

mechanism of the March 5 rule. Therefore, EPA determines that it is neither necessary nor appropriate under section 608(a)(2) of the Act to issue a proposed rule requiring the certification of recycling and recovery equipment for halons; and further, that it is neither necessary nor appropriate under that section to require that halons be removed only through the use of certified equipment at this time. Further information and discussion relevant to EPA's decision may be found in the halon recovery/recycling equipment study mentioned above (EPA, 1998), as well as in associated materials, all placed in the docket for this determination. Nothing in this determination should affect any existing legal requirements regarding halons, and this determination does not preclude future regulatory action regarding equipment certification, or other aspects of halon use, should information pointing to significant environmental benefit be produced.

#### F. References

- National Fire Protection Association (NFPA)*, 1998. NFPA 10 Standard for Portable Fire Extinguishers. 1988 Edition. National Fire Protection Association, Quincy, MA. 56 pp.
- NFPA*, 1997. NFPA 12A Standard on Halon 1301 Fire Extinguishing Systems. 1997 Edition. National Fire Protection Association, Quincy, MA. 57 pp.
- EPA*, 1998. Assessment of the Need for a Halon Recovery/Recycling Equipment Certification Program. Draft report prepared for the Stratospheric Protection Division, U.S. Environmental Protection Agency, Washington, D.C. 17 pp.
- United Nations Environment Program (UNEP)*, 1994. Montreal Protocol on Substances that Deplete the Ozone Layer—Report of the Halon Fire Extinguishing Agents Technical Options Committee, December, 1994. UNEP Ozone Secretariat, Nairobi, Kenya. 174 pp.
- UNEP*, 1998. Montreal Protocol on Substances that Deplete the Ozone Layer—Technology and Economic Assessment Panel, April 1998 Report. UNEP Ozone Secretariat, Nairobi, Kenya.

### III. Administrative Requirements

#### A. Executive Order 12866

Executive Order 12866 (58 FR 51735, October 4, 1993) provides for interagency review of "significant regulatory actions." It has been determined by the Office of

Management and Budget (OMB) and EPA that this action—which is a determination that requiring the certification of equipment used in halon recovery and recycling, and requiring that halons be removed from halon-containing equipment only through use of certified recovery and recycling equipment, is not necessary or appropriate—is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review under the Executive Order.

#### B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601–602, requires that Federal agencies, when developing regulations, consider the potential impact of those regulations on small entities. Because this action is a determination that requiring the certification of equipment used in halon recovery and recycling, and requiring that halons be removed from halon-containing equipment only through use of certified recovery and recycling equipment, is not necessary or appropriate, the Regulatory Flexibility Act does not apply. By its nature, this action will not have an adverse effect on the regulated community, including small entities.

#### C. 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, for purposes of 5 U.S.C. 804(3).

#### D. Paperwork Reduction Act

This action does not add any new requirements or increase burdens under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

#### E. Unfunded Mandates Reform Act

It has been determined that this action does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local and tribal governments, in the aggregate, or the private sector, in any one year.

#### F. Executive Order 13045—Children's Health

Executive Order 13045: "Protection of Children from Environmental Health Risk and Safety Risk" (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have 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 action is not subject to E.O. 13045 because it is not a rule and is not likely to result in a rule.

### IV. Judicial Review

Because this direct final determination is of nationwide scope and effect, under section 307(b)(1) of the Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the District of Columbia Circuit within sixty days of publication of this action in the **Federal Register**.

#### List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Reporting and recordkeeping requirements, Stratospheric ozone layer.

Dated: July 31, 1998.

**Carol M. Browner,**  
Administrator.

[FR Doc. 98–21525 Filed 8–10–98; 8:45 am]

BILLING CODE 6560–50–P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[MD Docket No. 98–36; DA 98–1553]

#### Assessment and Collection of Regulatory Fees for Fiscal Year 1998

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** In a rule published on July 1, 1998, the Commission revised its Schedule of Regulatory Fees in order to recover the amount of Regulatory Fees that Congress has required it to collect for fiscal year 1998. This order establishes the dates when these regulatory fees must be paid.

**DATES:** Annual regulatory fees are due during the period September 14, 1998, through September 18, 1998, for all annual fee payors. Beginning on September 14, 1998, for applicants who pay fees in advance in combination with their application fee for new, renewal and reinstatement authorizations in the private wireless services.

**FOR FURTHER INFORMATION CONTACT:**  
Terry D. Johnson, Office of Managing  
Director at (202) 418-0445.

**SUPPLEMENTARY INFORMATION:**

Adopted: August 3, 1998.  
Released: August 4, 1998.

1. The Managing Director has determined the dates for collection of the fees adopted in the above-captioned proceeding. *See Assessment and Collection of Regulatory Fees for Fiscal Year 1998*, MD Docket 98-36, FCC 98-115, released June 16, 1998, 63 FR 35847 (July 1, 1998). We are establishing collection dates as indicated paragraphs 2 and 3.

2. Annual regulatory fees for regulatees in the cable television, common carrier, international, mass media, and commercial wireless services are due during the period beginning *September 14, 1998*, and ending *September 18, 1998*. Parties paying these fees electronically must ensure that payment is received by Mellon Bank no later than *September 17, 1998*, however they are requested to submit them on *September 14th* or *September 15th* to facilitate their receipt and recording in a timely fashion.

3. Applicants for new, renewal and reinstatement licenses in the private wireless private mobile radio (PMRS) and the microwave radio services, which pay annual fees of \$12.00 in advance for each year of their license term in combination with the appropriate application fee, are to begin paying the new fee on *September 14, 1998*. For private wireless licensees in the aviation, marine, general mobile (GMRS), and other land mobile radio services paying \$6.00 in advance for each year of their license term in combination with the appropriate application fee, they also are to begin paying the new fee on *September 14, 1998*. Applicants for amateur vanity call signs paying \$1.30 in advance for each year of their license term in combination with the appropriate application fee, they too are to begin paying the new fee on *September 14, 1998*.

4. Since the time for collecting fees is extremely limited, we are unable to offer

installment payments for fiscal year 1998.

5. Accordingly, *It is ordered* that the dates for collection of fiscal year 1998 regulatory fees are as provided in paragraphs 2 and 3. This action is taken under delegated authority pursuant to § 0.231(a) and § 1.1157(b)(1) of the Commission's rules. 47 U.S.C. 0.231(a) and 1.1157(b)(1).

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 98-21259 Filed 8-10-98; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 1

[Gen. Docket 86-285, FCC 98-87]

### Schedule of Application Fees

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission has amended its Schedule of Application Fees to adjust the fees for processing applications and other filings. The Commission is required to adjust its application fees every two years after October 1, 1991, to reflect the net change in the Consumer Price Index for all Urban Consumers (CPI-U). The increased fees reflect the net change in the CPI-U of 28 percent, calculated from December 1989 to September 1997.

**EFFECTIVE DATE:** September 14, 1998.

**FOR FURTHER INFORMATION CONTACT:** Regina W. Dorsey or Claudette E. Pride, Billings & Collections Branch, Office of the Managing Director at (202) 418-1995.

**SUPPLEMENTARY INFORMATION:**

*Adopted:* May 8, 1998.

*Released:* May 15, 1998.

1. By this action, the Commission amends its Schedule of Application Fees, 47 CFR 1.1102 through 1.1107 to adjust the fees for processing applications and other filings. Section 8(b) of the

Communications Act, as amended, requires that the Commission review and adjust its application fees every two years after October 1, 1991 (47 U.S.C. 158(b)). The adjusted or increased fees reflect the net change in the Consumer Price Index for all Urban Consumers (CPI-U of 28 percent, calculated from December 1989 to September 1997). The adjustments made to the fee schedule comport with the statutory formula set forth in section 8(b). Consistent with section 8(b), the commission transmitted to Congress a 90-day advance notification of the fee adjustments on May 28, 1998. If Congress interposes no objection to the proposed increases within the 90-day period, the new fees will become effective September 14, 1998.

2. Accordingly, it is ordered, that the Schedule of Application Fees, 47 CFR 1.1102 through 1.1107 is amended effective on September 14, 1998.

### List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

### Rule Changes

47 CFR Part 1 is amended as follows:

### PART 1—PRACTICE AND PROCEDURE

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

**Authority:** 47 U.S.C. 154, 303, 503(b)(5); 5 U.S.C. 552 and 21 U.S.C. 853a, unless otherwise noted.

2. Section 1.1102 is revised to read as follows:

**§ 1.1102 Schedule of charges for applications and other filings in the wireless telecommunications services.** Those services designated with an asterisk in the payment type code column have associated regulatory fees that must be paid at the same time the application fee is paid. Please refer to Section 1.1152 for the appropriate regulatory fee that must be paid for this service.

Action	FCC Form No.	Fee amount	Payment type code	Address
1. Land Transportation:				
a. New, Renewal, Reinstatement .....	600 & 159 .....	45	PALR*	Federal Communications Commission, Land Transportation, P.O. Box 358130, Pittsburgh, PA 15251-5130.
b. Modification, Assignment, Non-profit, CMRS.	600 & 159, 490 & 159	45	PALM	Federal Communications Commission, Land Transportation, P.O. Box 358130, Pittsburgh, PA 15251-5130.
2. Industrial/Business Pool:				