

action does not require any proposal, no action is needed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

## II. Submission to Congress and 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 the 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: February 17, 1998.

Rebecca S. Cool,

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

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 721

[OPPTS-50629A; FRL-5769-1]

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 12 chemical substances promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA). Based on the new data the Agency no longer finds that activities not described in the corresponding TSCA section 5(e) consent orders or the premanufacture notices (PMN) for these chemical substances may result in significant changes in human or environmental exposure.

**DATES:** This rule is effective March 27, 1998.

### FOR FURTHER INFORMATION CONTACT:

Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543A, 401 M St., SW., Washington, DC 20460, telephone: (202) 554-1404, TDD: (202) 554-0551; e-mail: TSCA-Hotline@epamail.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, OPPTS-50582, August 15, 1990 (55 FR 33303); OPPTS-50585, September 28, 1990 (55 FR 39899); OPPTS-50589, April 17, 1991 (56 FR 15784); OPPTS-50601, September 23, 1992 (57 FR 44070); OPPTS-50613, October 4, 1993 (58 FR 51706); and OPPTS-50620, March 1, 1995 (60 FR 11042) (FRL-4868-4), 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 December 9, 1997 (62 FR 64795) (FRL-5752-9). 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 January 8, 1998. The Agency received no comments concerning the proposed revocation. 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-50629A (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

This final 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 final 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 prior consultation as specified by Executive Order 12875, entitled "Enhancing the Intergovernmental Partnership" (58 FR 58093, October 28, 1993), or 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.

## 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 the 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: February 13, 1998.

**Ward Penberthy,**

*Acting 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).

**§§ 721.700, 721.2840, 721.2860, 721.2880, 721.2940, 721.3200, 721.4640, 721.5990, 721.8125, 721.9260, 721.9780, 721.9962 [Removed]**

2. By removing §§ 721.700, 721.2840, 721.2860, 721.2880, 721.2940, 721.3200, 721.4640, 721.5990, 721.8125, 721.9260, 721.9780, and 721.9962.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 101

[CC Docket No. 92-297; FCC 98-15]

### Reconsideration of the Rules and Policies for Local Multipoint Distribution Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; petitions for reconsideration.

**SUMMARY:** The Federal Communications Commission has adopted a Third Order on Reconsideration (Third Reconsideration Order) in the Local Multipoint Distribution Service (LMDS) proceeding, reaffirming its commitment to the rapid implementation of LMDS and the broad range of one-way and two-way voice, video, and data service capabilities that LMDS offers. LMDS is a fixed, point-to-multipoint wireless service that has the flexibility and potential to promote competition in the telephony and cable distribution marketplaces, as well as to introduce new and innovative services to the public. The action is taken to resolve petitions for reconsideration of the service rules, except the competitive bidding rules, adopted in the Second Report and Order, Order on Reconsideration, and Fifth Notice of Proposed Rulemaking (Second Report and Order) to implement LMDS in the 27.5-28.35 GHz, 29.1-29.25 GHz, and 31.0-31.3 GHz frequency bands. The limited revisions to the Commission's rules adopted in this Third Reconsideration Order will permit certain point-to-point operations on a secondary basis to LMDS in the 31 GHz band under the previous service rules replaced by LMDS without adversely affecting LMDS or the initiation of the auction and licensing of LMDS under the LMDS service rules.

**EFFECTIVE DATE:** April 27, 1998.

**FOR FURTHER INFORMATION CONTACT:** Barbara Reideler or Jay Whaley, Policy Division, Wireless Telecommunications Bureau, (202) 418-1310.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Third Reconsideration Order in CC Docket No. 92-297, FCC 98-15, adopted on February 3, 1998, and released on February 11, 1998. The complete text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor,

International Transcription Service, (202) 857-3800, 1231 20th Street, N.W., Washington, DC 20036.

### Synopsis of Third Reconsideration Order

1. On March 11, 1997, the Commission adopted a Second Report and Order, Order on Reconsideration, and Fifth Notice of Proposed Rulemaking (Second Report and Order)<sup>1</sup> in this proceeding, which designated the 31.0-31.3 GHz frequency band (31 GHz band) for Local Multipoint Distribution Service (LMDS) and adopted competitive bidding and service rules to implement LMDS in the 27.5-28.35 GHz and 29.1-29.25 GHz frequency bands (28 GHz band) and the 31 GHz band. In this Third Order on Reconsideration (Third Reconsideration Order), the Commission addressed petitions for reconsideration and clarification of the Second Report and Order, except petitions for reconsideration of the LMDS competitive bidding rules.<sup>2</sup> The petitions were denied, with one exception that resulted in limited revisions to the rules adopted in the Second Report and Order. The Third Reconsideration Order deferred consideration of the comments filed in response to the Fifth Notice of Proposed Rulemaking, which was issued in conjunction with the Second Report and Order, to a separate Report and Order to be issued in the near future.

2. The Second Report and Order adopted an ownership rule that imposed a three-year restriction on the eligibility of incumbent local exchange companies (LECs) and incumbent cable companies to hold an attributable interest in the larger LMDS license of 1,150 megahertz whose geographic service area significantly overlaps such incumbent's authorized or franchised service area. The Third Reconsideration Order reviewed the portion of the eligibility restriction that permits incumbent LECs and incumbent cable companies to bid

<sup>1</sup> Rulemaking To Amend Parts 1, 2, 21, and 25 of the Commission's Rules To Redesignate the 27.5-29.5 GHz Frequency Band, To Reallocate the 29.5-30.0 GHz Frequency Band, To Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services, Petitions for Reconsideration of the Denial of Applications for Waiver of the Commission's Common Carrier Point-to-Point Microwave Radio Service Rules, CC Docket No. 92-297, Suite 12 Group Petition for Pioneer Preference, PP-22; Second Report and Order, Order on Reconsideration, and Fifth Notice of Proposed Rulemaking, 12 FCC Rcd 12545 (1997), 62 FR 23148, April 29, 1997, and 62 FR 16514, April 7, 1997.

<sup>2</sup> The petitions for reconsideration of the LMDS competitive bidding rules were considered in the Second Order on Reconsideration at 62 FR 48787, September 17, 1997.