

Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. This proposed rule applies to gasoline refiners, blenders and importers that supply gasoline or diesel fuel. Today's action updates an ASTM test method to its most recent version, and does not impose any enforceable duties on communities of Indian tribal governments. Thus, Executive Order 13175 does not apply to this proposed rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

Executive Order 13045: "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This rule is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed rule is not an economically "significant energy action" as defined in Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it does not have a significant adverse effect on the supply, distribution, or use of energy. EPA is allowing additional flexibility and streamlining the regulations by updating an ASTM test method to its most current version for three applications under its motor vehicle programs.

I. National Technology Transfer Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This rule will update an ASTM test method which is a designated analytical test method for two applications and an alternative test method for one application to its most recent ASTM version. Today's action does not establish new technical standards or analytical test methods, although it does update an ASTM test method to its most current version. To the extent that this action would allow the use of standards developed by voluntary consensus bodies (such as ASTM) this action would further the objectives of the NTTAA.

IV. Statutory Provisions and Legal Authority

Statutory authority for today's proposed rule comes from sections 211(c), 211(i) and 211(k) of the CAA (42 U.S.C. 7545(c) and (k)). Sections 211(c) and 211(i) allow EPA to regulate fuels that contribute to air pollution which endangers public health or welfare, or which impairs emission control equipment. Section 211(k) prescribes requirements for RFG and conventional gasoline and requires EPA to promulgate regulations establishing these requirements. Additional support for the fuels controls in today's rule comes from sections 114(a) and 301(a) of the CAA.

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, Diesel, Imports, Incorporation by reference, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: September 24, 2003.

Marianne Lamont Horinko,
Administrator.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL-7567-4]

RIN 2060-AK28

Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances-n-Propyl Bromide; Correction

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking; correction.

SUMMARY: The Environmental Protection Agency (EPA) published in the **Federal Register** of June 3, 2003, a Notice of Proposed Rulemaking related to the Significant New Alternatives Policy (SNAP) program's review of n-propyl bromide. During the public comment period, members of the public requested clarification or correction of a number of statements in the preamble to the proposed rule. This document identifies, corrects, and clarifies these portions of the preamble.

FOR FURTHER INFORMATION CONTACT: Margaret Sheppard. Before October 16, 2003, contact Ms. Sheppard by telephone at (202) 564-9163, by fax at (202) 565-2141, by e-mail at sheppard.margaret@epa.gov, or by mail at U.S. Environmental Protection Agency, Mail Code 6205J, Washington, DC 20460. Overnight or courier deliveries should be sent to the office location at 501 3rd Street, NW., Washington, DC 20001. Further information can be found by calling the Stratospheric Protection Hotline at (800) 296-1996, or by viewing EPA's Ozone Depletion World Wide Web site at <http://www.epa.gov/ozone/snap/>. On and after October 16, 2003, contact Ms. Sheppard by telephone at (202) 343-9163, by e-mail at sheppard.margaret@epa.gov, or by mail at U.S. Environmental Protection Agency, Mail Code 6205J, Washington, DC 20460. Overnight or courier deliveries on and after October 16, 2003 should be sent to the new office location at 1310 L Street, NW., Washington, DC 20005.

SUPPLEMENTARY INFORMATION: The Environmental Protection Agency published in the **Federal Register** of June 3, 2003 (68 FR 33284), a Notice of Proposed Rulemaking related to the Significant New Alternatives Policy (SNAP) program's review of n-propyl bromide. During the public comment period, members of the public requested clarification or correction of certain

statements in the proposal, FR Doc. 03-75043, published on June 3, 2003.

In the proposed rule, FR Doc. 03-75043, published on June 3, 2003, in the "Supplementary Information" section make the following corrections:

1. On page 33286 at the top of the third column, the chemical name for HCFC-141b is corrected to read "1,1-dichloro-1-fluoroethane."

2. On page 33286 on the 8th line down from the top of the third column, the chemical name for HCFC-225cb is corrected to read "1,3-dichloro-1,1,2,2,3-pentafluoropropane."

3. On page 33286, on the 21st line down from the top of the third column, the chemical name for HFC-365mfc is corrected to read "1,1,1,3,3-pentafluorobutane."

4. On page 33304, at the bottom of the third column, footnote 15 is corrected to read as follows:

"The recommended AEL for nPB is lower than that for many acceptable solvents (HFEs, ketones, HFCs, HCFC-225ca/cb, hydrocarbons), but is higher or comparable to the AEL for some acceptable solvents (d-limonene, VMSs, dichlorobenzotrifluoride, HCFC-123, methylene chloride, PCBTF). However, a direct comparison between two compounds with different AELs does not necessarily mean that using a compound with a lower AEL is more risky. Actual exposure levels will vary based upon factors other than the AEL, such as emission controls in place, work practices, ventilation, rate of spraying, and vapor pressure of the solvent."

5. On page 33311, in the first column under the first bullet point, the following sentence appears beginning in the 51st line: "Recent regulations for hazardous air pollutants disallow use of methylene chloride in foam fabrication facilities." This sentence is corrected to read as follows: "Recent regulations for flexible polyurethane foam fabrication facilities that are major sources of hazardous air pollutants disallow use of methylene chloride-based adhesives at loop slitters and associated equipment used to apply adhesives to bond foam."

The National Emissions Standard for Hazardous Air Pollutants (NESHAP) for new and existing sources at flexible polyurethane foam fabrication facilities, published in the **Federal Register** of April 14, 2003 (68 FR 18062), does not generally disallow use of methylene chloride in all foam fabrication facilities. The NESHAP disallows the use of HAP-based adhesives at loop-slitter affected sources at plants that are major source of hazardous air pollutants (HAPs), in accordance with the compliance dates set forth in the NESHAP. Stationary sources emitting, or having the potential to emit, less than

10 tons per year of a particular HAP, such as methylene chloride, and less than 25 tons per year of any combination of HAPs are not regulated as major sources under the NESHAP and are thus considered "area sources." EPA has listed flexible foam fabrication operations as an area source category for further scrutiny and may address HAP emissions from area sources under section 112(k) of the Clean Air Act in the future.

Users of adhesives containing methylene chloride must comply with applicable requirements of the Methylene Chloride Standard issued by the Occupational Safety and Health Administration (29 CFR 1910.1052).

Dated: September 17, 2003.

Jeanne Briskin,

Acting Director, Global Programs Division.

[FR Doc. 03-25011 Filed 10-1-03; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 03-2753; MB Docket No. 03-192; RM-10763]

Radio Broadcasting Services; Brazil and Spencer, IN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rulemaking filed jointly by Crossroads Investments, Inc., licensee of Station WSDM-FM, Channel 249A, Brazil, Indiana, and Mid-America Radio of Indiana, Inc., licensee of Station WSKT(FM), Channel 224A, Spencer, Indiana. Parties request the substitution of Channel 224A for Channel 249A at Brazil and modification of the license for Station WSDM-FM accordingly, and the substitution of Channel 249A for Channel 224A at Spencer and modification of the license of Station WSKT(FM) accordingly. Channel 249A can be allotted to Spencer in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.5 kilometers (5.9 miles) west of the community at Station WSKT(FM)'s requested site at coordinates 39-15-18 North Latitude and 86-51-51 West Longitude. Additionally, Channel 224A can be allotted to Brazil with a site restriction of 1.8 kilometers (1.1 miles) southwest of the community at Station WSDM-FM's requested site at

coordinates 39-30-43 NL and 87-08-19 WL. In accordance with Section 1.420(g)(3) of the Commission's Rules, any party expressing an interest in the respective channels should demonstrate why these proposals are not "incompatible channel swaps" such that their expressions of interest are foreclosed.

DATES: Comments must be filed on or before October 27, 2003, and reply comments on or before November 12, 2003.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Frank R. Jazzo, Anne Goodwin Crump, Fletcher, Heald and Hildreth, PLC, 1300 North 17th Street, Eleventh Floor, Arlington, Virginia 22209.

FOR FURTHER INFORMATION CONTACT: Victoria McCauley, Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 03-192 adopted September 3, 2003, and released September 5, 2003. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street, SW., Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone (202) 863-2893, or via e-mail qualexint@aol.com.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows: