

State, local, or tribal governments, or to the private sector, result. No new Federal requirements are imposed. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

*D. Small Business Regulatory Enforcement Fairness Act*

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. USEPA 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 the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

*E. Petitions for Judicial Review*

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 21, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

**V. List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

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

Dated: January 30, 1998.

**David A. Ullrich,**

*Acting Regional Administrator, Region V.*  
[FR Doc. 98-4003 Filed 2-19-98; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 157**

[OPP-250125; FRL-5764-3]

**Termite Insecticide Bait Stations; Exemption From Adult Portion of Child-Resistant Testing Specifications**

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

**ACTION:** Exemption Order.

**SUMMARY:** This Order grants a 5-year exemption from the senior-adult test and younger-adult test effectiveness specifications, described in 16 CFR 1700.15(b)(2) (Ease of adult opening), for prefilled, nonrefillable termite insecticide bait stations not designed or intended to be opened or activated in a manner that exposes the contents to human contact. Products qualifying for this exemption must still fully comply with all other child-resistant packaging (CRP) effectiveness, compatibility, and durability standards, as well as all other requirements of 40 CFR part 157. CRP certification for products relying on this exemption must specify that the package does not comply with the senior and younger adult effectiveness specifications per this exemption. This exemption was requested by Griffin Corporation and FMC APG Specialty Products, who suggested that a package that does not require opening or activation to put into use should not require adult ease of opening testing.

**DATES:** This exemption Order becomes effective on February 20, 1998 and expires on February 20, 2003.

**FOR FURTHER INFORMATION CONTACT:** Rosalind L. Gross, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone number: (703) 308-7368, e-mail: gross.rosalind@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** Griffin Corporation and FMC APG Specialty Products requested an exemption from the senior-adult test and younger-adult test effectiveness specifications, described in 16 CFR 1700.15(b)(2) (Ease of adult opening), for prefilled, nonrefillable termite insecticide bait stations that are not designed or intended to be opened or activated in a manner that exposes the contents to human contact.

**I. Background**

FIFRA 25(c)(3) requires EPA's CRP standards to be consistent with those of the Consumer Product Safety Commission (CPSC). EPA's CRP

regulations at 40 CFR 157.32 require that CRP for pesticides meet the CPSC packaging standards (effectiveness specifications) and testing procedures set forth in 16 CFR 1700.15(b) and 1700.20. The CPSC Poison Prevention Packaging Standards in 16 CFR 1700.15(b) provide that CRP, when tested by the method described in 16 CFR 1700.20, shall meet certain child-resistant test, senior-adult test, and younger-adult test effectiveness specifications. In 16 CFR 1700.15(b)(2), the senior-adult test and younger-adult test effectiveness specifications are discussed with reference to the senior-adult panel test of 16 CFR 1700.20(a)(3) and the younger-adult panel test of 16 CFR 1700.20(a)(4), respectively.

The EPA CRP regulations provide that exemptions from compliance may be requested on a case-by-case basis for specific products based on technical factors (40 CFR 157.24(b)(3)). The regulations further provide that any such exemption decision will be published in the **Federal Register**, will be for a specified length of time, and will be applicable to any product with substantially similar composition and intended uses.

**II. Requested Grounds for Exemption**

As support for the exemption request, Griffin Corporation and FMC APG Specialty Products advanced the following arguments:

The purpose of adult testing is to ensure that the package is not difficult for adults to use properly. If CRP is difficult for adults to open, the concern arises that the package may be disabled or left unsecured to eliminate the difficulty of reopening it. Under such circumstances the contents would be accessible to children. In the case of prefilled, nonrefillable termite insecticide bait stations not designed or intended to be opened, this concern does not arise. There is no risk that an adult will disable or fail to resecure a difficult to open package, because the packages need not be opened or activated in order to function properly. As there is no concern that an adult will disable or fail to resecure such a package, there is also no concern that the contents of disabled or unsecured packages will be accessible to children. Instead, from a child safety standpoint, the only relevant question regarding such packages is whether they can prevent a child from gaining access to the bait.

**III. Agency Determination**

The Agency has considered the Griffin Corporation and FMC APG Specialty Products exemption request

and the basis therefore and agrees that it is unnecessary to test the ability of a senior-adult or younger-adult to open and properly reseal a package not designed or intended to be opened or activated. No benefits in terms of improved child safety would be gained by such testing. Therefore, the Agency hereby grants a 5-year exemption Order from the senior-adult test and younger-adult test effectiveness specifications, described in 16 CFR 1700.15(b)(2) for prefilled, nonrefillable termite insecticide bait stations not designed or intended to be opened or activated in a manner that exposes the contents to human contact. The Agency has authority under 40 CFR 157.24(b)(3) to grant an exemption from any CRP requirement, including the testing requirements, based on technical considerations.

#### IV. Exemption

A 5-year exemption is granted from the senior-adult test and younger-adult test effectiveness specifications, described in 16 CFR 1700.15(b)(2), for prefilled, nonrefillable termite insecticide bait stations not designed or intended to be opened or activated in a manner that exposes the contents to human contact. Products that qualify for this exemption must fully comply with all other CRP effectiveness, compatibility, and durability standards as well as all other requirements of 40 CFR part 157. CRP certification for products relying on this exemption must specify that the package does not comply with the senior and younger adult effectiveness specifications per this exemption. This exemption becomes effective on February 20, 1998 and expires on February 20, 2003.

#### V. Regulatory Assessment Requirements

This exemption Order does not impose any requirements. As such, this action does not require review by the Office of Management and Budget (OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). For the same reason, it does not require any action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4), Executive Order 12875, entitled *Enhancing the Intergovernmental Partnership* (58 FR 58093, October 28, 1993), or Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in*

*Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). In addition, since this type of action does not require any proposal, no action is needed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

#### VI. 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, does not apply because this action is not a rule, as that term is defined in 5 U.S.C. 804(3).

#### List of Subjects

Administrative practice and procedure, Infants and children, Packaging and containers, Pesticides and pest, Reporting and recordkeeping requirements.

Dated: February 9, 1998.

**James Jones,**

*Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 98-4186 Filed 2-19-98; 8:45 am]

BILLING CODE 6560-50-F

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 43

[IB Docket No. 96-261; FCC 97-280]

#### International Settlement Rates

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** The Commission amended its rules to revise its international settlement benchmarks. Section 43.61(b) of these rules contained new and modified information collection requirements and became effective on January 23, 1998.

**EFFECTIVE DATE:** The amendment to 47 CFR § 43.61(b) published at 62 FR 45758, August 29, 1997, became effective on January 23, 1998.

**FOR FURTHER INFORMATION CONTACT:** Kathryn O'Brien, Attorney-Advisor, Policy and Facilities Branch, Telecommunications Division, International Bureau, (202) 418-1470.

**SUPPLEMENTARY INFORMATION:** On August 7, 1997, the Commission adopted an order revising its international settlement rate benchmarks, a summary of which was published in the **Federal Register**. See 62 FR 45758, August 29, 1997. Section 43.61(b) of the

Commission's rules imposed new or modified information collection requirements. We stated that "the information collection requirements adopted in this Order will become effective following Office of Management and Budget (OMB) approval. The Commission will publish a document at a later date establishing the effective date." The information collections were approved by OMB on January 23, 1998. See OMB No. 3060-0106. This publication satisfies our statement that the Commission would publish a document announcing the effective date of the rules.

#### List of Subjects in 47 CFR Part 43

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

[FR Doc. 98-4329 Filed 2-19-98; 8:45 am]

BILLING CODE 6712-01-P

### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[MM Docket No. 94-116, RM-8507, RM-8567]

**Radio Broadcasting Services; Jefferson City, Cumberland Gap, Elizabethton, TN, and Jonesville, VA**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document denies a Petition for Reconsideration filed by Eaton P. Govan, III and Berton B. Cagle directed to the *Report and Order* in this proceeding. The *Report and Order* denied their proposals for a reallocation of a channel from Jefferson City to Cumberland Gap, Tennessee, and an upgrade at Elizabethton. Instead, the *Report and Order* allotted Channel 256A to Jonesville, Virginia. See 60 FR 57368, published November 15, 1995. With this action the proceeding is terminated.

**EFFECTIVE DATE:** February 20, 1998.

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

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Memorandum Opinion and Order* in MM Docket No. 94-116, adopted January 21, 1998, and released January 30, 1998. The full text of this decision is available for inspection and copying during normal business hours in the