

number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 26, 1995.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.447, by adding new paragraph (d), to read as follows:

§ 180.447 Imazethapyr; tolerances for residues.

* * * * *

(d) Tolerances with regional registration, as defined in § 180.1(n) of this chapter, are established for the sum of residues of the herbicide imazethapyr, 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-ethyl-3-pyridine carboxylic acid, as its ammonium salt, and its metabolite, 2-[4,5-dihydro-4-methyl-4-(1-methylethyl)-5-oxo-1H-imidazol-2-yl]-5-(1-hydroxyethyl)-3-pyridine carboxylic acid, both free and conjugated, in or on the following raw agricultural commodities:

Commodity	Parts per million
Endive (escarole)	0.1
Lettuce (head and leaf)	0.1

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40 CFR Part 180

[OPP-300388; FRL-4958-1]

RIN 2070-AB78

Diphenylamine; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: EPA is issuing a technical amendment to a regulation on diphenylamine to change its designation from a "fungicide" to a "plant regulator." EPA is making this technical amendment to better characterize the chemical.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Tompkins, Fungicide/Herbicide Branch (7505C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 239, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703)-305-6250; e-mail: tompkins.james@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Diphenylamine is currently registered for use on apples to prevent the appearance of the skin discoloration known as "storage scald." Storage scald is an abiotic disorder not caused by fungus, bacterium, or living agent. The most widely accepted theory is that a substance known as alpha-farnescene is given off by the apple which when combined with oxygen leads to the formation of free radicals resulting in the destruction of cell substance compartmentalization and death of the skin cells. Diphenylamine applied to the skin of the apple acts as an antioxidant to prevent the combination of alpha-farnescene with oxygen. The term "plant regulator" is a better descriptive term than "fungicide" to describe the use of diphenylamine on apples to prevent the appearance of storage scald.

This document contains a technical amendment only and does not require notice and comment, 5 U.S.C. 553.

List of Subjects in 40 CFR Part 180

Environmental protection, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: May 25, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, a technical amendment is made in 40 CFR part 180 as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

§ 180.190 [Amended]

2. In § 180.190, by making a technical amendment to the introductory text by

changing "fungicide" to read "plant regulator".

[FR Doc. 95-14063 Filed 6-13-95; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 95-112]

Delegation of Authority to Issue Subpoenas

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document delegates authority to the Chief, Compliance and Information Bureau to issue subpoenas for the production of documents and testimony in support of Commission investigations of all types. This action is necessary to empower the Compliance and Information Bureau to obtain evidence in all situations involving violations of the Commission's Rules. The effect of this action is better informed Commission actions.

EFFECTIVE DATE: June 14, 1995.

FOR FURTHER INFORMATION CONTACT: Wayne T. McKee, Compliance and Information Bureau, (202) 418-1100.

SUPPLEMENTARY INFORMATION: The complete text of the Commission's Order, Adopted March 14, 1995, and released April 6, 1995, follows:

1. Section 409(e) of the Communications Act of 1934 (Act), as amended, 47 U.S.C. 409(e), grants the Commission express authority to issue subpoenas to require, among other things, the production of information relating to any matter under investigation. In this connection, the courts have held that the Commission may issue subpoenas to, among others, private entities not subject to the agency's jurisdiction.¹

2. Section 5(c)(1) of the Act, 47 U.S.C. 155(c)(1), affords the Commission authority to delegate the subpoena power conferred by Section 409(e). In accordance with Section 5(c)(1), we previously delegated to the Chief, Compliance and Information Bureau (formerly the Field Operations Bureau) authority to issue administrative subpoenas in connection with investigation of cases involving violations of Sections 301 (unlicensed operation) or 302(a) (illegal marketing of radio frequency devices capable of

¹ See FCC v. Cohn, 154 F. Supp. 899 (S.D.N.Y. 1957).

causing harmful interference) of the Act.² See 47 U.S.C. 301 and 302(a). We believe that the mission and proper functioning of the Compliance and Information Bureau will be enhanced by a broader delegation of our subpoena authority to that Bureau.

3. Accordingly, it is ordered that, pursuant to Section 5(c)(1) of the Communications Act of 1934, as amended, 47 U.S.C. 155(c)(1), authority is delegated to the Chief, Compliance and Information Bureau, to require by administrative subpoena the attendance and testimony of witnesses and the production of books, papers, correspondence, and any other records relating to any matter under investigation.

4. It is further ordered that Section 0.311(f) of the Commission's rules, 47 CFR 0.311(f), is amended to reflect the foregoing delegation of authority to the Chief, Compliance and Information Bureau. This amendment to the Commission's rules is contained below. The requirements set forth in 5 U.S.C. 553(b) pertaining to notice and comment and effective date in rule making proceedings do not apply to this amendment because it concerns matters of agency organization, procedure, or practice. See 5 U.S.C. 553(b)(A), 553(d).

5. It is further ordered that this amendment of Section 0.311(f) as set forth below is effective upon the date of publication in the **Federal Register**.

List of Subjects in 47 CFR Part 0

Organization and functions
(Government agencies)

Federal Communications Commission.

William F. Caton,
Acting Secretary.

Rule Changes

Title 47 of the Code of Federal Regulations, part 0, is amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155.

2. Section 0.311(f) and its preceding center heading are revised to read as follows:

Compliance and Information Bureau

§ 0.311 Authority delegated.

* * * * *

(f) The Chief of the Compliance and Information Bureau is authorized to

issue subpoenas for the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda, and other records relating to investigations under authority of the Communications Act of 1934, as amended.

* * * * *

[FR Doc. 95-14511 Filed 6-13-95; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 93-229; RM-8296, RM-8463]

Radio Broadcasting Services; Midway, Panacea, and Quincy, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 264C3 for Channel 264A at Quincy, Florida, reallocates Channel 264C3 from Quincy to Midway, Florida, and modifies the construction permit for Station WTPS(FM) to specify Channel 264C3, Midway, Florida, as its community of license, at the request of Bitner-James Partnership. See 58 FR 42923, August 12, 1993. The allotment of Channel 264C3 to Midway, Florida, will provide that community with its first local transmission service, in accordance with Section 1.420(i) of the Commission's Rules. Channel 264C3 can be allotted to Midway in compliance with the Commission's minimum distance separation requirements at petitioner's specified transmitter site. The coordinates for Channel 264C3 at Midway, Florida, are North Latitude 30-32-22 and West Longitude 84-21-54. With this action, this proceeding is terminated.

EFFECTIVE DATE: July 24, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 93-229, adopted June 2, 1995, and released June 9, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC 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 Service, Inc., (202) 857-3800, 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

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 Florida, is amended by removing Channel 264A at Quincy, and by adding Midway, Channel 264C3.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 95-14516 Filed 6-13-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 94-41; RM-8443; RM-8504; RM-8505]

Radio Broadcasting Services; Cordova and Dora, AL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 237A for Channel 223A at Cordova, Alabama, and modifies the authorization of New Century Radio, Inc. for Station WFFN(FM), as requested. Additionally, in response to counterproposals filed on behalf of New Century Radio, Inc. (RM-8504) and Goodling Broadcasting Company (RM-8505), Channel 223A is allotted to Dora, Alabama, as that community's first local FM service. Coordinates used for Channel 237A at Cordova are 33-49-01 and 87-11-55 and for Channel 223A at Dora, Alabama, 33-40-26 and 87-06-55. With this action, the proceeding is terminated.

DATES: Effective July 24, 1995. The window period for filing applications on Channel 223A at Dora, Alabama, will open on July 24, 1995, and close on August 24, 1995.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the window application filing process for Channel 223A at Dora, Alabama, should be addressed to the Audio Services Division, FM Branch, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report*

² See Authority to Issue Subpoenas, 8 FCC Rcd 8763 (1993).