

all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

**DATES:** Comments must be received in writing by October 16, 1998.

**ADDRESSES:** Written comments should be addressed to Marcia Spink, Associate Director, Air Programs, Mailcode 3AP20, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street—14th Floor, Philadelphia, Pennsylvania 19103. Copies of relevant documents may also be inspected at the Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Brian Rehn, by phone at (215) 814-2176, or via e-mail at rehn.brian@epamail.epa.gov, or in writing at the EPA Region III address above.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action of the same title, "Commonwealth of Pennsylvania; Enhanced Motor Vehicle Inspection and Maintenance Program" which is located in the Rules and Regulations section of this **Federal Register**.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: August 28, 1998.

**Thomas C. Voltaggio,**

*Acting Regional Administrator, Region III.*

[FR Doc. 98-24732 Filed 9-15-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 721

[OPPTS-50633; FRL-6024-9]

RIN 2070-AB27

### Proposed Revocation of Significant New Use Rules for Certain Chemical Substances

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to revoke significant new use rules (SNURs) for 6 substances promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for certain chemical substances based on new data. Based on the new data the Agency no longer finds that activities not described in the corresponding TSCA section 5(e) consent order or the premanufacture notice (PMN) for these chemical substances may result in significant changes in human or environmental exposure.

**DATES:** Written comments must be received by EPA by October 16, 1998.

**ADDRESSES:** Each comment must bear the docket control number OPPTS-50633 and the name(s) of the chemical substance(s) subject to the comment. All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. G-099, East Tower, Washington, DC 20460.

Comments and data may also be submitted electronically to: oppt.ncic@epa.gov. Follow the instructions under Unit III. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this rulemaking. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

**FOR FURTHER INFORMATION CONTACT:**

Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-531, 401 M St., SW., Washington, DC 20460, telephone: (202) 554-1404, TDD: (202) 554-0551; e-mail: TSCA-Hotline@epa.gov.

**SUPPLEMENTARY INFORMATION:**

**Electronic Availability:** Electronic copies of this document are available from the EPA Home Page at the **Federal Register-Environmental Documents**

entry for this document under "Laws and Regulations" (<http://www.epa.gov/fedrgstr/>).

In the **Federal Register** referenced for each substance, EPA issued a SNUR establishing significant new uses for the substances listed in Unit II. of this preamble, OPPTS-50569A, September 18, 1989 (54 FR 38381); OPPTS-50582, August 15, 1990 (55 FR 33296); OPPTS-50613, October 4, 1993 (58 FR 51694); OPPTS-50623, December 2, 1996 (61 FR 63726) (FRL-4964-3); and OPPTS-50628, January 22, 1998 (63 FR 3393) (FRL-5720-3). Because of additional data EPA has received for these substances, EPA is hereby proposing to revoke the SNURs.

### I. Rationale for Revocation of the Proposed Rule

During EPA's review of the PMNs submitted under section 5(a)(1)(A) of TSCA for the chemical substances subject to this revocation, EPA concluded that promulgation of SNURs under section 5(a)(2) of TSCA was warranted based on the fact that activities not described in the TSCA section 5(e) consent orders or the PMN might result in significant changes in human or environmental exposure. Based on these findings, SNURs were promulgated defining such activities as "significant new uses".

Based on new data, EPA has revoked, or will revoke the TSCA section 5(e) consent orders that are the basis for these SNURs and no longer finds that activities not described in the TSCA section 5(e) consent orders or the PMN may result in significant changes in human or environmental exposure nor constitutes "significant new uses". The proposed revocation of SNURs for these substances is consistent with this finding. When this revocation becomes final, notice of intent to manufacture, import, or process these substances for a significant new use will no longer be required. In addition, export notification under section 12(b) of TSCA will no longer be required on the basis of these substances being subject to SNURs.

### II. Proposed Revocations and Background

EPA is proposing to revoke the significant new use and recordkeeping requirements under 40 CFR part 721, subpart E for several chemical substances. In this unit, EPA provides a description for each substance, including its premanufacture notice (PMN) number, chemical name (generic name if the specific name is claimed as CBI), CAS number (if assigned), the date of the revocation of the section 5(e) consent order (where applicable), a

summary of the reason for revoking the rule, **Federal Register** reference, docket number, and the CFR citation removed in the regulatory text section of this proposed rule. Further background information for the substances is contained in the rulemaking record referenced below in Unit III. of this preamble.

#### PMN Number P-88-1617

*Chemical name:* (generic) Terpenes and terpenoids, limonene fraction, polymer with substituted carbopolycycles.  
*CAS number:* Not available.

*Federal Register publication date and reference:* August 15, 1990 (55 FR 33296).

*Docket number:* OPPTS-50582.

*Basis for revocation:* Based on the Agency's analysis of potential exposures and the test data submitted pursuant to the TSCA section 5(e) consent order, EPA no longer finds that activities described as "significant new uses" in the SNUR may result in significant changes in human exposure.

Accordingly, EPA has determined that further regulation under TSCA section 5(a)(2) is not warranted at this time.

*Toxicity results:* An oral 28-day repeated dose neurotoxicity study in rats: A no observed adverse effect level (NOAEL) of 10 milligrams/kilograms/day (mg/kg/day) was established for female rats based on a dose related depression in body weight gain at 100 mg/kg/day and 1000 mg/kg/day. A NOAEL of 1000 mg/kg/day was established for male rats based on no effects observed at this dose level which was the highest dose tested.  
*CFR citation:* 40 CFR 721.7360 (Formerly 40 CFR 721.2075).

#### PMN Number P-86-1322

*Chemical name:* Mixture of: 1,3-benzenediamine, 2-methyl-4,6-bis (methylthio)- and 1,3-benzenediamine, 4-methyl-2,6-bis (methylthio)-.  
*CAS number:* 104983-85-9 and 102093-68-5.

*Revocation of section 5(e) consent order:* May 21, 1998.

*Federal Register publication date and reference:* September 18, 1989 (54 FR 38381).

*Docket number:* OPPTS-50569A.

*Basis for revocation:* Based on the Agency's analysis of potential exposures and the test data submitted pursuant to the TSCA section 5(e) consent order, EPA no longer finds that activities described as "significant new uses" in the SNUR may result in significant changes in human exposure.

Accordingly, EPA has determined that further regulation under TSCA section 5(a)(2) is not warranted at this time.

*Toxicity results:* A 2-year chronic/carcinogenicity study was found to be

negative at the doses tested. A NOAEL was established at 100 parts per million (ppm) (4.7 mg/kg/day) in males and 200 ppm (11.9 mg/kg/day) which were the highest doses tested.

*CFR citation:* 40 CFR 721.1525 (Formerly 40 CFR 721.557).

#### PMN Numbers P-91-1190 and P-91-1191

*Chemical name:* (generic) Substituted dichlorobenzothiazoles.

*CAS number:* Not available.

*Federal Register publication date and reference:* October 4, 1993 (58 FR 51694).

*Docket number:* OPPTS-50613.

*Basis for revocation:* Based on the Agency's analysis of potential exposures and the data submitted pursuant to the significant new use notice, EPA no longer finds that activities described as "significant new uses" in the SNUR may result in significant changes in human exposure. Accordingly, EPA has determined that further regulation is not warranted at this time.

*CFR citation:* 40 CFR 721.1740.

#### PMN Number P-94-2159

*Chemical name:* (generic)

Anthraquinone dye.

*CAS number:* Not available.

*Federal Register publication date and reference:* January 22, 1998 (63 FR 3393).

*Docket number:* OPPTS-50628.

*Basis for revocation:* Pursuant to 40 CFR 720.75(e), the submitter withdrew the PMN. Therefore, a new PMN is required before anyone may commence manufacture or import. Since the PMN requirement is applicable to the substance, a SNUR is unwarranted at this time and EPA is revoking the SNUR.

*CFR citation:* 40 CFR 721.723.

#### PMN Number P-94-2061

*Chemical name:* (generic) Benzotriazole derivative.

*CAS number:* Not available.

*Revocation of section 5(e) consent order:* March 17, 1998.

*Federal Register publication date and reference:* December 2, 1996 (61 FR 63726).

*Docket number:* OPPTS-50623.

*Basis for revocation:* Based on the Agency's analysis of potential exposures and the test data submitted pursuant to the consent order, EPA no longer finds that activities described as "significant new uses" in the SNUR may result in significant changes in human exposure. Accordingly, EPA has determined that further regulation under TSCA section 5(a)(2) is not warranted at this time.

*Toxicity results:* The 90-day oral study in rats demonstrated a NOAEL of 1000

mg/kg/day. Inhalation exposures during manufacturing and processing to workers may approach 214 mg/kg/day. The margin of exposure (MOE) for workers is 467 during manufacturing/processing and 5,882 for use. The MOEs are adequate given the estimates for inhalation.

*CFR citation:* 40 CFR 721.1737.

### III. Public Record and Electronic Submissions

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket control number OPPTS-50633 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located in the TSCA Nonconfidential Information Center Rm. NE-B607, 401 M St., SW., Washington, DC.

Electronic comments can be sent directly to EPA at:  
oppt.ncic@epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS-50633. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

### IV. Regulatory Assessment Requirements

#### A. Certain Acts and Executive Orders

This proposed rule revokes or eliminates an existing regulatory requirement and does not contain any new or amended requirements. As such, the Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Since this proposed rule does not impose any requirements, it does not contain any information collections subject to approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or require any other action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require special considerations as required by

Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994) or require OMB review in accordance with Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997).

In addition, pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency has determined that SNUR revocations, which eliminate requirements without imposing any new ones, have no adverse economic impacts. The Agency's generic certification for SNUR revocations appears on June 2, 1997 (62 FR 29684) (FRL-5597-1) and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

#### B. Executive Order 12875

Under Executive Order 12875, entitled *Enhancing Intergovernmental Partnerships* (58 FR 58093, October 28, 1993), EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the OMB a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's proposed rule does not create an unfunded federal mandate on State, local or tribal governments. The proposed rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this proposed rule.

#### C. Executive Order 13084

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal

governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide OMB, in a separately identified section of the preamble to the proposed rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's proposed rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this proposed rule.

#### List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: September 9, 1998.

**Charles M. Auer,**

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

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

#### PART 721—[AMENDED]

1. The authority citation for part 721 would continue to read as follows:

**Authority:** 15 U.S.C. 2604, 2607, and 2625(c).

**§§ 721.723, 721.1525, 721.1737, 721.1740, 721.7360 [Removed]**

2. By removing §§ 721.723, 721.1525, 721.1737, 721.1740, and 721.7360.

[FR Doc. 98-24843 Filed 9-15-98; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 61, 63, and 69

[CC Docket No. 98-131; FCC 98-164]

#### 1998 Biennial Regulatory Review

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Section 11 of the Communications Act of 1934, as amended (Act), requires that the Commission, in every even-numbered year beginning in 1998, review all regulations that apply to the operations and activities of any provider of telecommunications service and determine whether any of these regulations are no longer necessary in the public interest as the result of meaningful economic competition between providers of the service. As part of this 1998 biennial regulatory review, the Commission proposes to revise part 61 to, among other things, eliminate requirements that eliminate several rules that no longer seem to serve any useful purpose, and to reorganize part 61 to clarify which rules apply to which carriers.

**DATES:** Comments are due on or before October 16, 1998. Reply comments are due on or before November 16, 1998.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121, May 1, 1998. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>.

Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address.>" A sample form and directions will be sent in reply.

Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or