will not result in significant adverse  
effects on competition, employment,  
investment, productivity, innovation, or  
the ability of U.S.-based enterprises to  
compete with foreign-based enterprises  
in domestic or export markets, and (4)  
no impacts (negative or positive) on the  
environment are anticipated by these  
minor rule changes and corrections. A  
regulatory evaluation is not warranted  
since the anticipated impact would be  
so minimal.

**B. Paperwork Reduction Act.** The rule  
change contains no information  
collection requirements nor does it  
result in any paperwork reduction.

**C. Impact on Small Entities.** Based on  
limited information available concerning  
size and nature of entities likely to be  
affected, I certify that this amendment

will not, as promulgated, have a significant economic impact on a substantial number of small entities primarily because this amendment contains a relatively few corrections to a rulemaking issued January 20, 1983.

## II. Final Rule Without Notice and Without Usual Delay in Effective Date.

Since this rule change consists of minor editorial changes or minor corrections and it does not impose additional requirements, notice and procedures thereon are considered unnecessary. For the same reasons it is considered unnecessary to delay the effective date for the usual period of time.

*Thesaurus of Indexing Terms.* The following list of Federal Register Thesaurus of Indexing Terms apply to this rulemaking:

### List of Subjects

#### 49 CFR Part 107

Hazardous materials program procedures.

#### 49 CFR Part 173

Hazardous materials transportation, Regulations and definitions.

#### 49 CFR Part 177

Carriage by public highway.

In consideration of the foregoing, Federal Register Doc. 83-1241 appearing at page 48 FR 2646 in the issue of January 20, 1983, is corrected as follows, and additional amendments under Docket HM-138A are made to Parts 107, 173, and 177:

## PART 107—HAZARDOUS MATERIALS PROGRAM PROCEDURES

### § 107.205 [Amended]

1. In § 107.205(b), the words "or OOE" are removed.

2. In § 107.319, the period at the end of paragraph (b)(3) is removed and replaced with a semicolon and the word "and"; and a new paragraph (4) is added to paragraph (b) to read as follows:

### § 107.319 Request for a hearing.

(b) \* \* \*

(4) Be addressed to the official who issued the notice.

## PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

3. In § 173.22, paragraph (a)(2)(i) is revised, and paragraph (a)(3), appearing at page 48 FR 2655 is corrected, as follows:

### § 173.22 Shipper's responsibility.

(a) \* \* \*

(2) \* \* \*

(i) Section 173.7(a) and Parts 173, 178, or 179 of this subchapter;

(3) In making the determination under paragraph (a)(2) of this section, the person may accept—

## PART 177—CARRIAGE BY PUBLIC HIGHWAY

### § 177.825 [Amended]

4. § 177.825(e), the reference to "§ 173.22(b)" is changed to read "§ 173.22(c)."

### § 172.22 [Amended]

5. In paragraph VI.A. of Appendix A to Part 177, the reference to "§ 177.22(b)" is changed to read "§ 173.22(c)."

(49 U.S.C. 1803, 1804, 1808, and 1809; 49 CFR 1.53, App. A. to Part 1)

Issued in Washington, D.C. on April 15, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 83-1063, Filed 4-20-83; 6:45 am]

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## 49 CFR Parts 171, 172 and 173

[Docket No. HM-166L; Amdt. Nos. 171-72, 172-78, 173-163]

### Regulation of Consumer Commodities; Paint and Paint Related Material Adhesive

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This action is being taken to reduce the shipping names associated with paint and paint related products from 28 to 7. This action will eliminate confusion over shipping names used by DOT and those used in the freight classification system. This action will result in a reduced burden in the shipment of these commodities without compromising safety. The proposal to expand the coverage of the consumer commodity category for flammable liquids by lowering the flash point limitation for one gallon inside containers is not adopted.

**DATE:** This amendment is effective April 1, 1984. However, compliance with the regulations as amended herein, is authorized April 21, 1983.

**FOR FURTHER INFORMATION CONTACT:** Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation,

Materials Transportation Bureau, 400 7th Street, SW., Washington, D.C. 20590 (202-472-2726).

**SUPPLEMENTARY INFORMATION:** On Monday, February 1, 1982, the Materials Transportation Bureau (MTB) published a Notice of Proposed Rulemaking (NPRM) Docket Number HM-166L (47 FR 4536) which addressed paints and paint related materials. The NPRM proposed to reduce the number of shipping names associated with paint in the Hazardous Materials Table (49 CFR 172.101) from approximately 28 to 7. In addition, the NPRM proposed to relax certain shipping requirements for paint and paint related material by allowing a flammable liquid with a flash point higher than 20°F. to be shipped as "Consumer commodity," ORM-D when in inside packaging of one gallon or less. At present, the Hazardous Materials Regulations (HMR) restrict the volume of flammable liquids having flash points below 73°F. being shipped as "Consumer commodity" to one quart. The effect of such change would be to allow four one gallon metal cans of paint in fiberboard boxes to be shipped without requiring that they be labeled or accompanied by shipping papers except when carried aboard aircraft.

MTB received a total of 37 comments in response to the NPRM. While the paint manufacturing industry and carriers generally favored the proposal, persons interested in fire protection strongly opposed those portions of the notice which would have allowed the increased quantity of paint with a flash point below 73°F. to be shipped as "Consumer commodity, ORM-D". There was little opposition to consolidation of shipping names and much support for it. Fourteen comments received from industrial firms that manufacture or ship paints and adhesives support the NPRM without exception. One manufacturer did want the shipping names "varnish" and "enamel" retained because products with these names are used to coat electrical wires, a use which most people do not associate with "paint." The purpose of shipping names in the hazardous materials table is not to pinpoint the ultimate use of a product with great exactitude, but rather to provide a standardized format which succeeds in communicating the basic properties, or kinds of hazardous materials in transportation.

In addition to industrial firms, seven trade associations, representing paint producers, carriers, and shippers supported the NPRM.

MTB received comments from four carriers. Two supported the NPRM. One air carrier expressed concern that the