

US EPA ARCHIVE DOCUMENT

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Part 1910**

RIN 1218-AA 82

**Occupational Exposure to Formaldehyde**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Extension of administrative stay.

**SUMMARY:** On December 4, 1987, the Occupational Safety and Health Administration (OSHA) published a final rule in the *Federal Register* on occupational exposure to formaldehyde (29 CFR 1910.1048, 52 FR 46168). In response to numerous public comments which indicated confusion about the hazard warning provisions of the newly revised Formaldehyde Standard, on December 13, 1988, OSHA announced an administrative stay of paragraphs (m)(1)(i) through (m)(4)(ii) for a period of nine months. OSHA also announced its intention to revoke paragraphs (m)(1)(i) through (m)(4)(ii) and invite comments on replacing them with the Hazard Communication Standard (29 CFR 1910.1200) or another equally protective alternative which would be less confusing to the public (53 FR 50198). The stay was subsequently extended (54 FR 35639, August 29, 1989; 55 FR 24070, June 13, 1990; 55 FR 32616, August 10, 1990; 55 FR 51698, December 17, 1990; 56 FR 10377, March 12, 1991; 56 FR 26909, June 12, 1991; 56 FR 37650, August 8, 1991).

On July 15, 1991, OSHA published a proposal to resolve several remaining issues on formaldehyde, including those raised by the stayed paragraphs (56 FR 32302). The public was given until August 14, 1991 to comment on the proposal. OSHA is completing its analysis of the comments and developing a final response. Consequently the stay is being extended for an additional 90 days so that OSHA may complete this process. While this stay is in effect, affected employers must continue to comply with the provisions of OSHA's Hazard Communication Standard.

**EFFECTIVE DATE:** The administrative stay of 29 CFR 1910.1048 (m)(1)(i) through

(m)(4)(ii) will be effective until February 4, 1992.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Foster, Occupational Safety and Health Administration, Office of Information and Consumer Affairs, U.S. Department of Labor, room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 523-8151.

**Authority and Signature**

This document was prepared under the direction of Gerard F. Scannell, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington DC 20210.

This action is taken pursuant to sections 4(b), 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1597, 1599; 29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 1-90 (55 FR 9033) and 29 CFR part 1911.

**List of Subjects in 29 CFR Part 1910**

Formaldehyde, Occupational safety and health, Chemicals, Cancer, Health, Risk assessment.

**§ 1910.1048 [Stayed in part]**

Therefore, 29 CFR 1910.1048 (m)(1)(i) through (m)(4)(ii) is stayed until February 4, 1992.

Signed at Washington, DC, this 5th day of November, 1991.

**Gerard F. Scannell,**  
*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 91-27238 Filed 11-12-91; 8:45 am]

**BILLING CODE 4510-26-M**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 271**

[FRL-4029-6]

**Arkansas; Final Authorization of State Hazardous Waste Management Program Revisions**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Review of immediate final rule; response to public comments.

**SUMMARY:** The State of Arkansas applied for final authorization of revisions to its hazardous waste program under the Resource

Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) reviewed Arkansas' application and made a decision, subject to public review and comment, that Arkansas' hazardous waste program revision satisfied all of the requirements necessary to qualify for final authorization. As such, EPA published an Immediate Final Rule on September 18, 1991, for a 30-day public review and comment period. EPA received eleven comments by the close of business October 18, 1991. One comment addressed technical corrections necessary regarding the State Analog citations of State regulations and analysis of the State's small quantity generator exclusions. Ten comments dealt with citizen opposition to the final authorization. Today's publication is EPA's response to the comments received regarding this program revision authorization.

**DATES:** This response to the public comments received regarding final authorization for Arkansas affirms the immediate final decision previously published and notifies the public that the final authorization shall be effective on November 18, 1991.

**FOR FURTHER INFORMATION CONTACT:** Dick Thomas, Regional Authorization Coordinator, Grants and Authorization Section, RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-6760.

**SUPPLEMENTARY INFORMATION:**

**Response to Public Comments**

*A. Technical Corrections*

The Arkansas Department of Pollution Control & Ecology (ADPC&E) submitted a comment containing technical corrections to the State Analog chart at 56 FR 47154-47156, listing the State regulations that are equivalent to the rules promulgated to the Federal RCRA implementing regulations in 40 CFR parts 260 through 266, 268, 270, 124 and 144 that were published in the *Federal Register* through April 22, 1988. Many of the dates cited in that chart were incorrect and the following chart lists the correct dates of the State analogs that are being recognized as equivalent to the appropriate Federal requirements. The following chart replaces the previously published chart.

Federal citation	State analog
13.1 1. Definition of Solid Waste; Corrections, as amended, April 11, 1985 [50 FR 14216] and August 20, 1985 [50 FR 33541].	Arkansas Hazardous Waste Management Code (AHWMC) §3a, as amended November 22, 1985, effective December 22, 1985.
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Federal citation	State analog
28B.1 40 41 38.1 43 45 2. Standards for Hazardous Waste Storage and Treatment Tank Systems; Correction (non-HSWA provisions), as amended, August 15, 1986 [51 FR 29430].	AHWMC § 3a(1), (2), (3), (5), (6) & (9), as amended September 25, 1987, effective October 22, 1987.
3. List (Phase 1) of Hazardous Constituents for Ground-Water Monitoring, July 9, 1987 [52 FR 25942].	AHWMC § 3a(5) & (9), as amended September 23, 1988, effective October 31, 1988.
4. Identification and Listing of Hazardous Waste, July 10, 1987 [52 FR 26012].	AHWMC § 3a(2), as amended September 23, 1988, effective October 31, 1988.
5. Amendments to Part B Information Requirements for Land Disposal Facilities, as amended September 9, 1987 [52 FR 33936].	AHWMC § 3a(9), as amended September 23, 1988, effective October 31, 1988.
6. Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee, November 18, 1987 [52 FR 44314].	AHWMC § 3a(5) & (6), as amended September 23, 1988, effective October 31, 1988.
7. Hazardous Waste Miscellaneous Units, December 10, 1987 [52 FR 46946].	Arkansas Code of 1987, Annotated (Ark. Code Ann.) § 8-7-218 & 8-7-219(2), as amended February 24, 1989. AHWMC § 3a(1), (5), (6), (9), & § 12b(4), as amended September 23, 1988, effective October 31, 1988. Arkansas Under-ground Injection Control Code, § 3(a), effective May 4, 1989.
24.1 24.2 8. Financial Responsibility; Settlement Agreement, as amended, March 10, 1988 [53 FR 7740].	Ark. Code Ann. § 8-7-218 & 8-7-219(2), as amended February 24, 1989. AHWMC § 3a(5), (6), (9) & § 12b(4), as amended September 23, 1988, effective October 31, 1988.
46 9. Technical Correction; Identification and Listing of Hazardous Waste, April 22, 1988 [53 FR 13382].	AHWMC § 3a(2), as amended September 23, 1988, effective October 31, 1988.
DA 10. Direct Action Against Insurers—as required by HSWA § 3004(t), November 8, 1984.	Ark. Code Ann. § 8-7-218(b)(2) & (c), as amended February 24, 1989.
14 11. Dioxin Waste Listing and Management Standards, January 14, 1985 [50 FR 1978].	AHWMC § 3a(2), (5), (6), (9) & § 13a(5), as amended November 22, 1985, effective December 22, 1985.
12. Fuel Labeling—as required by HSWA § 3004(r)(1), February 7, 1985 [17K].	AHWMC § 3a(2) & (7), as amended November 22, 1985, effective December 22, 1985.
16 13. Paint Filter Test, April 30, 1985 [50 FR 18370].	AHWMC § 3a(1), (5), (6), (9) & § 13a(5), as amended November 22, 1985, effective December 22, 1985.
14. Prohibition of Liquids in Landfills—as required by HSWA § 3004(c), May 8, 1985 [17F].	Ark. Code Ann. § 8-7-209(a) (1), (5), (b) & § 8-7-218, as amended February 24, 1989. AHWMC § 3a(5), (6), (9) & § 13a(5), as amended November 22, 1985, effective December 22, 1985.
15. Expansions During Interim Status—Waste Piles—as required by HSWA § 3015(a), May 8, 1985 [17P].	Ark. Code Ann. § 8-7-216(b), (c), (d), (e) & (f), as amended February 24, 1989. AHWMC § 3a(9) & 12a(1-8), as amended November 22, 1985, effective December 22, 1985.
16. Expansions During Interim Status—Landfills and Surface Impoundments—as required by HSWA § 3015(b), May 8, 1985 [17P].	Ark. Code Ann. § 8-7-216(b), (c), (d), (e) & (f), as amended February 24, 1989. AHWMC § 3a(9) & 12a(1-8), as amended November 22, 1985, effective December 22, 1985.
5L 17A 17C 17D 17E 17F 17G 17H 17I 17J 17K 17L 17M 17N 17O 17P 17Q 17R 17S 18 19 19.1 17. Sharing of Information With the Agency for Toxic Substances and Disease Registry—as required by HSWA § 3019(b), July 15, 1985.	Ark. Code Ann. § 8-7-209(a)(2) & (10), as amended February 24, 1989.
18A. Small Quantity Generators	AHWMC § 3a, 12a & 16b, as amended November 22, 1985, effective December 22, 1985.
18C. Household Waste	AHWMC § 3a, as amended November 22, 1985, effective December 22, 1985.
18D. Waste Minimization	Ark. Code Ann. § 8-7-218(b) & (c), as amended February 24, 1989. AHWMC § 3a(3), (5), (6), (9), 12a(7) & (8) & 16b, c & d, as amended November 22, 1985, effective December 22, 1985.
18E. Location Standards for Salt Domes, Salt Beds, Underground Mines and Caves.	Ark. Code Ann. § 8-7-209(a) (1), (3), (5), (6), (11), (b) & § 8-7-218, as amended February 24, 1989. AHWMC § 3a(5), (6) & 13a(5), as amended November 22, 1985, effective December 22, 1985.
18F. Liquids in Landfills	Ark. Code Ann. § 8-7-209(a) (1), (5), (b) & § 8-7-218, as amended February 24, 1989. AHWMC § 3a(1), (5), (6) & (9), § 13a(5), as amended November 22, 1985, effective December 22, 1985.
18G. Dust Suppression	AHWMC § 3a(7), as amended November 22, 1985, effective December 22, 1985.
18H. Double Liners	Ark. Code Ann. § 8-7-218, as amended February 24, 1989. AHWMC § 3a(5) & (6), as amended November 17, 1989, effective December 21, 1989.
18I. Ground-Water Monitoring	Ark. Code Ann. § 8-7-211 & § 8-7-218(b)(2), as amended February 24, 1989. AHWMC § 3a(5), 12c(3) & 17a, as amended November 17, 1989, effective December 21, 1989.
18J. Cement Kilns	AHWMC § 3a(2) & (7), as amended November 17, 1989, effective December 21, 1989.
18K. Fuel Labeling	AHWMC § 3a(2) & (7), as amended November 17, 1989, effective December 21, 1989.
18L. Corrective Action	Ark. Code Ann. § 8-7-218(b)(2), 8-7-218(c), 8-7-508(a)(1), 8-7-209(a)(6) & (8), 8-7-205(4), 8-7-218(b), 8-7-219, 8-7-502, 8-7-503(12) & 8-7-506, as amended February 24, 1989. AHWMC § 3a(5), (9) & § 12b(4), as amended November 17, 1989, effective December 21, 1989.
18M. Pre-construction Ban	Ark. Code Ann. § 8-7-211, as amended February 24, 1989. AHWMC § 3a(9), as amended November 17, 1989, effective December 21, 1989.
18N. Permit Life	Ark. Code Ann. § 8-7-220, as amended February 24, 1989. AHWMC § 3a(9), as amended November 17, 1989, effective December 21, 1989.
18O. Omnibus Provision	AHWMC § 3a(9) & 14, as amended November 17, 1989, effective December 21, 1989.
18P. Interim Status	Ark. Code Ann. § 8-7-216(b), (c), (d), (e) & (f), as amended February 24, 1989. AHWMC § 3a(9) & 12a(1-8), as amended November 17, 1989, effective December 21, 1989.
18Q. Research and Development Permits	AHWMC § 3a(9), as amended November 17, 1989, effective December 21, 1989.
18R. Hazardous Waste Exports	AHWMC § 3a(2), (3), (4) & (16), as amended November 17, 1989, effective December 21, 1989.
18S. Exposure Information	AHWMC § 3a(9), as amended November 17, 1989, effective December 21, 1989.
19. Listing of TDI, TDA, DNT, October 23, 1985 [50 FR 42936].	AHWMC § 3a(2), as amended November 22, 1985, effective December 22, 1985.
20. Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces, November 29, 1985 [50 FR 49164], as amended April 13, 1987 [52 FR 11819].	Ark. Code Ann. § 8-7-203(6) & (7), as amended February 24, 1989. AHWMC § 2a(5), 3a(2), (5), (6) & (7), as amended September 25, 1987, effective October 22, 1987.

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Federal citation	State analog
21. Listing of Spent Solvents, December 31, 1985 [50 FR 53315], as amended January 21, 1986 [51 FR 2702].	AHWMC § 3a(2), as amended September 26, 1986, effective November 1, 1986.
22. Listing of EDB Waste, February 13, 1986 [51 FR 5327].	AHWMC § 3a(2), as amended September 26, 1986, effective November 1, 1986.
23. Listing of Four Spent Solvents, February 25, 1986 [51 FR 6537].	AHWMC § 3a(2), as amended September 26, 1986, effective November 1, 1986.
24. Generators of 100 to 1000 kg Hazardous Waste, March 24, 1986 [51 FR 10146].	AHWMC § 3a, 12a & 16b, as amended September 26, 1986, effective November 1, 1986.
25. Codification Rule, Technical Correction (Paint Filter Test), May 28, 1986 [51 FR 19176].	AHWMC § 3a(1), (5), (6), (9) & 13a(5), as amended September 26, 1986, effective November 1, 1986.
26. Standards for Hazardous Waste Storage and Treatment Tank Systems (HSWA provisions), July 14, 1986 [51 FR 25422], as amended August 15, 1986 [51 FR 29430].	AHWMC § 3a(1), (2), (3), (5), (6) & (9) as amended September 26, 1986, effective November 1, 1986; as further amended September 25, 1987, effective October 22, 1987.
27. Biennial Report: Correction, August 8, 1986 [51 FR 28556].	AHWMC § 3a(3), (5), (6), (9), 16b, c, d & d(1), 12a(7) & (8), as amended September 25, 1987, effective October 22, 1987.
28. Exports of Hazardous Waste, August 8, 1986 [51 FR 28664].	AHWMC § 3a(2), (3), (4) & § 16, as amended September 25, 1987, effective October 22, 1987.
29. Standards for Generators—Waste Minimization Certifications, October 1, 1986 [51 FR 35190].	AHWMC § 1a, 3a(2), (3), (5), (6), (9), 12a, 12a(7) & (8), 16, 16b-d, as amended September 25, 1987, effective October 22, 1987. Ark. Code Ann. § 8-7-218(b) & (c), as amended February 24, 1989.
30. Listing of EBDC, October 24, 1986 [51 FR 37725].	AHWMC § 3a(2), as amended September 25, 1987, effective October 22, 1987.
31. Land Disposal Restrictions, November 7, 1986 [51 FR 40572], as amended June 4, 1987 [52 FR 21010].	Ark. Code Ann. § 8-7-205(3), 8-7-209(a)(1), (3), (5), (6), (11), (b) & 8-7-215, 8-7-216, 8-7-218, 8-7-303 & § 8-7-308(4), as amended February 24, 1989. AHWMC § 3a(5), (6) & § 13a(5), as amended September 25, 1987, effective October 22, 1987.
32. California List Waste Restrictions, July 8, 1987 [52 FR 25760], as amended October 27, 1987 [52 FR 41295].	Ark. Code Ann. § 8-7-205(3), 8-7-209(a)(1), (3), (5), (6), (11) & (b), 8-7-215, 8-7-216 & § 8-7-218, as amended February 24, 1989. AHWMC § 3a(3), (5), (6), (8), (9) & § 13a(5), as amended September 23, 1988, effective October 31, 1988.
33. Exception Reporting for Small Quantity Generators of Hazardous Waste, September 23, 1987 [52 FR 35894].	AHWMC § 3a(3) & 16c(2), as amended September 23, 1988, effective October 31, 1988.
34A. Permit Application Requirements Regarding Corrective Action	AHWMC § 3a(9), as amended September 23, 1988, effective October 31, 1988.
34B. Corrective Action Beyond Facility Boundary	Ark. Code Ann. § 8-7-218(b)(2), (c) & 8-7-209(a)(8), as amended February 24, 1989. AHWMC § 3a(5), as amended September 23, 1988, effective October 31, 1988.
34C. Corrective Action for Injection Wells	AHWMC § 3a(5), (6) & (9), as amended September 23, 1988, effective October 31, 1988. Arkansas Underground Injection Control Code § 3(A), effective May 4, 1989.
34D. Permit Modification	AHWMC § 3a(9), as amended September 23, 1988, effective October 31, 1988.
34E. Permit as a Shield Provision	AHWMC § 3a(9), as amended September 23, 1988, effective October 31, 1988.
34G. Post-Closure Permits	AHWMC § 3a(9), as amended September 23, 1988, effective October 31, 1988.
35. State Availability of Information—as required by HSWA § 3006(f), November 8, 1984.	Ark. Code Ann. § 25-19-103(1), 25-19-105, 25-19-107, 8-4-222, 8-4-223, 5-4-226, 8-4-227, 8-222, 7-204(b) & (g) (Act 435 of 1991, enacted & effective March 11, 1991), 8-7-225(d) & 4-75-601(4), effective February 24, 1989. AHWMC § 6, as amended November 17, 1989, effective December 21, 1989. Memorandum of Agreement, United States Environmental Protection Agency, Region VI and Arkansas Department of Pollution Control & Ecology, effective September 6, 1991.

The second technical correction received from ADPC&E corrects the small quantity generator exclusion analysis made at 56 FR 47156, under paragraph B of the "Supplementary Information" section which states that Arkansas does not provide for any quantity exclusion. The correct interpretation of the Arkansas regulations is that Arkansas recognizes the quantity exclusion, and the categories of generator, small quantity generator, and conditionally exempt generator as per the Federal regulations. However, Arkansas does not provide for certain of the exemptions allowed for small quantity and conditionally exempt generators. Specifically, the disallowed exemptions include those at 40 CFR 262.20(e), 262.41 and 262.44 thus making the State regulations more stringent than the Federal program. The State regulations require that hazardous waste shipped away from the point of generation must be manifested; these wastes may be disposed of only in

permitted or interim status treatment, storage, or disposal facilities, and generators must provide an annual report of hazardous waste generation to the State.

*B. Authorization Comments*

Ten comments received from individuals expressed their general opposition to allowing the ADPC&E to function as the State's lead environmental agency, and their opposition to this final authorization. The commentators requested that EPA continue its involvement in the State of Arkansas.

EPA will continue to be actively involved in the Hazardous Waste Program in Arkansas. EPA retains oversight authority of the delegated program and complete Federal authority over many regulations under the Hazardous and Solid Waste Amendments of 1984 (HSWA) to the RCRA. In addition, EPA retains Federal

enforcement authority under RCRA §§ 3008, 7003, and 7013.

In order for Arkansas to be authorized for the HSWA provisions in this approval, it was required to demonstrate that it has the capability to administer a Hazardous Waste Program that would implement the proposed authorization, as well as effectively implement its currently authorized program. In the spirit of authorization, the ADPC&E and EPA have agreed to a plan for enhancing Arkansas' Hazardous Waste Program to ensure that it will be consistent with, equivalent to, and as stringent as the Federal requirements.

Throughout the past seven years, EPA has worked closely with the ADPC&E. The State has adequately demonstrated its capability to implement the Hazardous Waste Program in lieu of EPA.

EPA will continue its involvement and presence in the implementation and enforcement of ADPC&E's Hazardous Waste Program until such time in the

future that the State has been fully authorized for all applicable Federal laws and regulations and appropriately continuously demonstrated the capability to implement the Program to the satisfaction of EPA. Even then, under RCRA, EPA retains the authority to enforce against violators, even in authorized States, under RCRA §§ 3008, 7003, and 7013.

One of the commentors also addressed allegations of violations in regards to a treatment and disposal facility, Great Lakes Chemical Corporation (GLCC), in El Dorado, Arkansas. The commentor refers to incidents involving air emissions, grout spills, water discharges and a Consent Administrative Order (CAO) between the ADPC&E and GLCC.

The incidents referred to by the commentor do not specifically refer to RCRA or HSWA laws and regulations, or to laws and regulations which are a part of this final authorization. EPA, however, would like to state that to the best of EPA's knowledge, the facility has cleaned up all grout spills to neighboring properties immediately after the facility became aware of them, as indicated by the commentor. As to violations involving water discharges, the ADPC&E and EPA have investigated certain incidents, found violations and taken appropriate enforcement action against the facility. As to the CAO between ADPC&E and the facility, the commentor states that the order has been violated on several matters without giving specifics as to the violations. The ADPC&E has informed EPA that it is presently investigating certain matters that may fall within the parameters of the CAO. The ADPC&E has also informed EPA that the action dates in the CAO have been amended due to a finding and realization that they were not realistically achievable. The ADPC&E assures EPA that facility actions taken due to the CAO have improved the environment.

EPA and ADPC&E are in the process of issuing a joint RCRA and HSWA permit for operation and treatment to GLCC. This permit, upon issuance, will require the facility to comply with RCRA and HSWA, including specific requirements regarding hazardous air emissions. The permit will be enforced by both ADPC&E and EPA.

EPA has reevaluated its decision to approve this final authorization for the State's Hazardous Waste Program, and all the documentation, including the Authorization Application, the EPA Mid-Year Evaluation Reports, EPA's End-of-Year Evaluation Reports, the Arkansas HSWA Capability Assessment and the mutually agreed-to-Arkansas Corrective

Action Plan. EPA hereby affirms its decision to approve this final authorization. This authorization is effective November 18, 1991.

Dated: November 6, 1991.

Robert E. Layton, Jr.,  
Regional Administrator.

[FR Doc. 91-27266 Filed 11-12-91; 8:45 am]  
BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1, 21, 74, and 78

[Gen. Docket No. 90-54, Gen. Docket No. 80-113; FCC 91-301]

#### Multipoint Distribution Service, Multichannel Multipoint Distribution Service, Instructional Television Fixed Service, Private Operational-Microwave Fixed Service, and Cable Television Relay Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petitions for reconsideration.

**SUMMARY:** This Order on Reconsideration decides issues raised by various petitioners concerning the Report and Order, 55 FR 46006 (Oct. 31, 1990); *Erratum*, 55 FR 46513 (Nov. 5, 1990). The Report and Order was adopted to facilitate the development of wireless cable service as a viable competitor in the multichannel video marketplace, by revising the rules governing the various microwave radio channels that can be used collectively to provide wireless cable service. The Order on Reconsideration modifies and clarifies some decisions made in the Report and Order. Rule changes included new standards for: (1) Interference protection for Instructional Television Fixed Service (ITFS) stations which lease excess capacity to wireless cable operators; (2) ITFS excess capacity leasing requirements; (3) signal boosters of very low power; (4) interference analyses filed by Multichannel Multipoint Distribution Service (MMDS) applicants with regard to ITFS stations; (5) ITFS service requirements for MMDS applicants; and (6) Cable Antenna Relay Service (CARS) eligibility.

**EFFECTIVE DATE:** December 30, 1991.

**FOR FURTHER INFORMATION CONTACT:** Lynne Milne, Common Carrier Bureau, 202-634-1772.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Order on Reconsideration in Gen. Dockets 90-54 and 80-113, adopted September 26, 1991,

and released October 25, 1991. The complete text of this Order on Reconsideration is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, Downtown Copy Center, at room 246, 1919 M Street, NW., Washington, DC 20554 (202-452-1422).

### Paperwork Reduction Statement

The Commission has submitted the following information collection requirements to the Office of Management and Budget for review and clearance under the Paperwork Reduction Act, as amended (44 U.S.C. 3501, *et seq.*).

*Title:* Amendment of parts 1, 21, 43, 74 and 78 of the Commission's rules Governing Use of the Frequencies in the 2.1 and 2.5 GHz Bands Affecting: Private Operational-Fixed Microwave Service, Multipoint Distribution Service, Multichannel Multipoint Distribution Service, Instructional Television Fixed Service, and Cable Television Relay Service.

*OMB Number:* 3060-0464.

*Action:* New and modified collections.

*Respondents:* Businesses (including small businesses); individuals or households.

*Frequency of Response:* On occasion.

1. Section 21.902(i)—Frequencies (ITFS Coordination Requirement).

(a) Engineering Analyses for ITFS construction permittees by MMDS lottery-winning applications and MMDS non-mutually-exclusive applications.

*Estimated Annual Burden:* 100 responses; 4000 hours on total industry, 40 hours each.

(b) Section 21.902(i)(3), (4) & (5)—ITFS Service Notice.

*Estimated Annual Burden:* 100 responses; 100 hours on total industry, 1 hour each.

2. Section 21.902(i)(6)—ITFS Petition to Deny.

*Estimated Annual Burden:* 35 responses; 700 hours on total industry, 20 hours each.

3. Section 21.913(g)—MDS Signal Booster Stations of very low power.

*Estimated Annual Burden:* 100 responses; 200 hours on total industry, 2 hours each.

4. Section 74.903—Interference.

a. Sections 74.903(b)(5) and (d). Engineering Analyses by ITFS applicants for ITFS stations that lease excess capacity for wireless cable operations.