2701. Published FR 01–31–97—Review Period extended.

Dated: June 3, 1997.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 97–14889 Filed 6–5–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–44640; FRL–5722–3]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of test data on cyclohexane (CAS No. 110–82–7). These data were submitted pursuant to an enforceable testing consent agreement/order issued by EPA under section 4 of the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under 40 CFR 790.60, all TSCA section 4 enforceable consent agreements/orders must contain a statement that results of testing conducted pursuant to testing enforceable consent agreements/orders will be announced to the public in accordance with section 4(d).

I. Test Data Submissions

Test data for cyclohexane were submitted by the Chemical Manufacturers Association on behalf of the following test sponsors which comprise the CMA Cyclohexane Panel: Chevron Chemical Company; CITGO Refining Chemicals Co., LP; E.I. du Pont de Nemours Company; Huntsman Corporation; Koch Industries Inc.; Phillips Petroleum Company; and Sun Company, Inc. The report was submitted pursuant to a TSCA section 4 enforceable testing consent agreement/order at 40 CFR 799.5000 and was received by EPA on April 18, 1997. The submission includes a final report entitled ''Reproductive and Fertility Effects with Cyclohexane Inhalation Multigeneration Reproduction Study in Rats.'' This chemical is found in a number of consumer products including spray paint and spray adhesives. It is also available as a laboratory solvent.

EPA has initiated its review and evaluation process for this data submission. At this time, the Agency is unable to provide any determination as to the completeness of the submission.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPPTS–44640). This record includes (copies of all studies) (a copy of the study) reported in this notice. The record is available for inspection from 12 noon to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Nonconfidential Information Center (also known as the TSCA Public Docket Office), Rm. B–607 Northeast Mall, 401 M St., SW., Washington, DC 20460, e-mail address: oppt.ncic@epamail.epa.gov.

Authority: 15 U.S.C. 2603.

List of Subjects

Environmental protection, Test data.

Dated: May 28, 1997.

Charles M. Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 97–14850 Filed 6–5–97; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[DA 97–1106]

Pleading Cycle Established for Comments and Reply Comments on Petition for Rule Making Filed by Intelligent Transportation Society of America (RM–9096)

May 28, 1997.

On May 19, 1997, the Intelligent Transportation Society of America (ITS America) filed a Petition for Rule Making requesting an allocation of 75 megahertz of spectrum in the 5.850–5.925 GHz band for use by Intelligent Transportation Systems (ITS). This allocation is requested to provide for Dedicated Short Range Communication (DSRC) systems in the deployment of a nationwide ITS infrastructure. DSRC systems provide short range, wireless communications links between vehicles traveling at highway speeds and roadside systems.

ITS America states that existing, emerging and future DSRC services can dramatically improve safety, mobility, productivity and the environment on our nation's roadways. Presently there are two existing DSRC based services, electronic payment and commercial vehicle electronic clearance. Some of the emerging DSRC services are traffic control, incident management, en-route driver information, automated roadside safety inspection, public transportation management, freight mobility tracking and highway-rail intersection monitoring. Future DSRC services include an intersection collision warning system and an automated highway system. ITS America believes the allocation of 75 megahertz in the 5.850–5.925 GHz band is necessary to accommodate such services.

Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on ITS America's petition on or before July 28, 1997, and reply comments on or before August 18, 1997, with the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. For purposes of this proceeding, we hereby waive those provisions of our rules that require formal comments to be filed on paper, and encourage parties to file comments electronically. Electronically filed comments that conform to the guidelines of this section will be considered part of the record in this proceeding and accorded the same treatment as comments filed on paper pursuant to our rules.

To file electronic comments in this proceeding, you must use the electronic filing interface available on the FCC's World Wide Web site at: <http://gullfoss.fcc.gov/cgi-bin/websql/cgi-bin/comment/comment.hts>. Further information on the process of submitting comments electronically is available at <http://www.fcc.gov/comments/commurls.html>. Parties that file comments electronically should also send a copy of any documents filed with the Commission in this docket to the Commission's copy contractor, International Transcription Services, Inc. (ITS), by email to <its__inc@ix.netcom.com>. Information about ITS is available on the World Wide Web at <http://www.itsi.com>.

Copies of the petition, comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239), and may also be obtained from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington, D.C. 20037.

For further information contact Tom Derenge, Office of Engineering and Technology, at (202) 418–2451.

Federal Communications Commission.

Shirley S. Suggs,

Chief, Publication Branch.

[FR Doc. 97–14747 Filed 6–5–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

[Docket No. 97–10]

Apex Maritime Co., Inc., Possible Violations of Section 10(a)(1) of the Shipping Act of 1984 and 46 CFR 510.22(i); Order of Investigation and Hearing

Apex Maritime Co., Inc. (''Apex'') is a tariffed and bonded non-vessel-operating common carrier (''NVOCC'') and a licensed ocean freight forwarder located at 206 Utah Avenue, South San Francisco, CA 94080. Apex currently holds itself out as an NVOCC pursuant to its Automated Tariff Filing and Information System (''ATFI'') tariff, FMC No. 008937–002, effective November 30, 1993. Apex's NVOCC bond, No. 0074, is in the amount of $50,000 and was issued by American Motorists Insurance Company, located in New York. In addition, Apex maintains its ocean freight forwarder license, FMC No. 3338.

The Federal Maritime Commission's (''Commission'') rules, at 46 CFR 510.22(i), provide that ''(n)o licensee shall render, or offer to render, any freight forwarding service free of charge or at a reduced fee in consideration of receiving compensation from a common carrier or for any other reason.'' [1] Between January 1, 1993 and April 30, 1997, Apex appears to have provided freight forwarding services free of charge or at reduced fees to certain preferred shippers in violation of 46 CFR 510.22(i). In 1993, Apex provided freight forwarding services to certain customers but apparently failed to charge forwarding fees for those services. In 1994, Apex provided forwarding services to certain customers but failed to charge forwarding fees for those services until contacted by the Commission. After being contacted by the Commission, Apex seems to have charged these shippers reduced forwarding fees for their 1994 shipments.

In addition, it appears that Apex, in concert with Topocean Consolidation services Ltd. of Taiwan (''Topocean Taiwan''), obtained or attempted to obtain ocean transportation for cargo at less than the applicable rates in violation of section 10(a)(1) of the 1984 Act, 46 U.S.C. 1709(a)(1), by means of misdescription of commodities for numerous shipments transported by ocean common carriers between September 1, 1995 and April 30, 1997. Section 10(a)(1) of the 1984 Act prohibits any person knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means, to obtain or attempt to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable.

It appears that the misdescribed shipments originated in Taiwan or Hong Kong, and were discharged at or via United States west coast ports. In each of these instances, Topocean Taiwan usually was listed as shipper on the ocean carrier's bill of lading, and the destination agent, Apex, acted as the consignee or notify party. Each shipment generally reflects that Topocean Taiwan ''house'', or NVOCC, bill of lading, which correctly describes the commodity shipped, was issued for tender by the ultimate consignee to Apex upon arrival of the cargo at destination. The commodity descriptions on the NVOCC bills of lading do not match the commodity descriptions set forth on the ocean common carriers' bills of lading. According to the ocean common carriers' tariffs and service contracts, the commodities described in the NVOCC's bills of lading.

It further appears that the ocean common carriers rated the commodities in accordance with the inaccurate descriptions, while Apex accepted delivery of the cargo and paid ocean freight to the ocean common carriers on the basis of the lower rates attributable to the inaccurate commodity descriptions. Contemporaneous with the payment of freight, Apex issued arrival notices to the U.S. importers, which correctly described the commodity based on actual contents shipped. The resulting profit on these shipments would be divided equally between Apex and Topocean Taiwan. Thus, Apex appears to have increased its profits on these shipments because of the misdescriptions. Therefore, it seems that Apex obtained or attempted to obtain ocean transportation for property at less than the applicable rates in violation of section 10(a)(1) of the 1984 Act.

Between September 1, 1995 and April 30, 1997, Apex, in concert with Topocean Taiwan, appears to have obtained or attempted to obtain ocean transportation for property at less than the applicable rates by means of false cargo measurements.

Between September 1, 1995 and April 30, 1997, it appears that Apex, in concert with Topocean Taiwan, knowingly and willfully obtained or attempted to obtain ocean transportation for property at less than the applicable rates in violation of section 10(a)(1) of the 1984 Act by means of false cargo measurements. In each instance, the ocean common carrier substituted a larger container for the container presumably requested by Topocean Taiwan. In accordance with the ocean common carrier's ''equipment substitution'' rule, the ocean freight for the requested container would be charged if the cargo's measurement did not exceed that which could be loaded into the requested container. The shipment record indicates that the substituted container was loaded beyond the cubic capacity of the requested container, but the ocean common carrier's bill of lading shows a cargo measurement which is less than that which could have been loaded into the requested container. As a result, Apex paid the ocean freight for the requested containers rather than the higher ocean freight for the substituted containers.

The shipment records demonstrate the Apex was cognizant that the shipments had been misdeclared as to the cubic measurement and were loaded at higher measurements only possible through the provision of a larger container. However, Apex apparently paid the ocean freight according to the inaccurate measurement shown on the ocean common carrier's bill of lading. Therefore, it appears that Apex knowingly and willfully obtained or attempted to obtain ocean transportation for property at less than the applicable rates between September 1, 1995 and April 30, 1997 in violation of section 10(a)(1).

Section 13 of the 1984 Act, 46 USC app. 1712, provides that a person is subject to a civil penalty of not more than $25,000 for each knowing and willful violation of the 1984 Act or Commission rule promulgated in accordance with the 1984 Act. Section 19(b) of the 1984 Act, 46 USC app. 1718(b), states that the Commission shall revoke or suspend an ocean freight forwarder license where the forwarder ''willfully failed to comply'' with the 1984 Act or with a lawful rule of the Commission. In addition, section 23 of the 1984 Act, 46 USC app. 1721, provides that the Commission may

[1] This Commission rule was promulgated in accordance with the Shipping Act of 1984.