

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.

Today's final amendment does not involve any technical standards; therefore, EPA did not consider the use of any voluntary consensus standards.

I. Executive Order 13045

Executive Order 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks," (62 FR 19885, April 23, 1997) applies to any rule that (1) is "economically significant" as defined under Executive Order 12866, and (2) EPA determines addresses an environmental health or safety risk that has 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.

This final rule is not subject to Executive Order 13045 because it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

J. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the 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 officials 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 amendment does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

List of Subjects in 40 CFR Part 60

Environmental protection, Air pollution control, Heaters.

Dated: November 18, 1998.

Carol M. Browner,
Administrator.

For reasons set out in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7413, 7414, 7416, 7429, 7601 and 7602.

2. Amend § 60.533 to revise paragraph (l)(1)(ii) to read as follows:

§ 60.533 Compliance and certification.

* * * * *

(l) * * *

(1) * * *

(ii) A finding that the certification test was not valid. The finding must be based on problems or irregularities with the certification test or its documentation, but may be supplemented by other information.

* * * * *

3. Amend § 60.538 to revise paragraph (e) to read as follows:

§ 60.538 Prohibitions.

* * * * *

(e)(1) In any case in which the Administrator revokes a certificate of compliance either for the knowing submission of false or inaccurate information or other fraudulent acts, or based on a finding under § 60.533(l)(1)(ii) that the certification test was not valid, he may give notice of that revocation and the grounds for it to all commercial owners.

(2) From and after the date of receipt of the notice given under paragraph (e)(1) of this section, no commercial owner may sell any wood heater covered by the revoked certificate (other than to the manufacturer) unless

(i) The wood heater has been tested as required by § 60.533(n) and labeled as required by § 60.536(g) or

(ii) The model line has been recertified in accordance with this subpart.

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[FR Doc. 98-31397 Filed 11-23-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS-50633A; FRL-6044-6]

RIN 2070-AB27

Revocation of Significant New Use Rules for Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is revoking 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: This rule is effective December 24, 1998.

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/fedrgrstr/>).

In the **Federal Register** referenced for each substance, 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), EPA issued a SNUR establishing significant new uses for the substances. Because of additional

data EPA has received for these substances, EPA is revoking these SNURs.

I. Background

The Agency proposed the revocation of these SNURs in the **Federal Register** of September 16, 1998 (63 FR 49518) (FRL-6024-9). The background and reasons for the revocation of each individual SNUR are set forth in the preamble to the proposed revocation. The comment period closed on October 16, 1998. The Agency received no comments concerning the proposed revocations. Therefore, EPA is revoking these rules.

II. Rationale for Revocation of the Rule

During review of the PMNs submitted for the chemical substances that are the subject of this revocation, EPA concluded that regulation was warranted based on available information that indicated activities not described in the TSCA section 5(e) consent orders or the PMNs might result in significant changes in human or environmental exposure. Based on these findings, SNURs were promulgated.

EPA has revoked those TSCA section 5(e) consent orders that are the bases for these SNURs and no longer finds that activities other than those described in the TSCA section 5(e) consent orders or the PMNs may result in significant changes in human or environmental exposure. The revocation of SNUR provisions for these substances is consistent with the findings set forth in the preamble to the proposed revocation of each individual SNUR.

Therefore, EPA is revoking the SNUR provisions for these chemical substances. When this revocation becomes final, EPA will no longer require notice of intent to manufacture, import, or process these substances, except in the case where the PMN submitter has formally withdrawn the PMN. In addition, export notification under section 12(b) of TSCA will no longer be required.

III. Public Record

The official record for this rulemaking, as well as the public version, has been established for this rulemaking under docket control number OPPTS-50633A (including comments and data submitted electronically). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as Confidential Business Information (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.

IV. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

This 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). This 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 any 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 the Intergovernmental Partnership* (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 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 rule does not create an unfunded Federal mandate on State, local, or tribal governments. The 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 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 to OMB, in a separately identified section of the preamble to the 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 officials 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 rule does not significantly or uniquely affect the communities of Indian tribal governments. This rule 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 rule.

V. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must

submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 721

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

Dated: November 9, 1998.

Charles M. Auer,

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

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 continues 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. 98-31390 Filed 11-23-98; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Parts 510, 514, and 582

Anti-Rebate Certification Filing Requirements

AGENCY: Federal Maritime Commission.
ACTION: Waiver of filing requirement.

SUMMARY: The Commission is waiving the requirement for chief executive officers of common carriers and other entities to file by December 31, 1998, a written certification that the firm has a policy against rebating that was recently promulgated to each owner, officer and employee of the firm, with details of the firm's efforts to prevent illegal rebating and that the firm will cooperate with Commission efforts to end illegal rebating. This action is being taken to alleviate the filing burden on the public and the collection burden on the Commission, in light of changes made by the Ocean Shipping Reform Act of 1998 ("OSRA") which removes the filing requirement on May 1, 1999, when OSRA becomes effective.

EFFECTIVE DATE: November 24, 1998.

FOR FURTHER INFORMATION CONTACT: Bryant L. VanBrakle, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 800 North Capitol Street, N.W., Washington, D.C. 20573-0001, (202) 523-5796, E-mail: bryant@fmc.gov.

SUPPLEMENTARY INFORMATION: Section 15(b) of the Shipping Act of 1984, 46 U.S.C. 1714(b) ("1984 Act") requires the chief executive officer of each common carrier and other entities designated by the Federal Maritime Commission to file with the Commission a periodic written certification made under oath. The chief executive officer must certify: that the firm has a policy prohibiting rebating; that the policy was recently promulgated to each owner, officer and employee of the firm; that it has provided details of the efforts made by the firm to prevent illegal rebating; and that the firm will cooperate with the Commission in its efforts to end these illegal practices.

The section 15(b) requirement is implemented by the Commission's regulations at 46 CFR Part 582, 46 CFR 514.1(c)(1)(iii), 46 CFR 510.16(a)(6), and 46 CFR 510.25, which require the chief executive officer of every common carrier and ocean freight forwarder to file an Anti-Rebate Certification ("ARC") as prescribed by the form in Appendix A of Part 582. ARCs are required when a carrier files its initial tariff and when a freight forwarder applicant submits its initial application for a freight forwarder license.

Thereafter, ARCs are required to be filed by December 31 of each even-numbered calendar year. Failure to file an ARC may result in the cancellation of a carrier's tariffs, the striking of a carrier's name as a participant to any conference rate tariffs in which it participates or suspension of a freight forwarder's license and possibly the assessment of civil penalties.

The 1984 Act, as amended by the Ocean Shipping Reform Act of 1998 ("OSRA"), removes the ARC requirements from section 15 effective May 1, 1999, four months after they are due from the approximately 5000 subject firms on December 31, 1998. The ARC program consumes a large amount of the Commission's resources. In addition, it generally takes several months to process receipts, follow-up on deficient filings and to complete the tariff cancellation/freight forwarder license suspension process. In short, it is unlikely that the 1999/2000 program could be completed by May 1, 1999. Moreover, continuation of this requirement would place a great strain

on agency resources at a time when they will be needed to work on program changes required by OSRA. The Commission, therefore, has determined to waive this requirement for the ARC filing due December 31, 1998.

This waiver is strictly for administrative convenience. The Commission makes clear that the 1984 Act, both currently and as will be amended by OSRA, prohibits the payment, receipt or solicitation of illegal rebates. This waiver of certification requirements does not modify, in any manner, the Commission's enforcement obligations or efforts with respect to past or future rebate activity.

Now therefore, it is ordered that pursuant to 5 U.S.C. 553 and sections 15 and 17 of the Shipping Act of 1984 (46 U.S.C. app 1714 and 1716), the requirements of 46 CFR Part 582, 46 CFR 514.1(c)(1)(iii), 46 CFR 510.16(a)(6), and 46 CFR 510.25 for the filing due December 31, 1998, are waived effective November 24, 1998.

Pursuant to 5 U.S.C. 553(b) and (d) we find that prior public notice, opportunity for comment, and delayed effective date are neither necessary nor practical inasmuch as this waiver merely relieves restrictions otherwise applicable.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 98-31341 Filed 11-23-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-66, RM-8729, RM-8821]

Radio Broadcasting Services; Sibley, IA, and Brandon, SD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 261A to Brandon, South Dakota. See 61 FR 15442, April 8, 1996; The reference coordinates for Channel 261A at Brandon, South Dakota, are 43-36-02 and 96-31-15. With this action, the proceeding is terminated.

EFFECTIVE DATE: December 23, 1998.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 418-2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order* in MM Docket No. 96-66,