

regulatory policies on matters that significantly or uniquely affect their communities.”

Today's action does not significantly or uniquely affect the communities of Indian tribal governments. The final rule published on April 15, 1998 does not create mandates upon tribal governments. Because today's action amends the rule to establish another means of complying with MACT standards, today's action does not create a mandate on tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) directs all Federal agencies to use voluntary consensus standards instead of government-unique standards in their regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the National Fire Protection Association (NFPA), and the Society of Automotive Engineers (SAE). The NTTAA requires Federal agencies like the EPA to provide Congress, through the OMB, with explanations when an agency decides not to use available and applicable voluntary consensus standards.

This action does not involve any new technical standards or the incorporation by reference of existing technical standards. Therefore, consideration of voluntary consensus standards is not relevant to this action.

J. 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. The 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).

III. Legal Authority

These regulations are amended under the authority of sections 112, 114, and 301 of the Clean Air Act, as amended (42 U.S.C. sections 7412, 7414, and 7601).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations.

Dated: December 18, 1998.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40, Chapter I of the Code of Federal Regulations is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

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

Subpart S—National Emission Standards for Hazardous Air Pollutants From the Pulp and Paper Industry

2. Amend § 63.440 by revising paragraphs (d)(3)(ii) introductory text and (d)(3)(ii)(B), as follows:

§ 63.440 Applicability.

* * * * *

(d) * * *

(3) * * *

(ii) Comply with paragraphs (d)(3)(ii)(A), (d)(3)(ii)(B), and (d)(3)(ii)(C) of this section.

* * * * *

(B) The owner or operator of a bleaching system shall comply with the requirements specified in either paragraph (d)(3)(ii)(B)(1) or (d)(3)(ii)(B)(2) of this section.

(1) Not increase the application rate of chlorine or hypochlorite in kilograms (kg) of bleaching agent per megagram of ODP, in the bleaching system above the average daily rates used over the three months prior to June 15, 1998 until the requirements of paragraph (d)(3)(ii)(A) of this section are met and record application rates as specified in § 63.454(c).

(2) Comply with enforceable effluent limitations guidelines for 2,3,7,8-tetrachloro-dibenzo-p-dioxin and adsorbable organic halides at least as

stringent as the baseline BAT levels set out in 40 CFR 430.24(a)(1) as expeditiously as possible, but in no event later than April 16, 2001.

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[FR Doc. 98-34306 Filed 12-24-98; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95-49, RM-8558]

Radio Broadcasting Services; Llano and Marble Falls, TX

AGENCY: Federal Communications Commission.

ACTION: Final Rule; petition for reconsideration.

SUMMARY: This document denies the joint petition for reconsideration filed by Roy E. Henderson and Tichenor License Corporation and affirms our action in the *Report and Order*, 62 FR 31008 (June 6, 1997), which substituted Channel 285C3 for Channel 284C3 at Llano, Texas, reallocated Channel 285C3 to Marble Falls, Texas, and modified the license of Station KBAE(FM), Llano, to specify operation on Channel 285C3 at Marble Falls. In reaching this result, the document explains that the staff properly dismissed the petitioners' counterproposal as violating Section 1.420(i) of the Commission's Rules. With this action this proceeding is terminated.

EFFECTIVE DATE: December 28, 1998.

FOR FURTHER INFORMATION CONTACT: Arthur D. Scrutchins, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Memorandum Opinion and Order, MM Docket No. 95-49, adopted December 14, 1998, and released December 18, 1998. 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 St., N.W., Washington D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, N.W. Washington D.C. 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Charles W. Logan,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-34229 Filed 12-24-98; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF DEFENSE

Department of the Air Force

48 CFR Part 5350

Types of Contracts

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is amending Title 48, Chapter 53 of the CFR by removing Part 5350, Extraordinary Contractual Actions. This rule is removed because it is outdated and was deleted from the Air Force Federal Acquisition Regulation Supplement (AFFARS) by Air Force Acquisition Circular (AFAC) 96-1 in June 1997.

EFFECTIVE DATE: December 14, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. David Powell, SAF/AQCP, 1060 Air Force Pentagon, Washington, DC 20330-1060, telephone (703) 588-7062.

SUPPLEMENTARY INFORMATION:

Authority: 5 U.S.C. 301 and FAR 1.301.

PART 5350—[REMOVED]

Accordingly, 48 CFR, Chapter 53, is amended by removing Part 5350.

Carolyn A. Lunsford,

Air Force Federal Register Liaison Officer.

[FR Doc. 98-34192 Filed 12-24-98; 8:45 am]

BILLING CODE 5001-05-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA-98-4934]

RIN 2127-AH24

Federal Motor Vehicle Safety Standards; Occupant Crash Protection

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Final rule, correcting amendment.

SUMMARY: This document amends a final rule that was published in March 1997

that expedites the depowering of air bags. This correcting amendment clarifies that: The "corridor" defining the bounds of permissible sled acceleration will be shifted to contain the time at which the sled acceleration first reaches 0.5 g, to account for "lag" in the components of the sled system. This will make the sled test easier to conduct because early variations in sled acceleration lag will not in themselves cause the sled pulse to be outside the required acceleration corridor. While the neck injury criteria for flexion bending moment and extension bending moment are intended to be measured by the six-axis load cell, located in the dummy head, the values measured at that point will be mathematically corrected to reflect the corresponding values at the occipital condyle, a lower point near the base of the dummy's skull. Prior to testing, the engine, transmissions, axles, exhaust, vehicle frame, and vehicle body must be rigidly secured to the vehicle and/or the sled. Fluids, batteries and unsecured components will be removed. These steps will prevent spikes in the acceleration curve during the test that would result from these components moving.

DATES: *Effective Date:* The amendments made to this final rule are effective December 28, 1998.

Petitions: Petitions for reconsideration must be received by February 11, 1999.

ADDRESSES: Petitions for reconsideration should refer to the docket number of this rule and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For information about air bags and related rulemaking: Visit the NHTSA web site at <http://www.nhtsa.dot.gov> and click on the icon "Air Bag Page".

For technical issues: Mr. John Lee, Office of Safety Performance Standards, NPS-10, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone (202) 366-4924. Fax: (202) 493-2739.

For legal issues: Mr. Paul Atelsek, Office of Chief Counsel, NCC-20, National Highway Traffic Safety Administration, 400 Seventh Street, SW, Washington, DC 20590. Telephone (202) 366-2992. Fax: (202) 366-3820.

SUPPLEMENTARY INFORMATION:

I. Background

On March 19, 1997, NHTSA published a final rule amending Federal Motor Vehicle Safety Standard 208,

"Occupant Crash Protection" to temporarily permit a supplemental test procedure for air bag restraint systems (62 FR 12960-12975). The intent of the optional test procedure, known as the sled test, was to enable vehicle manufacturers to expedite their efforts to depower the air bags in their vehicles by 20 to 35 percent. The agency estimated that this amount of depowering would reduce the risk of injury and death to out-of-position child passengers, and small statured drivers and passengers.

In the final rule, the agency added a new section to Federal Motor Vehicle Safety Standard 208, "Occupant Crash Protection," S13, "Alternative unbelted test for vehicles manufactured before September 1, 2001." This new optional compliance test can be used as a substitute for the 30 mile-per-hour unbelted barrier test for air bag-equipped vehicles. The new sled test procedure involved mounting a full (i.e., completed) vehicle equipped with two unbelted 50th percentile adult male Hybrid III dummies on a sled. The sled is accelerated very rapidly backwards (relative to the direction that the occupants would be facing) by a piston mounted in front of the sled, thus simulating the deceleration that would be experienced in a 30 mph crash. The standard specifies the ranges within which the level of acceleration must fall at stated time intervals. This is referred to as the "sled pulse." The standard specifies ranges, instead of an exact single level of acceleration since defining an exact sled pulse is impracticable due to vehicle and equipment variations. The ranges of acceleration at each moment of the test collectively define a corridor within which the actual test acceleration must fall. The air bags are triggered 20 ms after the sled acceleration reaches 0.5 g. The standard also specifies neck injury criteria for the dummies.

When the final rule was issued, neither the agency nor the automotive industry had much experience with full-vehicle sled testing. Therefore, some of the test conditions and definitions used in the procedure were only partially defined. When manufacturers began to follow the optional sled test procedure, they encountered problems. Recently, several manufacturers approached the agency requesting clarifications of technical issues involving the final rule. The following is a discussion of these technical issues.

II. Issues

Two manufacturers and a vehicle test laboratory have approached the agency with specific questions concerning the