

dissociable nitrate compounds, to the EPCRA section 313 list (59 FR 61460) with a qualifier that limits reporting to aqueous solutions. The Agency had originally proposed (59 FR 1825) to list nitrate ion; however, many commenters argued that what the Agency actually proposed was a category of nitrate compounds that dissociate in water. EPA agreed with the commenters and used the qualified category in the final listing. This category indicates that only water dissociable nitrate compounds that are manufactured, processed, or otherwise used as an aqueous solution at a facility are subject to reporting.

V. Effective Date

This action becomes effective June 30, 1995. Thus, the last year in which facilities had to file a TRI report for non-aerosol forms of sulfuric acid was 1994, covering releases and other activities that occurred in 1993.

Section 313(d)(4) provides that "[a]ny revision" to the section 313 list of toxic chemicals shall take effect on a delayed basis. EPA interprets this delayed effective date provision to apply only to actions that add chemicals to the section 313 list. For deletions, EPA may, in its discretion, make such actions immediately effective. An immediate effective date is authorized, in these circumstances, under 5 U.S.C. section 553(d)(1) because a deletion from the section 313 list relieves a regulatory restriction.

EPA believes that where the Agency has determined, as it has with these non-aerosol forms of sulfuric acid, that a chemical does not satisfy any of the criteria of section 313(d)(2)(A)-(C), no purpose is served by requiring facilities to collect data or file TRI reports for that chemical, or, therefore, by leaving that chemical on the section 313 list for any additional period of time. This construction of section 313(d)(4) is consistent with previous rules deleting chemicals from the section 313 list. For further discussion of the rationale for immediate effective dates for EPCRA section 313 delistings, see 59 FR 33205.

VI. Rulemaking Record

The record supporting this decision is contained in docket control number OPPTS-400057A. All documents, including an index of the docket, are available in the TSCA Nonconfidential Information Center (NCIC), also known as, TSCA Public Docket Office from noon to 4 p.m., Monday through Friday, excluding legal holidays. TSCA NCIC is located at EPA Headquarters, Rm. NE-B607, 401 M St., SW., Washington, DC 20460.

VII. References

(1) USEPA/OPPT. Summary of Response to Public Comments Submitted on the Proposal to Modify the Sulfuric Acid Listing (56 FR 34156) and the Notice Re-opening the Public Comment Period (58 FR 6609). U.S. Environmental Protection Agency, Washington, DC (1995).

(2) USEPA/OPPT. Analysis of Accidental Release Data for NonAerosol Forms of Sulfuric Acid. U.S. Environmental Protection Agency, Washington, DC (1995).

VIII. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Pursuant to the terms of this Executive Order, it has been determined that this final rule is not "significant" and therefore not subject to OMB review.

EPA estimates that this final rule will result in 4,258 to 5,476 fewer reports being submitted for sulfuric acid. This will reduce industry's reporting costs by \$11.1 to \$13.7 million per year, and EPA's costs by \$300,000 to \$400,000 per year.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, the Agency must conduct a small business analysis to determine whether a substantial number of small entities would be significantly affected by the final rule. Because this final rule eliminates an existing requirement, it would result in cost savings to facilities, including small entities.

C. Paperwork Reduction Act

This final rule does not have any information collection requirements subject to the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 372

Environmental protection, Chemicals, Community right-to-know, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: June 26, 1995.

Lynn R. Goldman,

Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 372 is amended as follows:

1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

§ 372.65 [Amended]

2. Section 372.65(a) and (b) are amended by adding the parenthetical to the entry for sulfuric acid to read "Sulfuric acid (acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size)" under paragraph (a) and for CAS number entry 7664-93-9 under paragraph (b).

[FR Doc. 95-16185 Filed 6-29-95; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-255; RM-7781]

Radio Broadcasting Services; Nowata and Collinsville, OK

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of BSB Communications, substitutes Channel 268C3 for Channel 268A at Nowata, Oklahoma, reallots Channel 268C3 from Nowata to Collinsville, Oklahoma, and modifies Station KLTO's construction permit accordingly. See 56 FR 46144, September 10, 1991. Channel 268C3 can be allotted to Collinsville with a site restriction of 1.8 kilometers (1.1 miles) east, at coordinates North Latitude 36-21-50 and West Longitude 95-49-16, to accommodate petitioner's desired transmitter site and avoid short-spacings to Station KXOJ-FM, Channel 265A, Sapulpa, Oklahoma, and Station KEOK, Channel 269C3, Tahlequah, Oklahoma. With this action, this proceeding is terminated.

EFFECTIVE DATE: August 11, 1995.

FOR FURTHER INFORMATION CONTACT:

Leslie K. Shapiro or Stanley Schmulewitz (engineering issues), Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, MM Docket No. 91-255, adopted June 19, 1995, and released June 27, 1995. The full text of this Commission 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-

3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

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

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 268A at Nowata and by adding Collinsville, Channel 268C3.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-16116 Filed 6-29-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 383

[FHWA Docket No. MC-95-16]

Commercial Driver's License; Waiver for Pyrotechnics Industry

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of final disposition.

SUMMARY: The FHWA is issuing its decision generally denying a waiver from the commercial driver's license (CDL) regulations (49 CFR Part 383) to certain drivers employed by the pyrotechnics industry. The FHWA is granting alternate relief which would enable a willing State to substitute, in very limited circumstances, demonstrated training for the requirement of a written hazardous materials endorsement examination. The American Pyrotechnics Association submitted a petition on March 6, 1995, requesting waivers from the CDL testing and licensing standards for certain drivers transporting fireworks to displays during the period of Independence Day celebrations. Under the notice of petition, request for comments, issued May 10, 1995 (60 FR 24820), part-time drivers who have an otherwise valid driver's license and a good driving record, as well as licenses or permits issued by applicable State or

local agencies certifying that they are approved pyrotechnic operators, would have been eligible for a waiver from the CDL standards. As proposed, States would have been authorized to issue waivers for the transportation of less than 500 pounds of fireworks classified as DOT Class 1.3G explosives, from June 30 through July 6 of each year, provided that the vehicles transporting such fireworks had a gross vehicle weight rating (GVWR) of less than 10,001 pounds and were operated within 300 miles of the site of origin. The FHWA requested public comment on whether, if granted, the proposed waiver would be contrary to the public interest or diminish the safe operation of commercial motor vehicles. The comment period closed on June 9, 1995. Based upon the information submitted by commenters, and a late rebuttal to the adverse comments presented on behalf of the petitioners, the FHWA has concluded that it does not have the requisite empirical evidence available to make the safety finding necessary to grant a full waiver from the CDL provisions. Nevertheless, the FHWA will allow States to substitute an alternate demonstration of knowledge for certain hazardous materials endorsement testing provisions, provided that drivers availing themselves of this relief obtain an otherwise valid CDL and have completed appropriate hazardous materials training that meets the standards adopted by the Research and Special Programs Administration (RSPA) at 49 CFR 172.704. Consequently, the petition is denied except to this very limited extent.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Redmond, Office of Motor Carrier Standards, (202) 366-4001, or Mr. Raymond W. Cuprill or Mrs. Allison Smith, Office of the Chief Counsel, HCC-20, (202) 366-0834, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590-0001. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

The Commercial Driver's License (CDL) regulations, issued pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (Title XII, Pub. L. 99-570, 100 Stat. 3207, 3207-170) (49 U.S.C. 31502), are found at 49 CFR Part 383 (1994). Section 383.23 of the regulations sets forth the general rule that no person shall operate a commercial motor vehicle (CMV) unless

such person (1) has taken and passed a knowledge test and, if applicable, a driving test, which meets Federal standards, and (2) possesses a CDL, which is evidence of having passed the required tests. These Federal standards ensure that each driver of a CMV: (1) has a single driver's license and a single driving record, (2) is tested for the knowledge and skills needed to drive a vehicle representative of the vehicle that he/she will be licensed to drive, and (3) is disqualified from driving a CMV when convicted of certain criminal offenses or traffic violations. Drivers operating CMVs that haul hazardous materials requiring placarding are also required to take and pass a specialized knowledge test to obtain a hazardous materials endorsement to their licenses.

The term "commercial motor vehicle" is defined to include, a motor vehicle:

- (1) With a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a GVWR of more than 10,000 pounds; or
- (2) With a GVWR of 26,001 or more pounds; or
- (3) Designed to transport 16 or more passengers, including the driver; or
- (4) Used in the transportation of quantities of hazardous materials which require the vehicle to be placarded under the Hazardous Materials Transportation Regulations (49 CFR part 172, subpart F), 49 CFR 383.5 (1994).

Waivers

Section 12013 of the Commercial Motor Vehicle Safety Act of 1986 (the Act) authorizes the Secretary of Transportation to waive any class of drivers or vehicles from any or all of the provisions of the Act or the implementing regulations if the Secretary determines that the waiver is not contrary to the public interest and does not diminish the safe operation of commercial motor vehicles. The regulatory procedures governing the issuance of waivers are found at 49 CFR 383.7 (1994). The authority to issue waivers has been delegated to the FHWA at 49 CFR 1.48 (1994).

Petition

The American Pyrotechnics Association, a non-profit group representing the pyrotechnics industry, petitioned the FHWA to reconsider its previous determinations,¹ and grant a

¹ The FHWA had denied a petition for a CDL waiver filed by the American Pyrotechnics Association. *In the Matter of American Pyrotechnics Association*, Petition No. 91-03, May 3, 1991. See also, Administrator Larson's letter dated July 5, 1991, denying the American Pyrotechnics Association's request for reconsideration. Both of these documents are available for inspection and copying from the docket file MC-95-16.