

standards. All external offsets must be federally enforceable. External offsets are those emission credit transactions which involve two or more sources of different ownership/control.

Schedules

EPA's SIP call required that Allegheny County submit a workplan by August 15, 1988 indicating the schedule for completing, among other activities, correction of deficiencies including those listed for the generic bubble regulations in Allegheny County. The schedule was not to exceed one year from the date of the workplan submittal. On September 1, 1988, Allegheny County submitted a workplan with a schedule to submit a final draft to correct all SIP deficiencies by September 30, 1989 and to adopt those changes on a schedule dependent on Pennsylvania's adoption of similar changes. The correction of section 808 deficiencies, while implied in the May 26, 1988 SIP call, was not specifically included. However, the SIP call letter stated that while every attempt had been made to identify all deficiencies, the State (or County) was requested to affirm the list of deficiencies by comparing its SIP with the guidance provided. Therefore, Allegheny County should correct the deficiencies identified in section 808 by submitting an approvable SIP revision to EPA by January 17, 1992.

On April 3, 1990, EPA informed Allegheny County that its banking regulations are substantially identical to Pennsylvania's regulations and that its regulations pertaining to bubbles and banking are deficient in the same respect. On September 28, 1990, Allegheny County was formally notified that EPA could begin the process of rescinding approval of, among other provisions, the generic bubble and banking provisions in the Allegheny County SIP if an approvable SIP revision was not submitted. The consequence of rescinding approval of the Allegheny County banking regulation will be to remove Allegheny County's authority to approve banking transactions without prior EPA approval.

Conclusion

Through the May 26, 1988 SIP call, Allegheny County was formally notified that its generic bubble regulations (section 506) and banking regulations (section 808) are deficient. EPA has previously brought to Allegheny County's attention the deficiencies in the banking regulations. Although EPA believes that the May 26, 1988 SIP call provided Allegheny County with formal notification that the banking regulations

are deficient, this notice provides further notification of the specific deficiencies in section 808 banking provisions. Nothing in this notice should be construed as implicitly or explicitly making any determination regarding the nonattainment new source review portion of the Allegheny County SIP.

Action

The purpose of this notice is to reiterate the County's previous obligation to correct the banking regulations (or delete them), and to notify Allegheny County that it must submit an approvable SIP revision to EPA by February 18, 1992. Failure to submit an approvable SIP revision could result in an EPA action to rescind federal approval of the banking regulations in Allegheny County.

Under 5 U.S.C. 605(b), the Regional Administrator certifies that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This Agency action is consistent with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the deficiencies identified in the Allegheny County generic bubble and banking regulations were first identified prior to the 1990 Clean Air Act Amendments.

This action, pertaining to a notice of deficiency for the Allegheny County banking regulation, has been classified as a Table 3 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Hydrocarbons, Intergovernmental relations, Reporting and Recordkeeping requirements.

Authority: 42 U.S.C. 7401-7642.

Dated: December 6, 1991.

Edwin B. Erickson,

Regional Administrator.

[FR Doc. 91-30098 Filed 12-16-91; 8:45 am]

BILLING CODE 6580-50-M

[OPTS-42118; FRL 3945-8]

40 CFR Part 799

Testing Consent Order For Sodium Cyanide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final Rule.

SUMMARY: This document announces that EPA has signed an enforceable testing Consent Order with E.I. du Pont de Nemours and Company (DuPont), FMC Corporation (FMC), Degussa Corporation (Degussa), ICI Americas Incorporated (ICI), and Cyanco Company (Cyanco), hereinafter referred to as "the Companies." The Companies have agreed to perform certain chemical fate and terrestrial effects tests on sodium cyanide (NaCN; CAS No. 143-33-9). This sodium cyanide (NaCN) Consent Order is added to the list of testing consent orders in 40 CFR 799.5000 for which export notification requirements of 40 CFR part 707 apply. This rule constitutes EPA's response to the Interagency Testing Committee's (ITC) recommendation that EPA consider chemical fate and terrestrial effects tests on sodium cyanide.

EFFECTIVE DATE: December 17, 1991.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, rm E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404. TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Under procedures described in 40 CFR part 790, the Companies have entered into a testing Consent Order with EPA, and have agreed to perform certain chemical fate and terrestrial effects tests for NaCN, (CAS No. 143-33-9). This rule amends 40 CFR 799.5000 by adding NaCN to the list of chemical substances and mixtures subject to testing Consent Orders.

I. Recommendation

In its Twenty-sixth Report to EPA, published in the *Federal Register* of June 5, 1990 (55 FR 23050), the ITC recommended with intent-to-designate NaCN for environmental effects testing. The rationale for the original recommendation with intent-to-designate appeared in the ITC's Twenty-sixth Report. In its Twenty-seventh Report to EPA published in the *Federal Register* of March 6, 1991 (56 FR 9534), NaCN was designated as a candidate for rulemaking under TSCA and the testing recommendations were changed because discussions with the Department of Interior (DOI), EPA, and industry identified additional testing data gaps. The Twenty-seventh Report designated certain chemical fate and terrestrial effects tests for NaCN. Specifically, the ITC recommended soil sorption testing as well as testing for

toxicity to migratory birds, plant uptake and translocation.

II. Testing Consent Order Negotiations

In accordance with 40 CFR 790.28, EPA issued a Federal Register notice on June 5, 1990 (55 FR 23050), announcing a public meeting and EPA's intent to develop a testing Consent Order or a TSCA section 4 Test Rule for NaCN. EPA requested persons wishing to be designated as "interested parties," or to monitor testing negotiations on NaCN, to contact EPA by July 5, 1990. DuPont, FMC, and Degussa identified themselves as interested parties. On June 20, 1990, EPA convened a public meeting attended by representatives of the interested parties and DOI's Fish and Wildlife Service (FWS) to discuss NaCN testing. DuPont, FMC, and Degussa announced their interest in pursuing testing of NaCN through a testing Consent Order, if a consensus could be reached on the testing necessary to address the concerns raised by DOI. DOI's concerns were detailed in a letter to the ITC (Ref. 1). DOI recommended that the ITC consider further testing of NaCN based upon potential adverse effects to wildlife when NaCN is used commercially to recover precious metals from mine tailings.

During the next year, EPA met with representatives of DOI/FWS to develop a suitable testing program for NaCN. DuPont, FMC, and Degussa were sent a draft testing Consent Order outlining the program, and invited to comment. In addition to submitting written comments on the document, DuPont, FMC, and Degussa requested an opportunity to meet with EPA. EPA convened a meeting on July 9, 1991, with DuPont, FMC, and Degussa at which the parties agreed on data deficiencies and the testing necessary to adequately address these deficiencies. In addition to DuPont, FMC, and Degussa, representatives of ICI and Cyanco expressed interest on behalf of their companies to participate in a testing Consent Order. On November 29, 1991, DuPont, FMC, Degussa, Cyanco, and ICI signed a testing Consent Order for NaCN. The Companies agreed to perform certain chemical fate and terrestrial effects tests by specified dates according to test standards included in this Order.

III. Production and Use

NaCN is a white, crystalline, water soluble compound (Ref. 2). NaCN in the

presence of oxygen has the ability to solubilize free gold and silver (and other metals) in a process known as cyanidation. Because of the low cost of NaCN, its use in precious metal leaching processes has become widespread (Ref. 3). DuPont, a domestic manufacturer of cyanide (CN), in 1989 reported a 51 percent increase in CN consumption in North America--from 142 million pounds in 1988 to 215 million pounds in 1989. EPA estimated domestic production of NaCN was approximately 180 million pounds in 1989, and that domestic capacity to produce CN compounds (e.g., NaCN) was likely to double in 1990 (Ref. 4). Goldmining operations consume approximately 80 percent of CN production. Additionally, CN compounds are an important ingredient in processes for electroplating, case hardening of steel, metal cleaning, metals leaching, and ore floatation (Ref. 3).

IV. Testing Program

DOI/FWS will use the data generated by these tests in conjunction with its responsibilities under the Migratory Bird Treaty Act and the National Environmental Policy Act. EPA will use the data to determine the chemical fate of NaCN and potential environmental risks associated with the manufacture, processing, use, and disposal of NaCN and other sources of CN. EPA's Office of Solid Waste (OSW) has expressed interest in using the data to support risk-based or technology-based standards for CN.

A. Chemical Fate

During its use to extract gold and silver from mine tailings, cyanide-containing waters are discharged to impoundments (Ref. 5). Goldmining operations have been shown to yield CN concentrations of 25 to 300 parts per million (ppm) in the water of mill tailings impoundments. Higher concentrations, 500 to 2,000 ppm, occur where the leach process is used. The fresh water impoundments vary from shallow depressions of about 50 feet across to more than 100 acres and depths of 15 feet (Ref. 1). The chemical fate study will allow EPA to assess concerns for groundwater protection at active and abandoned mining sites. The Companies have agreed to develop the chemical fate data as outlined in the table below.

B. Ecological Effects Information

Cyanides are "priority pollutants" under the Clean Water Act. Numerous tests are available that demonstrate the acute toxicity of free cyanide to aquatic organisms. Free cyanide is present in water from the dissolution of such cyanide compounds as sodium cyanide, potassium cyanide, and hydrogen cyanide.

The LC₅₀ values for 9 freshwater fish species range from 52 to 350 micrograms per liter; the most sensitive species tested is *Salvelinus fontinalis*. The LC₅₀ values for 6 invertebrate species range from 83 to 2,490 micrograms per liter, with the most sensitive species tested being *Daphnia pulex*. The LC₅₀ values for 3 marine fish species (*Menidia menidia*, *Cyprinodon variegatus*, and *Pseudopionectes americanus*) are 59, 300, and 372 micrograms per liter, respectively. Amphipods are the least sensitive of the marine invertebrates tested (LC₅₀ = 1,220 micrograms per liter), and mysids and copepods the most sensitive (LC₅₀ values = 30 and 113 micrograms per liter, respectively). In addition, the 96-hour LC₅₀ value for the green alga *Scenedesmus quadricauda* is 160 micrograms per liter (Ref. 6).

The letter from DOI nominating NaCN to the ITC contained the following information (Ref. 1):

Cyanide in water of heap leach and mill tailings ponds associated with precious metal mining has been implicated in substantial wildlife mortality in the western U.S. during the 1980's. As a result of voluntary reporting by 47 mining operations in the State of Nevada, more than 6,000 carcasses of at least 80 species of birds, 17 species of mammals, and a variety of amphibians have been retrieved from these impoundments. Birds, especially aquatic migrants, represented over 90 percent of the total mortalities. Although these mine ponds are not usually associated with prime wildlife habitat, they are frequently located along critical avian migration routes and provide resting sites for opportunistic migrants.

DOI/FWS is concerned about the toxicity of cyanide to migratory birds that alight on ponds containing cyanide contaminated water. Furthermore, there are concerns for the potential plant uptake and potential dietary uptake of CN through the plant; especially once mine reclamation has commenced. The Companies have agreed to develop the terrestrial effects data as outlined in the following table:

TABLE—TESTING REQUIRED FOR SODIUM CYANIDE

Test	Test methods	Start date	Final report date
Chemical Fate Test: Sediment and soil adsorption isotherm ³	40 CFR 796.2750	6	18
Terrestrial Effects Tests: Avian dietary toxicity test ⁴	W1 Protocol	6	18
Mallard reproduction test ⁵	W1 Protocol	12	30
Plant uptake and translocation test ⁶	40 CFR 797.2850	6	24
Plant uptake and translocation test ⁷	40 CFR 797.2850	30	49

¹ Number of months after the effective date of the Consent Order.

² Number of months after the effective date of the Consent Order. Interim (6-month) progress reports shall be submitted to EPA for all tests having final reports dates greater than 9 months, starting 6 months after the start date.

³ NaCN in water at pH 10.5.

⁴ Wildlife International LTD. Protocols 112/090691/MLC/CHP29 (Mallard) and 112/090691/QLC/CHP29 (Bobwhite) are appended to the testing Consent Order for sodium cyanide.

⁵ Wildlife International LTD. Protocol 112/090591/MR/CHP29 is appended to the testing Consent Order for sodium cyanide.

⁶ Tier 1: NaCN in water at pH 10.5; at least 2 vegetative species in 1 soil type (sand).

⁷ Tier 2: (based on the results of Tier 1): NaCN in water at pH 10.5; 3 vegetative species in 3 soil types (oxidative, sulfidic, and carbonaceous).

C. Test Substance

The test substance, NaCN (CAS No. 143-33-9), shall be as pure a technical grade as can be reasonably attained, but shall be at least 98.0 percent pure.

V. Export Notification

The issuance of the testing Consent Order subjects any persons who export or intend to export the chemical substance, NaCN (CAS No. 143-33-9), of any purity, to the export notification requirements of section 12(b) of TSCA. The specific requirements are listed at 40 CFR part 707. Chemicals subject to testing Consent Orders are listed at 40 CFR 799.5000. This listing serves as a notification to persons who export or intend to export the chemical substance which is the subject of this testing Consent Order that 40 CFR part 707 applies.

VI. Rulemaking Record

A. Supporting Documentation

EPA has established a record for this Consent Order under TSCA section 4, docket number OPTS-42118, which is available for inspection Monday through Friday, excluding legal holidays, in Rm. NE-C004, 401 M St., SW., Washington, DC., 20460 from 8 a.m. to 12 noon and from 1 p.m. to 4 p.m. This record includes basic information considered by EPA in developing this policy. This record includes the following information:

- (1) Testing consent order for NaCN and associated testing protocols.
- (2) Federal Register notices pertaining to this notice and consent order consisting of:
 - (a) Notice soliciting interested parties for developing a consent order for

sodium cyanide (26th Report of the ITC, June 5, 1990; 55 FR 23050).

(b) 27th Report of the ITC (March 6, 1991; 56 FR 9534).

(3) Communications consisting of:

- (a) Written letters.
- (b) Contact reports of telephone summaries.
- (c) Meeting summaries.
- (4) Reports - published and unpublished factual materials.

B. References

(1) Buffington, J.D. Letter from John D. Buffington, Regional Director for Research and Development, Fish and Wildlife Service, U.S. Department of Interior to John D. Walker, Acting Executive Secretary, Interagency Testing Committee (ITC), nominating sodium cyanide for consideration by the ITC, (April 17, 1990).

(2) Windholz, M., Budavari, S., Bhumetta, R.F., and Otterbain, E.S., eds., The Merck Index, 10th edition. Rahway, New Jersey. Merck Co., Inc., p. 1233 (1983).

(3) Stanton, M.D., Colbert, T.A., and Trenholm, R.B. The National Park Service Environmental Handbook for Cyanide Leaching Projects. U.S. Department of Interior, Washington, DC (1986).

(4) USEPA. Environmental Protection Agency. Public Focus Meeting for Sodium Cyanide. Office of Toxic Substances, U.S. Environmental Protection Agency (1990).

(5) Fiskel, J., Cooper, C., Eschenroeder, A., Goyer, M., and Perwak, J. "Exposure and risk assessment for cyanide." EPA/440/4-85/008. (NITS P85-220572). Cambridge, MA. Arthur D. Little, Inc. (1981).

(6) USEPA. Environmental Protection Agency. Ambient Water Quality Criteria for Cyanide. Washington, DC., Office of Water Regulation and Standards, U.S. Environmental Protection Agency (1985).

VII. Other Regulatory Requirements

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this

Consent Order under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., and has assigned OMB control number 2070-0033.

Public reporting burden for this collection of information is estimated to be 40 hours per response. The estimates include time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to the OMB, Paperwork Reduction Project (2070-0033), Washington, DC 20503.

List of Subjects in 40 CFR Part 799

Chemicals, Chemical export, Environmental protection, Hazardous substances, Recordkeeping and reporting requirements, and Testing.

Dated: November 29, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR part 799 is amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 continues to read as follows:
Authority: 15 U.S.C. 2603, 2611, 2625.
2. Section 799.5000 is amended by adding sodium cyanide to the table in CAS Number order, to read as follows:

§ 799.5000 Testing consent orders for substances and mixtures with Chemical Abstract Service Registry Numbers.

CAS Number	Substance or mixture name	Testing	FR citation
143-33-9	Sodium Cyanide	Chemical fate Terrestrial effects	[56 FR December 17, 1991] [56 FR December 17, 1991]

[FR Doc. 91-30085 Filed 12-16-91; 8:45 am]
BILLING CODE 6560-50-F

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-38

[FPMR Temp. Reg. G-48, Supp. 4]

Federal Motor Vehicles Expenditure Control

AGENCY: Federal Supply Service, GSA.

ACTION: Temporary regulation.

SUMMARY: The Office of Management and Budget established the end of fiscal year 1990 as the completion date for studies required by title XV, subtitle C—Federal Motor Vehicle Expenditure Control, Public Law 99-272, Consolidated Omnibus Budget Reconciliation Act of 1985. FPMR Temporary Regulation G-48, dated August 6, 1986, implemented the provisions of this law. This supplement extends the expiration date of FPMR Temp. Reg. G-48 and supplements 1 and 2 thereto to June 30, 1992.

DATES: Effective date: July 1, 1991, Expiration date: June 30, 1992.

FOR FURTHER INFORMATION CONTACT: Karen Hampel, Fleet Management Division (703-557-8276).

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the

potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects in 41 CFR Part 101-38

Government property management, motor vehicles.

The authority citation for part 101-38 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486 (c).

In 41 CFR chapter 101, the following supplement to FPMR Temp. Reg. G-48 is added to the appendix at the end of Subchapter G to read as follows:

Federal Property Management Regulations; Temporary Regulation G-48, Supplement 4 November 5, 1991.

To: Heads of Federal agencies.

Subject: Federal motor vehicle expenditure control.

- Purpose.* This supplement extends the expiration date of FPMR Temporary Regulation G-48.
- Effective date.* This supplement is effective on July 1, 1991.
- Expiration date.* This supplement expires June 30, 1992, unless sooner superseded or canceled.
- Background.* FPMR Temporary Regulation G-48, dated August 6, 1986, implemented the provisions of title XV, subtitle C—Federal Motor Vehicle Expenditure Control, Public Law 99-272, Consolidated Omnibus Budget Reconciliation Act of 1985. The law and the regulation require that an agency which operates 300 or more motor vehicles to take several actions regarding their motor vehicle operations and activities. The Office of Management and Budget (OMB) is still monitoring agencies implementation of the cost comparison study process. To allow time for analysis and review of agency efforts and to determine what changes are needed to codify a permanent regulation, it is necessary to extend the expiration dates of FPMR Temp. Reg. G-48 and supplements 1 and 2 thereto to June 30, 1992.
- Explanation of changes.* The expiration dates in paragraph 3 of FPMR Temp. Reg. G-

48 and supplements 1 and 2 of FPMR Temp. Reg. G-48 are extended to June 30, 1992.

Richard G. Austin,
Administrator of General Services.

[FR Doc. 91-29926 Filed 12-16-91; 8:45 am]
BILLING CODE 6820-24-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 63

[CC Docket No. 87-266; FCC 91-334]

Facilities for the Provision of Video Programming by a Telephone Common Carrier in its Telephone Service Area

AGENCY: Federal Communications Commission [FCC].

ACTION: Final rule; Interpretive rulings.

SUMMARY: The Commission issued interpretive rulings concluding that the telephone/cable cross ownership ban of the Cable Act applies only to local exchange carriers and that neither a local exchange carrier nor its customer-programmer need obtain a local cable television franchise to offer video dialtone.

EFFECTIVE DATE: January 16, 1992.

FOR FURTHER INFORMATION CONTACT: Donna Lampert, Common Carrier Bureau, (202) 632-6363 or Greg Lipscomb, Common Carrier Bureau, (202) 634-1800.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The proposals contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980, as amended, 44 U.S.C. 3501-3520, and found to impose no new or modified form, information collection and/or recordkeeping, labeling, disclosure or record retention requirements; and will not increase burden hours imposed on the public. Implementation of any new or modified requirement will be subject to approval by the Office of