

for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on November 13, 1998.

Richard O. Gordon,

Acting Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

* * * *Effective 3 December, 1998*

Chino, CA, Chino, NDB OR GPS-C, Amdt 1, Cancelled
Riverside, CA, Riverside Muni, ILS RWY 9, Amdt 7
Kankakee, IL, Greater Kankakee, ILS RWY 4, Amdt 6

Louisville, KY, Louisville-Standiford Field, ILS RWY 17L, Amdt 2
Louisville, KY, Louisville-Standiford Field, ILS RWY 35L, Amdt 1
Louisville, KY, Louisville-Standiford Field, ILS RWY 35R, Amdt 2
New York, NY, LaGuardia, ILS RWY 13, Orig
New York, NY, LaGuardia, ILS/DME RWY 13, Amdt 2A, Cancelled
Cleveland, OH, Burke Lakefront, LOC RWY 24R, Amdt 10, Cancelled
Cleveland, OH, Burke Lakefront, ILS RWY 24R, Orig
Austin, TX, Austin Executive Airpark, GPS RWY 18, Orig
Austin, TX, Austin Executive Airpark, VOR/DME RWY 18, Amdt 2, Cancelled
Austin, TX, Lakeway Airpark, VOR/DME-A, Orig
Austin, TX, Lakeway Airpark, VOR/DME OR GPS-C, Amdt 1, Cancelled
Austin, TX, Lakeway Airpark, GPS RWY 16, Orig
Austin, TX, Lakeway Airpark, VOR/DME RNAV OR GPS RWY 16, Amdt 1, Cancelled
Austin, TX, Robert Mueller Muni, VOR/DME OR TACAN OR GPS RWY 13R, Amdt 9, Cancelled
Austin, TX, Robert Mueller Muni, VOR/DME OR TACAN OR GPS RWY 17, Amdt 8, Cancelled
Austin, TX, Robert Mueller Muni, VOR/DME OR GPS RWY 31L, Orig, Cancelled
Austin, TX, Robert Mueller Muni, NDB RWY 31L, Amdt 33, Cancelled
Austin, TX, Robert Mueller Muni, ILS RWY 13R, Amdt 10
Austin, TX, Robert Mueller Muni, ILS RWY 13L, Amdt 33
Austin, TX, Robert Mueller Muni, GPS RWY 13R, Orig
Austin, TX, Robert Mueller Muni, GPS RWY 31L, Orig
Burnet, TX, Burnet Muni Kate Craddock Field, NDB RWY 1, Amdt 5
Burnet, TX, Burnet Muni Kate Craddock Field, GPS RWY 1, Amdt 1
Burnet, TX, Burnet Muni Kate Craddock Field, GPS RWY 19, Orig
Burnet, TX, Burnet Muni Kate Craddock Field, VOR/DME RNAV OR GPS RWY 19, Amdt 3, Cancelled
College Station, TX, Easterwood Field, LOC BC RWY 16, Amdt 5
College Station, TX, Easterwood Field, ILS RWY 34, Amdt 11
College Station, TX, Easterwood Field, GPS RWY 10, Orig
College Station, TX, Easterwood Field, GPS RWY 34, Orig
Georgetown, TX, Georgetown Muni, NDB OR GPS RWY 18, Amdt 5
Giddings, TX, Giddings-Lee County, VOR/DME OR GPS-A, Amdt 3
Giddings, TX, Giddings-Lee County, VOR/DME RNAV OR GPS RWY 35, Amdt 1
Lago Vista, TX, Lago Vista TX-Rusty Allen, GPS RWY 15, Orig
Lockhart, TX, Lockhart Muni, VOR/DME OR GPS RWY 18, Orig, Cancelled
New Braunfels, TX, New Braunfels Muni, GPS RWY 17, Amdt 1
San Antonio, TX, San Antonio Intl, NDB RWY 3, Amdt 38
San Antonio, TX, San Antonio Intl, NDB RWY 3, Amdt 18

San Marcos, TX, San Marcos Muni, VOR/DME OR GPS-A, Amdt 5, Cancelled
San Marcos, TX, San Marcos Muni, GPS RWY 12, Orig
Taylor, TX, Taylor Muni, VOR/DME RWY 17, Orig
Taylor, TX, Taylor Muni, VOR/DME OR GPS-A, Orig, Cancelled
Waco, TX, McGregor Muni, GPS RWY 15, Amdt 1

* * * *Effective 31 December, 1998*

Orlando, FL, Orlando Sanford, NDB RWY 27R, Orig
Joplin, MO, Joplin Regional, ILS/DME RWY 18, Orig

* * * *Effective 28 January, 1999*

Decatur, AL, Pryor Field Rngl, VOR OR GPS RWY 18, Amdt 12
Alma, GA, Bacon County, VOR OR GPS RWY 33, Amdt 7
Waynesville, MO, Waynesville Regional Airport at Forney Field, VOR RWY 14, Orig
Waynesville, MO, Waynesville Regional Airport at Forney Field, VOR RWY 32, Orig
Waynesville, MO, Waynesville Regional Airport at Forney Field, LOC RWY 14, Orig
Waynesville, MO, Waynesville Regional Airport at Forney Field, NDB/DME RWY 14, Orig
Waynesville, MO, Waynesville Regional Airport at Forney Field, NDB RWY 32, Orig
Waynesville, MO, Waynesville Regional Airport at Forney Field, GPS RWY 14, Orig
Waynesville, MO, Waynesville Regional Airport at Forney Field, GPS RWY 32, Orig
Chambersburg, PA, Chambersburg Muni, GPS RWY 24, Orig
Reedsville, PA, Mifflin County, GPS RWY 24, Orig
Richmond, VA, Richmond Intl, VOR OR GPS RWY 16, Amdt 26
Richmond, VA, Richmond Intl, VOR RWY 20, Orig
Richmond, VA, Richmond Intl, VOR/DME RWY 20, Orig, Cancelled
Richmond, VA, Richmond Intl, VOR OR GPS RWY 25, Amdt 15
Richmond, VA, Richmond Intl, VOR RWY 34, Amdt 22
Saluda, VA, Hummel Field, GPS RWY 36, Orig
Lewisburg, WV, Greenbrier Valley, VOR OR GPS-A, Amdt 7, Cancelled

[FR Doc. 98-31782 Filed 11-27-98; 8:45 am]

BILLING CODE 4910-13-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS-50627A; FRL-6033-6]

RIN 2070-AB27

Significant New Uses of Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is issuing significant new use rules (SNURs) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for four chemical substances which were the subject of premanufacture notices (PMNs). Today's action requires persons who intend to manufacture, import, or process these substances for a significant new use to notify EPA at least 90 days before commencing the manufacturing or processing of the substance for a use designated by this SNUR as a significant new use. The required notice will provide EPA with the opportunity to evaluate the intended use, and if necessary, to prohibit or limit that activity before it occurs.

DATES: This rule is effective December 30, 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/>).

This SNUR will require persons to notify EPA at least 90 days before commencing manufacturing or processing of a substance for any activity designated by this SNUR as a significant new use. The supporting rationale and background to this rule are more fully set out in the preamble to EPA's first direct final SNUR published in the **Federal Register** of April 24, 1990 (55 FR 17376). Consult that preamble for further information on the objectives, rationale, and procedures for the rules and on the basis for significant new use designations including provisions for developing test data.

I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that

use. The mechanism for reporting under this requirement is established under § 721.10.

II. Applicability of General Provisions

General provisions for SNURs appear under 40 CFR part 721, subpart A. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the final rule. Provisions relating to user fees appear at 40 CFR part 700. Persons subject to this SNUR must comply with the same notice requirements and EPA regulatory procedures as submitters of PMNs under section 5(a)(1)(A) of TSCA. In particular, these requirements include the information submission requirements of TSCA section 5(b) and 5(d)(1), the exemptions authorized by section 5(h)(1), (2), (3), and (5) of TSCA, and the regulations at 40 CFR part 720. Once EPA receives a SNUR notice, EPA may take regulatory action under section 5(e), 5(f), 6, or 7 of TSCA to control the activities on which it has received the SNUR notice. If EPA does not take action, EPA is required under TSCA section 5(g) to explain in the **Federal Register** its reasons for not taking action.

Persons who intend to export a substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret TSCA section 12(b) appear at 40 CFR part 707. Persons who intend to import a chemical substance identified in a final SNUR are subject to the TSCA section 13 import certification requirements, which are codified at 19 CFR 12.118 through 12.127 and 127.28. Such persons must certify that they are in compliance with SNUR requirements. The EPA policy in support of the import certification appears at 40 CFR part 707.

III. Background

EPA proposed SNURs for four chemical substances, which were the subject of PMNs P-95-1584, P-96-1674/1675, and P-97-267 in the **Federal Register** of August 13, 1997 (62 FR 43297) (FRL-5720-2). The background and reasons for the SNURs are set forth in the preamble to the proposed rule. EPA received no comments regarding P-96-1674/1675 and will issue the rules as proposed. EPA received comments concerning P-97-267 and P-95-1584. EPA's response to the comments is discussed in this unit. EPA is issuing P-97-267 as proposed and is issuing P-95-1584 as a modified final rule.

The submitter of P-97-267 was the only commenter for the proposed SNUR. While the commenter did not object to the specific language required in the material safety data sheet (MSDS) in the proposed SNUR, the commenter did object to EPA's requiring any language in an MSDS under TSCA such as those requirements for SNURs at § 721.72. The commenter's position is that development and preparation of MSDS's fall under the criteria set forth under the Occupational Safety and Health Administration's (OSHA) Hazard Communication Standard, 29 CFR part 1910.1200. The commenter stated that requiring specific language on an MSDS under TSCA would interfere with the ongoing process of developing the MSDS under OSHA's Hazard Communication Standard as new toxicological information is developed.

EPA strongly disagrees with this position for several reasons. The hazard communication requirements at § 721.72 were designed to parallel OSHA's hazard communication standard as closely as possible. For further background consult the preamble to EPA's General Provisions for New Chemical Follow-Up, published July 27, 1989 (54 FR 31298). The language dictated by this SNUR does not affect the ongoing process of modifying or updating an MSDS with other statements as new information is received.

In the unlikely event that the commenter develops new toxicological data contradicting the acute toxicity studies already conducted on the substance demonstrating potential lethality via the oral, dermal, inhalation, and ocular routes of exposure, the submitter may submit a significant new use notice or can petition for modification of the SNUR based on the new toxicity data.

In order to prevent potential unreasonable risks or significant changes in exposure under TSCA, EPA will require specific hazard communication warnings in TSCA 5(e) consent orders and SNURs. EPA thinks it is especially important in this case to warn workers of the potentially lethal hazard. It is EPA's position that any delay in updating the specific MSDS language mandated by the SNUR is far outweighed by the potential change in exposure by not adequately warning potentially exposed workers of the lethality of this compound.

The submitter of P-95-1584 was the only commenter for the proposed SNUR. The commenter objected to the molecular weight designation in the proposed SNUR, stating that commencement of manufacture or

import of the PMN substance with a number average molecular weight in the range from 707–1051 daltons as described in the PMN had already occurred. As this is an existing use, EPA concurs that it is unable to finalize the SNUR as proposed. However, in order to prevent potential exposures to low molecular weight forms of this PMN substance, EPA is issuing a final SNUR requiring 90-day notification before any manufacture, processing, or use of the substance with a number average molecular weight less than 700 daltons.

The commenter stated that EPA's concerns for the PMN substance arose solely from the low molecular weight species (LMWS) and EPA had no objection to importation of the high molecular weight species (HMWS).

EPA disagrees with this statement. Based on the existing toxicity and exposure data, EPA was unable to make an unreasonable risk finding for the HMWS of the PMN substance. While it is true that the potential toxicity of the HMWS decreases as the molecular weight increases, EPA would have preferred significant new use notification at the molecular weight stated in the proposed SNUR to ensure that no significant new exposures occurred. The HMWS can have a number average molecular weight as low as 700 daltons. As the molecular weight approaches 700 daltons the potential toxicity of the PMN substance becomes more like that of the LMWS.

The commenter stated that the specific uses referenced in the proposed SNUR, a phenolic resin substitute for wood adhesives, rubber tackifier, and brake pads; an additive to enhance degradability of polymer blends; and a moisture barrier for paper lamination were projected uses for the HMWS of the PMN substance and should not be considered when estimating potential exposures to the LMWS. The commenter also noted that after substantially lowering its estimated production volume of the HMWS of the PMN substance and eliminating completely its production volume estimate of the LMWS, EPA's risk assessment remained the same and stated that any exposure estimates should be based on the revised production volume limit of the HMWS. The commenter also stated that information based on existing uses of the HMWS of the PMN substance cannot be used as a basis for a SNUR applying to the LMWS of the PMN substance.

Before addressing each comment specifically, EPA is reiterating the following considerations it made when

deciding to issue a SNUR for the PMN substance:

1. As a polymeric substance that is already on the TSCA Inventory, the PMN substance may be manufactured or imported at any molecular weight or range of molecular weights without further notification even when the different molecular weight species can and do exhibit different physical and toxicological properties.

2. The stated purpose of the SNUR was to require 90-day notification before any release of the LMWS of the PMN substance to the environment.

3. When considering the potential change in exposures and production volumes for a SNUR, EPA must consider all potential manufacturers, importers, and processors and not just the PMN submitter.

The commenter questioned the applicability of the specific uses cited in the proposed SNUR to the LMWS of the PMN substance. It is EPA's finding that any use of the LMWS warrants notification in order to evaluate potential releases. The original PMN submitted for the LMWS and the uses of the HMWS are merely evidence that usage of the LMWS is possible.

The commenter also questioned why, when the estimated production volume was reduced, that the risk assessment remained the same. EPA did not change its risk assessment because its analysis of the potential market for the PMN substance did not agree with the submitter's revised estimate. In addition, when notifying the Agency of its reduced estimated production volume, the commenter also informed EPA of the estimated production volume of its potential customers who would import the PMN substance directly. The estimated production volume of the PMN substance imported directly by customers was high enough that EPA's original risk assessment was not changed.

The commenter stated that information, such as use and production volume information, specific to a chemical substance for an existing use cannot be used as a basis for a SNUR for another substance. EPA strongly disagrees with this statement. While it is true that a significant new use cannot be designated when the use is ongoing, EPA can and does use information regarding existing use of similar chemicals as a basis for a SNUR for other chemicals. When evaluating new chemical substances under section 5(a)2 or 5(e) of TSCA, reasonable estimates of production volume, use, and exposure can only be based on past experience with other chemicals and their existing uses.

This paragraph summarizes and reiterates EPA's findings for P-95-1584. Based on a structure-activity relationship analogy to similar phenols and aldehydes, EPA is concerned for environmental toxicity effects at concentrations as low as 10 parts per billion (ppb) in surface waters, especially the LMWS of the PMN substance. Because the substance is a polymer, once it is placed on the TSCA Inventory, any manufacturer, importer, or processor may use the PMN substance of any molecular weight. This is true even if different molecular weights have different physical and toxicological properties. Based on the potential uses and production volume of the PMN substance, EPA finds that exposures may result in toxicity to the aquatic environment. To prevent any significant change in exposures, EPA is designating any manufacture, import, or processing of the PMN substance at a number average molecular weight less than 700 daltons as a significant new use. This designation of molecular weight is different from the proposed rule because existing use of the PMN substance occurred at a number average molecular weight no lower than 707 daltons.

IV. Objectives and Rationale of the Rule

During review of the PMNs submitted for the chemical substances that are subject to this SNUR, EPA determined that one or more of the criteria of concern established at § 721.170 were met. EPA is issuing this SNUR for specific chemical substances which have undergone premanufacture review to ensure that:

1. EPA will receive notice of any company's intent to manufacture, import, or process a listed chemical substance for a significant new use before that activity begins.

2. EPA will have an opportunity to review and evaluate data submitted in a SNUR notice before the notice submitter begins manufacturing, importing, or processing a listed chemical substance for a significant new use.

3. When necessary, to prevent unreasonable risks, EPA will be able to regulate prospective manufacturers, importers, or processors of a listed chemical substance before a significant new use of that substance occurs. Issuance of a SNUR for a chemical substance does not signify that the substance is listed on the TSCA Inventory. Manufacturers, importers, and processors are responsible for ensuring that a new chemical substance subject to a final SNUR is listed on the TSCA Inventory.

V. Test Data and Other Information

EPA recognizes that section 5 of TSCA does not require developing any particular test data before submission of a SNUN. Persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them. The preamble to the proposed SNUR lists recommended tests (if any) that would address the potential risks of the substances.

The recommended studies may not be the only means of addressing the potential risks of the substance. However, SNUNs submitted for significant new uses without any test data may increase the likelihood that EPA will take action under TSCA section 5(e), particularly if satisfactory test results have not been obtained from a prior submitter. EPA recommends that potential SNUN submitters contact EPA early enough so that they will be able to conduct the appropriate tests.

SNUN submitters should be aware that EPA will be better able to evaluate SNUNs which provide detailed information on:

1. Human exposure and environmental release that may result from the significant new use of the chemical substances.
2. Potential benefits of the substances.
3. Information on risks posed by the substances compared to risks posed by potential substitutes.

VI. Procedural Determinations

EPA is establishing through this rule some significant new uses which have been claimed as Confidential Business Information (CBI). EPA is required to keep this information confidential to protect the CBI of the original PMN submitter. EPA promulgated a procedure to deal with the situation where a specific significant new use is CBI. This procedure appears in § 721.1725(b)(1) and is similar to that in § 721.11 for situations where the chemical identity of the substance subject to a SNUR is CBI. This procedure is cross-referenced in each of these SNURs.

A manufacturer or importer may request EPA to determine whether a proposed use would be a significant new use under this rule. Under the procedure incorporated from § 721.1725(b)(1), a manufacturer or importer must show that it has a bona fide intent to manufacture or import the substance and must identify the specific use for which it intends to manufacture or import the substance. If EPA concludes that the person has shown a bona fide intent to manufacture or

import the substance, EPA will tell the person whether the use identified in the bona fide submission would be a significant new use under the rule. Since most of the chemical identities of the substances subject to these SNURs are also CBI, manufacturers and processors can combine the bona fide submission under the procedure in § 721.1725(b)(1) with that under § 721.11 into a single step.

VII. Applicability of Rule to Uses Occurring Before Effective Date of the Final Rule

To establish a significant "new" use, EPA must determine that the use is not ongoing. The chemical substances subject to this rule have recently undergone premanufacture review. In cases where EPA has not received a notice of commencement (NOC) and the substance has not been added to the Inventory, no other person may commence such activities without first submitting a PMN. For substances for which an NOC has not been submitted at this time, EPA has concluded that the uses are not ongoing. However, EPA recognizes in cases when chemical substances identified in this SNUR are added to the Inventory prior to the effective date of the rule, the substances may be manufactured, imported, or processed by other persons for a significant new use as defined in this rule before the effective date of the rule. However, all four of the substances contained in this rule have CBI chemical identities, and since EPA has received a limited number of post-PMN bona fide submissions, the Agency believes that it is highly unlikely that any of the significant new uses described in the following regulatory text are ongoing.

As discussed in the **Federal Register** of April 24, 1990 (55 FR 17376), EPA has decided that the intent of section 5(a)(1)(B) of TSCA is best served by designating a use as a significant new use as of the date of publication rather than as of the effective date of the rule. Thus, persons who begin commercial manufacture, import, or processing of the substances regulated through this SNUR will have to cease any such activity before the effective date of this rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires.

EPA has promulgated provisions to allow persons to comply with this SNUR before the effective date. If a person were to meet the conditions of advance compliance under § 721.45(h), the person would be considered to have

met the requirements of the final SNUR for those activities. If persons who begin commercial manufacture, import, or processing of the substance between publication and the effective date of the SNUR do not meet the conditions of advance compliance, they must cease that activity before the effective date of the rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires.

VIII. Economic Analysis

EPA has evaluated the potential costs of establishing significant new use notice requirements for potential manufacturers, importers, and processors of the chemical substance subject to this rule. EPA's complete economic analysis is available in the public record for this rule (OPPTS-50627A).

IX. 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-50627A (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 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.

X. Regulatory Assessment Requirements

A. Certain Acts and Executive Orders

Under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" subject to review by the Office of Management and Budget (OMB). In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), nor does it involve special considerations of environmental justice related issues 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 additional 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). This regulatory action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104-113, section 12(d) (15 U.S.C. 272 note).

According to the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information that requires OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR part 9. The information collection requirements related to this action have already been approved by OMB pursuant to the PRA under OMB control number 2070-0012 (EPA ICR No. 574). This action does not impose any burden requiring additional OMB approval.

If an entity were to submit a significant new use notice to the Agency, the annual burden is estimated to average between 30 and 170 hours per response. This burden estimate includes the time needed to review instructions, search existing data sources, gather and maintain the data needed, and complete, review and submit the required significant new use notice.

Send any comments about the accuracy of the burden estimate, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (Mail Code 2137), 401 M St., SW., Washington, DC 20460, with a copy to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., NW., Washington, DC 20503, marked "Attention: Desk Officer for EPA." Please remember to include the OMB control number in any correspondence, but do not submit any completed forms to these addresses.

In addition, pursuant to section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), the Agency has previously certified, as a generic matter, that the promulgation of a SNUR does not have a significant adverse economic impact on a substantial number of small entities. The Agency's generic certification for promulgation of new SNURs 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 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.

XI. 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 16, 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).

2. By adding new § 721.555 to subpart E to read as follows:

§ 721.555 Alkyl amino nitriles (generic).

(a) *Chemical substance and significant new uses subject to reporting.*
(1) The chemical substances identified generically as alkyl amino nitriles (PMNs P-96-1674 and P-96-1675) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.*
Requirements as specified in § 721.63

(a)(2)(iii), (a)(4), (a)(5)(i), (a)(6)(ii), (a)(6)(v), and (c). A full face shield is required if splashing or spraying occurs.

(ii) *Hazard communication program.* Requirements as specified in § 721.72 (c)(1) and (c)(2)(iv). The MSDS required by this paragraph shall include the following statement: Ocular exposure may cause death.

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (g) and (l).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), (d), (h), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

3. By adding new § 721.2077 to subpart E to read as follows:

§ 721.2077 Substituted carbazate (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as a substituted carbazate (PMN P-97-267) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Hazard communication program.* Requirements as specified in § 721.72 (c)(1) and (c)(2)(iv). The MSDS required by this paragraph shall include the following statements: Overexposure to this material may cause severe acute toxicity including death. This concern is particularly true with respect to direct contact to the eyes. Exposure to the eyes may cause severe acute toxicity including death.

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80 (a), (b), (c), and (j).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), (h), and (i) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) *Determining whether a specific use is subject to this section.* The provisions of § 721.1725(b)(1) apply to this section.

4. By adding new § 721.5460 to subpart E to read as follows:

§ 721.5460 Organosolv lignin.

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as an organosolv lignin (PMN P-95-1584; CAS No. 8068-03-9) is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) The significant new use is any manufacture, processing, or use of the substance with a number average molecular weight less than 700 daltons.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and records documenting compliance with the designated molecular weight requirements are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. 98-31680 Filed 11-27-98; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-43

[FPMR Amendment H-198]

RIN 3090-AG64

Excess Personal Property Reporting Requirements

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule; withdrawal.

SUMMARY: Federal Property Management Regulations (FPMR) Amendment 198 (FR Document 98-20010) published at 63 FR 40058, July 27, 1998, and effective on December 1, 1998, is withdrawn. The reason is that an issue has been raised that calls into question some aspects of the rule: one aspect being the reference to the label "Excellent" when coding property for disposal and the implications this has for Federally-owned, contractor-held inventory. A revised regulation will be published in the **Federal Register** as a proposed rule with a 60-day request for comment.

EFFECTIVE DATE: The final rule published at 63 FR 40058 is withdrawn November 30, 1998.

FOR FURTHER INFORMATION CONTACT: Martha Caswell, Director, Personal Property Management Policy Division (MTP) 202-501-3828.

Dated: November 23, 1998.

David J. Barram,

Administrator of General Services.

[FR Doc. 98-31827 Filed 11-27-98; 8:45 am]

BILLING CODE 6820-24-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-123, RM-8875]

Radio Broadcasting Services; Tullahoma, Lynchburg, and Petersburg, TN.

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document denies a proposal by Tri-County Broadcasting, Inc. for a Channel 296A allotment at Tullahoma, Tennessee, as well as counterproposals filed by Petersburg Broadcasting for a Channel 296A allotment at Petersburg, Tennessee, and Hopkins-Hall Broadcasting, Inc., and Big River Broadcasting Corporation for Channel 296A at Lynchburg, Tennessee. See 61 FR 55781, October 29, 1996. With this action, the proceeding is terminated.

EFFECTIVE DATE: November 30, 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* adopted November 18, 1998, and released November 20, 1998. The full text of this 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 contractor, International Transcription Service, Inc., (202) 857-3805, 1231 M Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.