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Presidential Documents

Title 3—

The President

Proclamation 7119 of September 10, 1998

Minority Enterprise Development Week, 1998

By the President of the United States of America

A Proclamation

America's free enterprise system has always been a path to inclusion and empowerment. Under this system, generations of Americans have built good lives for themselves and their families—rising as high as their skills, effort, and determination can take them. But for minority entrepreneurs, the path has not always been free of obstacles. Sometimes held back by economic, social, and educational disadvantages, too often denied opportunities because of racial and ethnic prejudice, many minority men and women have had to struggle for equal access to the capital, tools, training, and services they need to build and maintain successful businesses.

My Administration remains committed to providing opportunities for all entrepreneurs, and we are determined to ensure the full inclusion of minority business enterprises in the economic mainstream of our Nation. The Minority Business Development Agency at the Department of Commerce continues to promote minority business growth and to create new initiatives to ensure that minority business men and women have access to the capital, information, and training they need to compete in today's domestic and global markets. Last year, the Small Business Administration (SBA) made a record $2.6 billion in loans to more than 10,000 minority-owned businesses; over the last 4 years, loans to minority borrowers have nearly tripled. And earlier this year, the SBA entered into partnership agreements with three leading minority business organizations as part of a 3-year outreach initiative. This initiative is designed to increase dramatically the SBA's financial, technical, and procurement assistance for minority entrepreneurs. These efforts will help to ensure that America's growing number of minority entrepreneurs are equipped to succeed.

Strong and successful minority enterprises benefit us all. The goods and services produced by minority-owned firms create jobs, spark community reinvestment and neighborhood pride, and increase America's productivity. With their imagination, innovative spirit, and willingness to take risks, minority entrepreneurs have made important contributions to the remarkable growth of our economy during the past 5 years. Since the beginning of my Administration, we have created more than 16 million new jobs and unemployment has reached its lowest level in 30 years. But to sustain and build on this success, we must utilize the energy and creativity of every American.

As we observe Minority Enterprise Development Week, we recognize and honor the extraordinary contributions that minority entrepreneurs make to our Nation's strength and prosperity, and we reaffirm our determination to help them make the most of today's dynamic economy.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 20 through September 26, 1998, as Minority Enterprise Development Week, and I call upon all Americans to join together with minority business entrepreneurs across the country in appropriate observances.

IN WITNESS WHEREOF, I have hereunto set my hand this Tenth day of September, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-third.

William J. Clinton

[FR Doc. 98–24855
Filed 9–14–98; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

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FARM CREDIT ADMINISTRATION

12 CFR Parts 611, 615, 620 and 627

RIN 3052–AB58

Organization; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Disclosure to Shareholders; Title V Conservators and Receivers; Capital Provisions; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published a final rule under parts 611, 615, 620 and 627 on July 22, 1998 (63 FR 39219). The final rule amends the capital adequacy and related regulations to address: interest rate risk; the grounds for appointing a conservator or receiver; capital and bylaw requirements for service corporations; and various computational issues and other issues involving the capital regulations. The rule adds safety and soundness requirements deferred from prior rulemakings, provides greater consistency with capital requirements of other financial regulators, and makes technical corrections. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is September 14, 1998.

EFFECTIVE DATE: The regulation amending 12 CFR parts 611, 615, 620 and 627 published on July 22, 1998 (63 FR 39219) is effective September 14, 1998.

FOR FURTHER INFORMATION CONTACT:
Dennis K. Carpenter, Senior Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102–5090, (703)883–4498;
or
Rebecca S. Orlich, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703)883–4020, TDD (703)883–4444.

(12 U.S.C. 2252(a)(9) and (10))

Dated: September 9, 1998.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 98–24632 Filed 9–14–98; 8:45 am]
BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–49–AD; Amendment 39–10755; AD 98–19–14]

RIN 2120–AA64

Airworthiness Directives; S.N. Centrair 101 Series Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all S.N. Centrair (Centrair) 101 series sailplanes. This AD requires replacing the airbrake control system with one of improved design. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified by this AD are intended to prevent loss of the airbrake control system caused by cracks in the original design airbrake control system, which could result in an inadvertent forced landing with consequent sailplane damage and/or passenger injury.

DATES: Effective November 9, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 9, 1998.

ADDRESSES: Service information that applies to this AD may be obtained from S.N. Centrair, Aerodrome, 36300 Le Blanc, France; telephone: 02.54.37.07.96; facsimile: 02.54.37.48.64. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–49–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106, or at the Office of the Federal Register, 800 North Capital Street, NW, Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Events Leading to the Issuance of This AD

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Centrair 101 series sailplanes was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on June 9, 1998 (63 FR 31372). The NPRM proposed to require replacing the existing airbrake control system. Accomplishment of the proposed action as specified in the NPRM would be in accordance with the appropriate Centrair maintenance manual and FAA Advisory Circular (AC) 43.13–1A: Acceptable Methods, Techniques, and Practices-Aircraft Inspection and Repair.

The NPRM was the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received.

Comment Issue No. 1: Parts Availability

The commenter has a concern that the aircraft manufacturer will not provide the parts necessary to accomplish the actions of the proposed AD in a timely manner.

The FAA is currently working with the Direction Generale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, and S.N. Centrair concerning the availability of replacement parts for all of the affected sailplanes. In the interim, the FAA has determined that repetitive inspections are authorized if parts have been ordered from the manufacturer, but

are not available. The repetitive inspections will be required at intervals not to exceed 12 calendar months. If cracks are found, the owner/operator of the affected sailplane will need to either contact the FAA for an acceptable repair and incorporate this repair before further flight or wait for the parts to become available and install the replacement parts before further flight.

The final rule will reflect this alternative method to accomplishing the AD if parts are not available.

Comment Issue No. 2: Allow the Option for Repetitive Inspections

The commenter suggests that the proposal allow for continued repetitive inspections of the airbrake control system provided no cracks are found, with the option of replacing the associated parts with parts of a new design that, when installed, would eliminate the repetitive inspection requirement. This is specified in S.N. Centrair Service Bulletin No. 101–16, Revision 2, dated September 10, 1997.

The FAA does not concur. The FAA's policy is to provide a corrective action, when available, that will eliminate the need for repetitive inspections. The FAA has determined that long-term operational safety will be better assured by design changes that remove the source of the problem, rather than by repetitive inspections or other special procedures. Since a design change exists for the airbrake control system that, when incorporated, would eliminate the need for repetitive inspections, no changes to the final rule are necessary as a result of this comment.

The only exception to this would be if parts were not available. As discussed in Comment Issue No. 1, the owner/operator could repetitively inspect every 12 calendar months provided parts have been ordered, are not available, and no cracks are found in the airbrake control system.

The FAA's Determination

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for the addition of the provision for repetitively inspecting the airbrake control system if parts were not available and minor editorial corrections. The FAA has determined that this addition and these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

Compliance Time of This AD

The compliance time of this AD is in calendar time instead of hours time-in-service (TIS). The average monthly usage of the affected sailplanes ranges throughout the fleet. For example, one owner may operate the sailplane 25 hours TIS in one week, while another operator may operate the sailplane 25 hours TIS in one year. In order to ensure that all of the owners/operators of the affected sailplanes have replaced the airbrake control system within a reasonable amount of time, the FAA is requiring replacement within the next 3 calendar months after the effective date of the AD, unless parts are not available. If parts were not available, the initial inspection would be required within this 3 calendar months time period with recurring inspections every 12 calendar months until the parts were available or cracks were found (where operation of the sailplane would no longer be required until repair or replacement).

Cost Impact

The FAA estimates that 41 sailplanes in the U.S. registry will be affected by this AD, that it will take approximately 4 workhours per sailplane to accomplish this action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $100 per sailplane. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $13,940, or $340 per sailplane.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by Reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

98–19–14 S.N. Centrair: Amendment 39–10755; Docket No. 98–CE–49–AD.

Applicability: Models 101, 101A, 101P, 101AP sailplanes, all serial numbers, certificated in any category.

Note 1: This AD applies to each sailplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent loss of the airbrake control system caused by cracks in the original design airbrake control system, which could result in an inadvertent forced landing with consequent sailplane damage and/or passenger injury, accomplish the following:

(a) Within the next 3 calendar months after the effective date of this AD, replace the existing airbrake control system in accordance with the appropriate S.N. Centrair maintenance manual and FAA Advisory Circular (AC) 43.13–1A: Acceptable Methods, Techniques, and Practices-Aircraft Inspection and Repair, as follows:

(1) For sailplanes equipped with manual aileron and airbrake control systems, install S.N. Centrair part number (P/N) $YO57D or an FAA-approved equivalent part number.

(2) For sailplanes equipped with an automatic aileron and airbrake control system, install S.N. Centrair P/N $Y818E or an FAA-approved equivalent part number.

(b) If the parts required by the replacement required in paragraph (a) of this AD have been ordered, but are not available from the manufacturer, within the next 3 calendar months after the effective date of this AD, and thereafter at intervals not to exceed 12 calendar months provided parts are still not available, inspect the airbrake control system for cracks. Accomplish this inspection in accordance with S.N. Centrair Service Bulletin No. 101–16, Revision 2, dated September 10, 1997.

(1) If cracks are found, prior to further flight, accomplish one of the following:

(i) Obtain a repair scheme from the FAA at the address specified in paragraph (d) of this AD, and prior to further flight, incorporate this repair scheme; or

(ii) Replace the airbrake control system, as required by paragraph (a) of this AD, when the parts become available. Continued operation of the sailplane until parts become available is not allowed.

(2) If parts become available, prior to further flight, replace the airbrake control system as specified in paragraph (a) of this AD.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the sailplane to a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(e) Questions or technical information related to S.N. Centrair Service Bulletin No. 101–16, Revision 2, dated September 10, 1997, should be directed to S.N. Centrair, Aerodrome, 36300 Le Blanc, France; telephone: 02.54.37.07.96; facsimile: 02.54.37.48.64. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri.

Note 3: The subject of this AD is addressed in French AD 95–261(A)R1, dated November 20, 1996

(f) The inspection required by this AD (if parts are not available) shall be done in accordance with S.N. Centrair Service Bulletin No. 101–16, Revision 2, dated September 10, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from S.N. Centrair, Aerodrome, 36300 Le Blanc, France. Copies may be inspected at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(g) This amendment becomes effective on November 9, 1998.

Issued in Kansas City, Missouri, on September 3, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–24404 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–272–AD; Amdt. 39–10738; AD 98–18–22]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model DC–9–10, –15, and –30 Series Airplanes, and C–9 (Military) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC–9–10, –15, and –30 series airplanes, and C–9 (military) airplanes, that requires a one-time visual inspection to determine if all corners of the upper cargo doorjamb have been previously modified; various follow-on repetitive inspections; and modification, if necessary. This amendment is prompted by reports of fatigue cracks found in the fuselage skin and doubler at the corners of the upper cargo doorjamb. The actions specified by this AD are intended to detect and correct such fatigue cracking, which could result in rapid decompression of the fuselage and consequent reduced structural integrity of the airplane.

DATES: Effective October 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 20, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Wahib Mina, Aerospace Engineer, Airframe Branch, ANM–120L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627–5324; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC–9–10, –15, and –30 series airplanes, and C–9 (military) airplanes, was published in the **Federal Register** on February 26, 1997 (62 FR 8644). That action proposed to require a one-time visual inspection to determine if all corners of the upper cargo doorjamb have been previously modified; various follow-on repetitive inspections; and modification, if necessary.

Consideration of Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Withdraw the Proposed AD

One commenter states that an adequate level of safety is being maintained through the Supplemental Structural Inspection Document (SSID) program and routine maintenance, and that mandating the proposed AD would have an adverse operational impact on all operators. The FAA infers that the commenter does not consider it necessary to issue the proposed AD.

The FAA does not concur. The FAA and the manufacturer have conducted fatigue and damage-tolerance analyses of the upper cargo doorjamb corners. Findings revealed that the fatigue life threshold (N_{th}) for the doorjamb corners, principal structural element (PSE) 53.09.023, is 41,000 total landings instead of the 82,106 total landings specified in Supplemental Inspection Document (SID) L26–008. In light of these findings, the FAA has determined that neither the SSID program nor routine maintenance is an appropriate means to ensure the detection and correction of such fatigue cracking. The FAA has made no change to the proposed AD.

Request To Change the Compliance Time for the Inspections

One commenter suggests performing the initial inspection using eddy current at the corners of the upper cargo door jamb every 3,000 cycles. In addition, the commenter suggests performing the x-ray inspection at 9,000 cycles or during a "D" check, whichever comes first.

The FAA does not concur. The FAA does not consider that an eddy current inspection would be appropriate for the initial inspection, as described in the following paragraph. The FAA considers that the following compliance times are appropriate: 3,000 landings (as specified in paragraph (a) of the proposed AD) and prior to further flight (as specified by paragraph (b) of the proposed AD). These inspection intervals were based on the technical factors needed to ensure continued safety of flight. In light of these factors, the FAA has determined that the compliance times required by the proposed AD are necessary, and no change has been made to the final rule.

Request To Change the Type of Initial Inspection

One commenter suggests performing an eddy current inspection at the corners of the upper cargo door jamb with the door closed instead of the one-time visual inspection required by paragraph (a) of the proposed AD.

The FAA does not concur. The FAA has evaluated findings by the manufacturer which indicate that cracks in the specified area could not be detected by an eddy current inspection while the cargo door is closed. Based on these data, the FAA has determined that the visual inspection required by paragraph (a) of the proposed AD is appropriate. No change has been made to the final rule.

Proposed AD Would Have an Adverse Economic Impact

The commenter states that the proposed AD would adversely affect those airlines that use the specified airplanes only for passenger service with the cargo door inoperative. The commenter adds that the economic impact for the visual and x-ray inspections would be approximately $21,500 per airplane per year for a passenger configuration. The FAA infers from these statements that the commenter considers that the inspections required by the proposed NPRM are too expensive.

The FAA does not concur. Because commenter did not provide any substantiating data for its proposed revision to the cost estimate, the FAA considers that the estimate specified by the proposed AD is appropriate. Therefore, the FAA has made no changes to the final rule.

Explanation of Changes Made to the Proposed AD

Since issuance of the NPRM, the FAA has added paragraph (d) to the final rule to include a terminating action only for certain requirements of AD 96–13–03, amendment 39–9671 (61 FR 31009, dated June 19, 1996), with respect to PSE 53.09.023, of DC–9 Supplemental Inspection Document (SID) L26–008.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the final rule with the addition of the change described in the preceding paragraph. The FAA has determined that the final rule will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 93 McDonnell Douglas Model DC–9–10, –15, and –30 series airplanes, and C–9 (military) airplanes of the affected design in the worldwide fleet. The FAA estimates that 80 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required one-time visual inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the one-time visual inspection required by this AD on U.S. operators is estimated to be $4,800, or $60 per airplane.

Should an operator be required to accomplish the necessary x-ray inspection, it would take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of any necessary x-ray inspection action is estimated to be $60 per airplane, per inspection cycle.

Should an operator be required to accomplish the necessary eddy current inspection, it would take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of any necessary eddy current inspection action is estimated to be $60 per airplane, per inspection cycle.

Should an operator be required to accomplish the necessary modification, it would take approximately 14 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. The cost of required parts could range from $714 per airplane to as much as $1,526 per airplane. Based on these figures, the cost impact of any necessary modification action is estimated to be between $1,554 and $2,366 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98–18–22 McDonnell Douglas: Amendment 39–10738. Docket 96–NM–272–AD.

Applicability: Model DC–9–10, –15, and –30 series airplanes, and C–9 (military) airplanes; as listed in McDonnell Douglas Service Bulletin DC9–53–276, dated September 30, 1996; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking in the fuselage skin or doubler at the corners of the upper cargo doorjamb, which could result in rapid decompression of the fuselage and consequent reduced structural integrity of the airplane, accomplish the following:

Note 2: Where there are differences between the service bulletin and the AD, the AD prevails.

Note 3: The words "repair" and "modify/modification" in this AD and the referenced service bulletin are used interchangeably.

Note 4: This AD will affect principal structural element (PSE) 53.09.023 of the DC–9 Supplemental Inspection Document (SID).

(a) Prior to the accumulation of 41,000 total landings, or within 3,000 landings after the effective date of this AD, whichever occurs later, perform a one-time visual inspection to determine if the corners of the upper cargo doorjamb have been modified prior to the effective date of this AD.

(b) If the visual inspection required by paragraph (a) of this AD reveals that the corners of the upper cargo doorjamb *have not been modified,* prior to further flight, perform an x-ray inspection to detect cracks of the fuselage skin and doubler at all corners of the upper cargo doorjamb, in accordance with McDonnell Douglas Service Bulletin DC9–53–276, dated September 30, 1996.

(1) If no crack is detected during the x-ray inspection required by this paragraph, accomplish the requirements of either paragraph (b)(1)(i) or (b)(1)(ii) of this AD, in accordance with McDonnell Douglas Service Bulletin DC9–53–276, dated September 30, 1996.

(i) *Option 1.* Repeat the x-ray inspection required by paragraph (b) of this AD thereafter at intervals not to exceed 3,000 landings; or

(ii) *Option 2.* Prior to further flight, modify the corner skin of the upper cargo doorjamb, in accordance with the service bulletin. Prior to the accumulation of 28,000 landings after accomplishment of the modification, perform an eddy current inspection to detect cracks on the skin adjacent to the modification, in accordance with the service bulletin.

(A) If no crack is detected on the skin adjacent to the modification during the eddy current inspection required by this paragraph, repeat the eddy current inspection thereafter at intervals not to exceed 20,000 landings.

(B) If any crack is detected on the skin adjacent to the modification during any eddy current inspection required by this paragraph, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(2) If any crack is found during any x-ray inspection required by this paragraph and the crack is 2 inches or less in length: Prior to further flight, modify/repair it in accordance with the service bulletin. Prior to the accumulation of 28,000 landings after accomplishment of the modification, perform an eddy current inspection to detect cracks on the skin adjacent to the modification, in accordance with the service bulletin.

(i) If no crack is detected during the eddy current inspection required by this paragraph, repeat the eddy current inspection thereafter at intervals not to exceed 20,000 landings.

(ii) If any crack is detected during any eddy current inspection required by this paragraph, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(3) If any crack is found during any x-ray inspection required by this paragraph and the crack is greater than 2 inches in length: Prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(c) If the visual inspection required by paragraph (a) of this AD reveals that the corners of the upper cargo doorjamb *have been modified* previously: Prior to the accumulation of 28,000 landings after accomplishment of that modification, or within 3,000 landings after the effective date of this AD, whichever occurs later, perform an eddy current inspection to detect cracks on the skin adjacent to the modification, in accordance with McDonnell Douglas Service Bulletin DC9–53–276, dated September 30, 1996.

(1) If no crack is detected during the eddy current inspection required by this paragraph, repeat the eddy current inspection thereafter at intervals not to exceed 20,000 landings.

(2) If any crack is detected during any eddy current inspection required by this paragraph, prior to further flight, repair it in accordance with a method approved by the Manager, Los Angeles ACO.

(d) Accomplishment of the actions required by this AD constitutes terminating action only for certain requirements of AD 96–13–03, amendment 39–9671 (61 FR 31009, dated June 19, 1996), with respect to PSE 53.09.023, of DC–9 Supplemental Inspection Document (SID) L26–008.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, Los Angeles ACO.

(f) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) Except as provided in paragraphs (a), (b)(1)(ii)(B), (b)(2)(ii), (b)(3), and (c)(2) of this AD, the actions shall be done in accordance with McDonnell Douglas Service Bulletin DC9–53–276, dated September 30, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from The Boeing Company, Douglas Products Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Department C1–L51 (2–60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on October 20, 1998.

Issued in Renton, Washington, on August 28, 1998.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–24246 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–47–AD; Amdt. 39–10739; AD 98–18–23]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 747

series airplanes, that currently requires repetitive high frequency eddy current (HFEC) inspections to detect cracking on all surfaces of the upper recesses in certain latch support fittings of the cargo doorway, and replacement of cracked fittings with new fittings. The existing AD also provides for optional terminating action for the repetitive inspections. This amendment requires accomplishment of the previously optional terminating action. This amendment is prompted by reports indicating that the repetitive inspections required by the existing AD may not detect cracked fittings in a timely manner. The actions specified by this AD are intended to prevent the cargo door from opening while the airplane is in flight, which could result in rapid decompression of the airplane.

DATES: Effective October 20, 1998.

The incorporation by reference of Boeing Alert Service Bulletin 747–53A2377, dated December 10, 1992, and Boeing Service Bulletin 747–53A2377, Revision 2, dated October 6, 1994, as listed in the regulations, is approved by the Director of the Federal Register as of October 20, 1998.

The incorporation by reference of Boeing Service Bulletin 747–53A2377, Revision 1, dated January 28, 1993, as listed in the regulations, was approved previously by the Director of the Federal Register as of March 11, 1993 (58 FR 11190, February 24, 1993).

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, PO Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Bob Breneman, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2776; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 93–02–16, amendment 39–8500 (58 FR 11190, February 24, 1993), which is applicable to certain Boeing Model 747 series airplanes, was published in the **Federal Register** on December 11, 1997 (62 FR 65233). The action proposed to continue to require repetitive high frequency eddy current inspections to detect cracking on all surfaces of the upper recesses in certain latch support fittings of the cargo doorway, and replacement of cracked fittings with new fittings. The action also proposed to require accomplishment of the previously optional terminating action.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Rule

Several commenters support the proposed rule.

Request To Revise Cost Estimate

One commenter requests that the cost estimate for the proposed rule be increased to $4,500 per installation to reflect replacement of two truss fittings associated with each latch support fitting. The commenter notes that certain truss fittings [(the subject of AD 79–17–02 R2, amendment 39–3867 (45 FR 52357, August 7, 1980)] and certain latch support fittings (the subject of this AD) are made of the same 7079–T6 material. The commenter reports that it intends to replace the truss fittings at the same time it replaces the latch support fittings.

The FAA does not concur that the estimated cost of replacement of the latch support fittings should be increased to $4,500 per installation. This AD does not require replacement of any truss fittings that are attached to the latch support fittings. Although AD 79–17–02 R2 requires that the truss fittings be inspected, it does not require replacement because of the fail-safe design that incorporates two truss fittings for each latch support fitting. While the FAA acknowledges that it would be prudent for operators to replace those truss fittings at the same time the latch support fittings are replaced, this AD does not require replacement of any truss fittings. No change to the cost estimate of the final rule is necessary.

Request To Reduce Compliance Times

One commenter (the Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom) requests that the compliance time for the proposed actions be reduced. Specifically, the CAA suggests that the inspections be performed at 3-month intervals and the latch support fittings replaced within 12 months. In support of its recommendation, the commenter refers to a report of an 8-inch crack found in a latch support fitting on a Boeing Model 747 series airplane. The fitting had been inspected twice in a 6-month period; no crack had been found during the first inspection. The commenter suggests that, based on the reported incident, such reduced compliance times would be more realistic.

The FAA does not concur with the request to reduce the compliance times. The FAA finds that the proposed 18-month replacement threshold will provide an acceptable level of safety because of the fail-safe capability resulting from multiple latch support fittings. In addition, the 18-month compliance time will allow for the fittings to be replaced during scheduled maintenance at regular maintenance bases, thereby minimizing the impact on affected operators. The FAA recognizes the CAA's jurisdiction and authority to require accomplishment within its suggested inspection interval and replacement threshold on affected airplanes within the United Kingdom.

Comment Concerning Availability of Materials

One commenter states that the 18-month replacement threshold required by this AD should not present a scheduling problem provided that materials are available from the manufacturer.

At this time, the FAA is not aware of any scheduling difficulties that may delay operators' acquisition of the required materials for timely compliance with this AD.

Change to the Rule

Operators should note that new paragraph (b) of the final rule has been revised to include an additional source of service information for accomplishment of the replacement. This change allows operators to replace the support fittings in accordance with Boeing Service Bulletin 747–53A2377, Revision 1, dated January 28, 1993, in addition to the other cited versions of alert service bulletin.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 200 Boeing Model 747 series airplanes of the affected design in the worldwide fleet.

The FAA estimates that 115 airplanes of U.S. registry will be affected by this AD.

The inspections that currently are required by AD 93–02–16, and retained in this AD, take approximately 31 work hours per airplane, per inspection cycle, to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required inspections on U.S. operators is estimated to be $213,900, or $1,860 per airplane, per inspection cycle.

The new action (replacement of the latch support fittings) that is required by this AD will take approximately 1,019 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts will cost approximately $20,917 per airplane ($12,888 for all aft door fittings; $8,029 for all forward door fittings). Based on these figures, the cost impact of the new replacement requirements of this AD on U.S. operators is estimated to be $9,436,555, or $82,057 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8500 (58 FR 11190, February 24, 1993), and by adding a new airworthiness directive (AD), amendment 39–10739, to read as follows:

98–18–23 Boeing: Amendment 39–10739. Docket 97–NM–47–AD. Supersedes AD 93–02–16, Amendment 39–8500.

Applicability: Model 747 series airplanes, line numbers 1 through 200 inclusive; having 7079–T6 aluminum latch support fittings; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent the cargo door from opening while the airplane is in flight, which could result in rapid decompression of the airplane, accomplish the following:

Restatement of the Requirements of this AD 93–02–16

(a) Within 60 days after March 11, 1993 (the effective date of AD 93–02–16, amendment 39–8500), perform a high frequency eddy current (HFEC) inspection to detect cracking on all surfaces of the upper recess in each 7079–T6 aluminum latch support fitting of the cargo doorway, in accordance with Boeing Service Bulletin 747–53A2377, Revision 1, dated January 28, 1993, or Revision 2, dated October 6, 1994. After the effective date of this AD, only Revision 2 of the service bulletin shall be used.

Note 2: Boeing Service Bulletin 747–53A2377, Revision 2, dated October 6, 1994, references Boeing Service Bulletin 747–53–2200, Revision 1, dated November 16, 1979, as an additional source of service information for the replacement of these fittings.

(1) If any cracking is found on any fitting, prior to further flight, replace the cracked fitting with a new 7075–T73 aluminum latch support fitting in accordance with Boeing Service Bulletin 747–53A2377, Revision 1, dated January 28, 1993, or Revision 2, dated October 6, 1994. After the effective date of this AD, only Revision 2 of the service bulletin shall be used.

(2) If no cracking is found on any fitting, repeat the HFEC inspection thereafter at intervals not to exceed 18 months until the requirements of paragraph (b) of this AD are accomplished.

New Requirements of This AD

(b) Within 18 months after the effective date of this AD, replace all 7079–T6 aluminum latch support fittings with new 7075–T73 fittings, in accordance with Boeing Alert Service Bulletin 747–53A2377, dated December 10, 1992, Boeing Service Bulletin 747–53A2377, Revision 1, dated January 28, 1993, or Boeing Service Bulletin 747–53A2377, Revision 2, dated October 6, 1994. Replacement of all latch support fittings constitutes terminating action for the inspection requirements of this AD.

(c) As of the effective date of this AD, no operator shall install any 7079–T6 aluminum latch support fitting of the cargo door on any airplane.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) The actions shall be done in accordance with Boeing Alert Service Bulletin 747–53A2377, dated December 10, 1992; Boeing Service Bulletin 747–53A2377, Revision 1, dated January 28, 1993; or Boeing Service Bulletin 747–53A2377, Revision 2, dated October 6, 1994.

(1) The incorporation by reference of Boeing Alert Service Bulletin 747–53A2377, dated December 10, 1992, and Boeing Service Bulletin 747–53A2377, Revision 2, dated October 6, 1994, is approved by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(2) The incorporation by reference of Boeing Service Bulletin 747–53A2377, Revision 1, dated January 28, 1993, was approved previously by the Director of the Federal Register as of March 11, 1993 (58 FR 11190, February 24, 1993).

(3) Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707,

Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on October 20, 1998.

Issued in Renton, Washington, on August 28, 1998.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–24247 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–156–AD; Amdt. 39–10740; AD 98–18–24]

RIN 2120–AA64

Airworthiness Directives; Airbus Industrie Model A320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A320 series airplanes, that requires repetitive inspections to detect cracking in the inner flange of door frame 66, and corrective actions, if necessary. This amendment also provides for an optional terminating action for the repetitive inspections. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to correct fatigue cracking in the inner flange of door frame 66, which could result in reduced structural integrity of the airplane.

DATES: Effective October 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 20, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A320 series airplanes was published in the **Federal Register** on May 12, 1998 (63 FR 26102). That action proposed to require repetitive inspections to detect cracking in the inner flange of door frame 66, and corrective actions, if necessary. That action also proposed to provide for an optional terminating action for the repetitive inspections.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

One commenter supports the intent of the proposed rule.

Request To Allow Flight With Known Cracks

One commenter, the manufacturer, requests that the proposed AD be revised to allow operators to continue operation of an unrepaired airplane following detection of cracks, utilizing the follow-on inspections and conditions described in Airbus Service Bulletin A320–53–1071. The commenter states that the follow-on inspection intervals are based on fatigue test results and calculations of the crack propagation rate, depending on the crack length. The commenter also states that the structure of the Airbus Model A320 series airplane is classified as damage tolerant. Additionally, the commenter notes that the inspection program specified in the service bulletin was developed in order to prevent the need for extensive repairs of the airplane.

The FAA does not concur. It is the FAA's policy to require repair of known cracks prior to further flight, except in certain cases of unusual need, as discussed below.

This policy is based on the fact that such damaged airplanes do not conform to the FAA certificated type design, and therefore, are not airworthy until a properly approved repair is incorporated. While recognizing that repair deferrals may be necessary at times, the FAA policy is intended to minimize adverse human factors relating to the lack of reliability of long-term repetitive inspections, which may reduce the safety of the type certificated design if such repair deferrals are practiced routinely.

As noted above, the FAA's policy regarding flight with known cracks does allow deferral of repairs in certain cases, if there is an unusual need for a temporary deferral. Unusual needs include such circumstances as legitimate difficulty in acquiring parts to accomplish repairs. Under such conditions, the FAA may allow a temporary deferral of the repair, subject to a stringent inspection program acceptable to the FAA. The FAA acknowledges that the manufacturer has specified inspection intervals that are intended to allow continued operation with known cracks, and to prevent the need for extensive repairs. However, since the FAA is not aware of any unusual need for repair deferral in regard to this AD, the FAA has not evaluated these inspection intervals.

Additionally, the FAA policy applies to airplanes certificated to damage tolerance evaluation regulations as well as those not so certificated. Therefore, the commenter's statement that "the Airbus Model A320 airplane structure is classified as damage tolerant" is not relevant to the application of the FAA's policy in this regard.

The FAA considers the compliance times in this AD to be adequate to allow operators to acquire parts to have on hand in the event that a crack is detected during inspection. Therefore, the FAA has determined that, due to the safety implications and consequences associated with such cracking, any subject area that is found to be cracked must be repaired or modified prior to further flight. No change to the final rule is necessary.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 132 Airbus Model A320 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 8 work hours per airplane to accomplish the required inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the inspection required by this AD on U.S. operators is estimated to be $63,360, or $480 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and

that no operator would accomplish those actions in the future if this AD were not adopted.

Should an operator elect to accomplish the modification, it would take approximately 5 work hours per airplane to accomplish the actions, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the optional modification provided by this AD on U.S. operators is estimated to be $300 per airplane.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98–18–24 Airbus Industrie: Amendment 39–10740. Docket 97–NM–156–AD.

Applicability: Model A320 series airplanes on which Airbus Modification 21778 (reference Airbus Service Bulletin A320–53–1072, dated November 7, 1995, as revised by Change Notice 0A, dated July 5, 1996) has not been accomplished, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To correct fatigue cracking in the inner flange of door frame 66, left and right, which could result in reduced structural integrity of the airplane, accomplish the following:

(a) Prior to the accumulation of 20,000 total flight cycles, or within 1 year after the effective date of this AD, whichever occurs later: Perform a rotating probe eddy current inspection to detect cracking around the edges of the gusset plate attachment holes of the inner flange of door frame 66, left and right, at stringer positions P18, P20, P22, P18, P20, and P22, in accordance with Airbus Service Bulletin A320–53–1071, dated November 7, 1995, as revised by Change Notice 0A, dated July 5, 1996. If any crack is detected, prior to further flight, repair in accordance with a method approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Repeat the inspection thereafter at intervals not to exceed 20,000 flight cycles.

(b) Modification of the gusset plate attachment holes of the inner flange of door frame 66, left and right (Airbus Modification 21778), in accordance with Airbus Service Bulletin A320–53–1072, dated November 7, 1995, as revised by Change Notice 0A, dated July 5, 1996, constitutes terminating action for the repetitive inspection requirements of this AD.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The inspections shall be done in accordance with Airbus Service Bulletin A320–53–1071, dated November 7, 1995, as revised by Change Notice 0A, dated July 5, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive 96–234–087(B), dated October 20, 1996.

(f) This amendment becomes effective on October 20, 1998.

Issued in Renton, Washington, on August 28, 1998.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–24248 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–290–AD; Amdt. 39–10741; AD 98–18–25]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F28 Mark 1000, 2000, 3000, and 4000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 1000, 2000, 3000, and 4000 series airplanes, that requires replacement of certain hinges on the forward, center, and aft cargo doors with improved hinges. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent failure of the cargo door hinges caused by stress corrosion or fatigue cracks, which could result in

decompression of the airplane, and possible in-flight separation of the cargo door.

DATES: Effective October 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 20, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington, 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 1000, 2000, 3000, and 4000 series airplanes was published in the **Federal Register** on December 18, 1997 (62 FR 66317). That action proposed to require replacement of certain hinges on the forward, center, and aft cargo doors with improved hinges.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

Request To Require Revision 12 of Structural Integrity Program (SIP)

One commenter suggests that the FAA revise AD 91–05–10 to require accomplishment of Revision 12 of the F28 Structural Integrity Program (SIP), rather than Revision 10. The commenter states that this change would be more effective than issuance of the proposed AD, which requires replacement of the cargo door hinges in accordance with Fokker Service Bulletin F28/52–110, dated April 7, 1993. The commenter notes that, as part of SIP Items 52–30–09 and 52–30–10, Revision 12 of the SIP specifies a reduction in the inspection intervals for the cargo door hinges, following their replacement as described in Fokker Service Bulletin F28/52–110. The commenter states that this reduction indicates that the hinges installed per the service bulletin are not significantly improved over those previously installed, and that the actions required by this proposed AD may be obsolete.

The FAA does not concur with the commenter's request to revise AD 91–05–10 and withdraw this proposed AD. The FAA first finds it necessary to clarify that AD 93–13–04, amendment 39–8617 (58 FR 38513, July 19, 1993), presently requires accomplishment of Revision 10 of the SIP, rather than AD 91–05–10, as suggested by the commenter. Based on information provided by the manufacturer, as well as further review of SIP Items 52–30–09 and 52–30–10, the FAA has determined that replacement of the cargo door hinges is necessary, as required by this AD, in order to adequately address the identified unsafe condition. The FAA may also consider separate rulemaking to require accomplishment of Revision 12 of the SIP; however, no change to this final rule is necessary.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 37 airplanes of U.S. registry will be affected by this AD.

It will take approximately 62 work hours per airplane to replace the forward cargo door hinge, at an average labor rate of $60 per work hour. Required parts will cost approximately $5,740 per airplane. Based on these figures, the cost impact of this replacement required by this AD on U.S. operators is estimated to be $350,020, or $9,460 per airplane.

It will take approximately 62 work hours per airplane to replace the center cargo door hinge, at an average labor rate of $60 per work hour. Required parts will cost approximately $5,650 per airplane. Based on these figures, the cost impact of this replacement required by this AD on U.S. operators is estimated to be $346,690, or $9,370 per airplane.

It will take approximately 46 work hours per airplane to replace the aft cargo door hinge, at an average labor rate of $60 per work hour. Required parts will cost approximately $6,470 per airplane. Based on these figures, the cost impact of this replacement required by this AD on U.S. operators is estimated to be $341,510, or $9,230 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98–18–25 Fokker: Amendment 39–10741. Docket 97–NM–290–AD.

Applicability: Model F28 Mark 1000, 2000, 3000, and 4000 series airplanes; serial numbers 11003 through 11241 inclusive, 11991, and 11992; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability

provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the cargo door hinges caused by stress corrosion and/or fatigue cracks, which could result in decompression of the airplane, and possible in-flight separation of the cargo door; accomplish the following:

(a) Within 12 months after the effective date of this AD, replace the hinges on the forward, center, and aft belly cargo doors with improved hinges in accordance with Part 1, Part 2, and Part 3, as applicable, of the Accomplishment Instructions of Fokker Service Bulletin F28/52–110, dated April 7, 1993.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(c) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The actions shall be done in accordance with Fokker Service Bulletin F28/52–110, dated April 7, 1993. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Services B.V., Technical Support Department, P.O. Box 75047, 1117 ZN Schiphol Airport, the Netherlands. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in Dutch airworthiness directive 93–055 (A), dated April 23, 1993.

(e) This amendment becomes effective on October 20, 1998.

Issued in Renton, Washington, on August 28, 1998.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–24249 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–123–AD; Amendment 39–10737; AD 98–18–21]

RIN 2120–AA64

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA) Model C–212 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all CASA Model C–212 series airplanes, that requires implementation of a corrosion prevention and control program either by accomplishing specific inspections or by revising the maintenance inspection program to include such a program. This amendment is prompted by reports of incidents involving corrosion and fatigue cracking in transport category airplanes that are approaching or have exceeded their economic design goal; these incidents have jeopardized the airworthiness of the affected airplanes. The actions specified by this AD are intended to prevent degradation of the structural capabilities of the airplane due to the problems associated with corrosion.

DATES: Effective October 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 20, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all CASA Model C–212 series airplanes was published in the **Federal Register** on February 5, 1997 (62 FR 5350). That action proposed to require implementation of a corrosion prevention and control program either by accomplishing specific inspections or by revising the maintenance inspection program to include such a program.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Shorten Initial Compliance Time

Several commenters request that the one year compliance time for accomplishment of initial corrosion inspections, as specified in the proposed AD, be shortened to be effective immediately upon issuance of the AD. The commenters consider the one year period for implementation of the corrosion prevention and control program (CPCP) to be too long, unnecessary, and not in the best interests of public safety.

The FAA does not concur with the commenters' request. In developing an appropriate compliance time, the FAA considered the risk to the affected airplanes, as well as the magnitude and complexity of the CPCP. The FAA does not consider the risk to these airplanes during the one year implementation period to be great, since the requirement to implement the CPCP does not stem from a specific finding of serious corrosion on CASA Model C–212 series airplanes. Rather, the CPCP is proactive in nature, in that it establishes a comprehensive program designed to prevent corrosion from developing in the future to the point that it could affect safe operation of these airplanes.

However, the FAA does consider it necessary to allow operators sufficient time for implementation of the requirements of the CPCP. The tasks to be accomplished as part of the CPCP are complex and time consuming; complete accomplishment of these tasks could require an elapsed time of several weeks. Given the magnitude of the CPCP tasks required by this AD, the FAA considers a one year period to be appropriate, to allow operators time to plan for implementation of these tasks on the fleet of affected airplanes.

In light of these factors, the FAA has determined that no change to the final rule is necessary.

Inspections of All Airplanes At Least Once Per Year

Several commenters request that the proposed AD be revised to require accomplishment of the initial CPCP inspections on all affected airplanes at a minimum rate of once per year. The commenters question if the AD, as proposed, would allow accomplishment of the initial inspection over an extended period of time, amounting to up to ten years in some cases (on a fleet of ten or more airplanes). The commenters state, if this is the case, the proposed AD should not be implemented in this way.

The FAA infers that the commenters are concerned about the length of time prior to accomplishment of the initial CPCP inspections for some airplanes. However, in the example provided by the commenter, an operator would not necessarily be allowed 10 years to accomplish the initial inspections in the CPCP. Rather, the schedule for compliance is dependent on the age of the airplane. For all airplanes over 15 years of age, this AD requires completion of the initial inspection in no more than 4 years. In consideration of the amount of work involved in accomplishing the CPCP, the FAA considers this time frame to be justified. Operators of affected airplanes that are newer would have a longer time to accomplish the initial inspections. However, as newer airplanes are less likely to have corrosion present, the FAA considers this longer time period to be appropriate as well.

Additionally, during any of the CPCP inspections required by this AD, the inspection schedule for airplanes in an operator's fleet is also dependent on any significant corrosion finding (Level 2 or Level 3) made on any airplane in its affected fleet. For example, if an operator were to discover Level 3 corrosion during the inspection of its first airplane, it would then accomplish the requirements of paragraph (d) of the AD. Paragraph (d) would require that operator to propose to the FAA a schedule for timely inspection of the rest of its fleet of affected airplanes, or, to provide data to the FAA substantiating that such a finding of Level 3 corrosion is an isolated occurrence. For FAA approval, the proposed inspection schedule would need to be in concert with the severity of the corrosion finding. The FAA considers this method of preventing and controlling corrosion to be appropriate and adequate to maintain continued operational safety for these airplanes; therefore, no change to the final rule is necessary.

Request To Inspect Airplanes Prior to Repairs

Two commenters request that the proposed AD be revised to require inspection of each airplane immediately preceding any repairs. The commenters state that such a requirement would ensure that the repairs are within the standards, and so that the airplane may regain its airworthy status. The FAA infers that the commenter may be requesting that inspections be accomplished immediately following any repairs. However, the FAA does not concur with such a request. Following any repairs, existing Federal Aviation Regulations already require assurance that the repairs are adequate and that the airplane is in an airworthy condition. Therefore, requiring additional inspection of the repaired area is not necessary.

Request To Retire Older Airplanes

Two commenters express concern about aging airplanes of all models, and suggest that, if airplanes are no longer up to standards, they should not be allowed to operate any longer. The commenters further state that time is being spent to fix something which is constantly being updated. With the advent of new technology, the commenters believe that better, newer airplanes would be available as a substitute for older airplanes which no longer meet the standards. The FAA acknowledges the concern of the commenters. However, the purpose of this AD is to address the identified unsafe condition, and the FAA has determined that the proposed requirements are adequate for that purpose. Therefore, prohibiting operation of affected airplanes is not necessary to address the unsafe condition. No change to the final rule is necessary.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 41 airplanes of U.S. registry will be affected by this AD. It will take an average of approximately 7 work hours per inspection to accomplish the inspections of the 59 airplane areas called out in CASA Document CPCP C–212–PV01, "C–212 Corrosion Prevention and Control Program Document," dated March 31, 1995; this represents a total average of 413 work hours. The average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators over a 4-year average inspection cycle is estimated to be $1,015,980, or $24,780 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

The FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, most prudent operators would accomplish the required actions even if they were not required to do so by the AD.

A full cost-benefit analysis has not been accomplished for this AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this AD, makes a finding of an unsafe condition, this means that the original cost-beneficial level of safety is no longer being achieved and that the required actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this AD would be redundant and unnecessary.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

Therefore, in accordance with Executive Order 12612, it is determined

that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98–18–21 CASA: Amendment 39–10737. Docket 96–NM–123–AD.

Applicability: All Model C–212 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

Note 1: This AD references CASA Document Number CPCP C–212-PV01, "Corrosion Prevention and Control Program Document," dated March 31, 1995, for inspections, compliance times, and reporting requirements. In addition, this AD specifies inspection and reporting requirements beyond those included in the Document. Where there are differences between the AD and the Document, the AD prevails.

Note 2: As used throughout this AD, the term "the FAA" is defined differently for different operators, as follows:

—For those operators complying with paragraph (a), OPTION 1, of this AD, *the FAA* is defined as "the Manager of the International Branch, ANM–116, FAA, Transport Airplane Directorate."

—For those operators operating under Federal Aviation Regulations (FAR) part 121 or 129 (14 CFR part 121 or part 129), and complying with paragraph (b), OPTION 2, of this AD, *the FAA* is defined as "the cognizant Principal Maintenance Inspector (PMI)."

—For those operators operating under FAR part 91 or 125 (14 CFR part 91 or part 125), and complying with paragraph (b), OPTION 2, of this AD, *the FAA* is defined as "the cognizant Maintenance Inspector at the appropriate FAA Flight Standards office."

To prevent degradation of the structural capabilities of the airplane due to the problems associated with corrosion damage, accomplish the following:

(a) OPTION 1. Except as provided in paragraph (b) of this AD: Complete each of the corrosion inspections specified in section 5.3 of CASA Document Number CPCP C–212-PV01, "Corrosion Prevention and Control Program Document," dated March 31, 1995 (hereafter, referred to as "the Document), in accordance with the procedures defined in the Document and the schedule specified in paragraphs (a)(1) and (a)(2) of this AD.

Note 3: A "corrosion inspection" as defined in Section 5.1. of the Document includes, among other things, gaining access for inspection, performing the actual inspection for corrosion, removing corrosion, clearing blocked drains, applying corrosion inhibitors and/or water displacement fluid, and other follow-on actions.

Note 4: Corrosion inspections completed in accordance with the Document before the effective date of this AD may be credited for compliance with the initial corrosion inspection requirements of paragraph (a)(1) of this AD.

Note 5: Where non-destructive inspection (NDI) methods are employed when performing a Special Detailed Inspection (DET), in accordance with Section 5.3 of the Document, the standards and procedures used must be acceptable to the FAA Administrator in accordance with FAR section 43.13 (14 CFR 43.13).

(1) Complete the initial corrosion inspection of each area of each airplane zone specified in Section 5.3 of the Document as follows:

(i) For airplane areas that have not yet reached the "Implementation Age" (IA) as of one year after the effective date of this AD, initial compliance must occur no later than the IA plus the (repeat) "Interval."

(ii) For airplane areas that have exceeded the IA as of one year after the effective date of this AD, initial compliance must occur within the (repeat) Interval for the area, measured from a date one year after the effective date of this AD.

(iii) For airplanes that are 15 years or older as of one year after the effective date of this AD, initial compliance must occur for all airplane areas within one (repeat) Interval, or within 4 years, measured from a date one year after the effective date of this AD, whichever occurs first.

(iv) Notwithstanding paragraphs (a)(1)(i), (a)(1)(ii), and (a)(1)(iii), in all cases, once the initial compliance period has been established for each airplane area, accomplishment of the initial corrosion inspections by each operator must occur at a minimum rate equivalent to one airplane per year.

Note 6: This minimum rate requirement may cause a hardship on some small operators. In those circumstances, requests for adjustments to the implementation rate will be evaluated on a case-by-case basis under the provision of paragraph (h) of this AD.

(2) Repeat each corrosion inspection at a time interval not to exceed the (repeat) Interval specified in the Document for that inspection.

(b) OPTION 2. As an alternative to the requirements of paragraph (a) of this AD: Prior to one year after the effective date of this AD, revise the FAA-approved maintenance/inspection program to include the corrosion prevention and control program specified in the Document; or to include an equivalent program that is approved by the FAA. In all cases, the initial corrosion inspection of each airplane area must be completed in accordance with the compliance schedule specified in paragraph(a)(1) of this AD.

(1) Any operator complying with paragraph (b) of this AD may use an alternative recordkeeping method to that otherwise required by FAR 91.417 (14 CFR 91.417) or 12.380 (14 CFR 121.380) for the actions required by this AD, provided it is approved by the FAA and is included as a revision to the FAA-approved maintenance/inspection program.

(2) Subsequent to the accomplishment of the initial corrosion inspection, extensions of the (repeat) Intervals specified in the Document must be approved by the FAA.

(c) To accommodate unanticipated scheduling requirements, it is acceptable for a (repeat) Interval to be increased by up to 10%, but not to exceed 3 months. The FAA must be informed, in writing, of any such extension within 30 days after such adjustment of the schedule.

(d)(1) If, as a result of any corrosion inspection conducted in accordance with paragraph (a) or (b) of this AD, Level 3 corrosion is determined to exist in any airplane area, accomplish either paragraph (d)(1)(i) or (d)(1)(ii) of this AD within 7 days after such determination:

(i) Submit a report of that determination to the FAA and complete the corrosion inspection in the affected airplane area(s) on all Model C–212 series airplanes in the operator's fleet; or

(ii) Submit to the FAA for approval one of the following:

(A) A proposed schedule for performing the corrosion inspection(s) in the affected airplane area(s) on the remaining Model C–212 series airplanes in the operator's fleet, which is adequate to ensure that any other Level 3 corrosion is detected in a timely manner, along with substantiating data for that schedule; or

(B) Data substantiating that the Level 3 corrosion found is an isolated occurrence.

Note 7: Notwithstanding the provisions of Section 2 of the Document, which would permit corrosion that otherwise meets the definition of Level 3 corrosion (i.e., which is determined to be a potentially urgent airworthiness concern requiring expeditious

action) to be treated as Level 1 if the operator finds that it "can be attributed to an event not typical of the operator's usage of airplanes in the same fleet," this paragraph requires that data *substantiating* any such finding be submitted to the FAA (ref. Note 2 of this AD) for approval.

(2) The FAA may impose schedules other than those proposed, upon finding that such changes are necessary to ensure that any other Level 3 corrosion is detected in a timely manner.

(3) Within the time schedule approved under paragraph (d)(1) or (d)(2) of this AD, accomplish the corrosion inspections in the affected airplane areas of the remaining Model C–212 series airplanes in the operator's fleet.

(e) If, as a result of any inspection after the initial corrosion inspection conducted in accordance with paragraph (a) or (b) of this AD, it is determined that corrosion findings exceed Level 1 in any area, within 30 days after such determination, implement a means, approved by the FAA, to reduce future findings of corrosion in that area to Level 1 or better.

(f) Before any operator places into service any newly acquired airplane that is subject to the requirements of this AD, a schedule for the accomplishment of the corrosion inspections required by this AD must be established in accordance with either paragraph (f)(1) or (f)(2) of the AD, as applicable:

(1) For airplanes previously maintained in accordance with this AD, the first corrosion inspection in each airplane area to be performed by the operator must be accomplished in accordance with either the previous operator's schedule or the new operator's schedule, whichever would result in the earlier accomplishment date for that inspection. After each corrosion inspection has been performed once, each subsequent inspection must be performed in accordance with the new operator's schedule.

(2) For airplanes that have not been previously maintained in accordance with this AD, the first corrosion inspection for each airplane area to be performed by the new operator must be accomplished prior to further flight, or in accordance with a schedule approved by the FAA.

(g) Within 7 days after the date of detection of any Level 3 corrosion, and within 3 months after the date of detection of any Level 2 corrosion, submit a report to CASA of such findings, in accordance with Section 7 of the Document.

(h) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 8: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(i) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(j) The inspections and submission of report shall be done in accordance with CASA Document Number CPCP C–212–PV01, "Corrosion Prevention and Control Program Document," dated March 31, 1995, which includes the following list of effective pages:

Page No.	Date shown on page
List of Effective Page LEP.1.	March 31, 1995

Note: The document number is indicated only on the Title page; no other page contains this information. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 9: The subject of this AD is addressed in Spanish airworthiness directive 01/96, dated April 30, 1996.

(k) This amendment becomes effective on October 20, 1998.

Issued in Renton, Washington, on August 28, 1998.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–24250 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–ANE–07–AD; Amendment 39–10753; AD 98–19–11]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Limited, Aero Division-Bristol/ S.N.E.C.M.A. Olympus 593 Series Turbojet Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Rolls-Royce Limited, Aero Division-Bristol/S.N.E.C.M.A. Olympus 593 series turbojet engines. This action requires initial and repetitive X-ray and ultrasonic inspections of exhaust diffuser vanes for corrosion and cracks, and, if necessary, removal from service of cracked exhaust diffusers and replacement with serviceable parts. This amendment is prompted by reports of 17 turbine exhaust diffuser modules with one or more exhaust diffuser vanes cracked. The actions specified in this AD are intended to prevent exhaust diffuser vane failure, which could result in an adverse effect on the engine oil and reheat systems, possibly causing an inflight engine shutdown or damage to the aircraft.

DATES: Effective September 30, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 30, 1998.

Comments for inclusion in the Rules Docket must be received on or before November 16, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–ANE–07–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: "9-ad-engineprop@faa.dot.gov". Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from Rolls-Royce, PO Box 3, Filton, Bristol BS12 7QE, England; telephone 01–17–979–1234, fax 01–17–979–7575. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jason Yang, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (781) 238–7747, fax (781) 238–7199.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom (UK), recently notified the Federal Aviation Administration (FAA) that an unsafe condition may exist on Rolls-Royce Limited, (R–R)Aero Division-Bristol/S.N.E.C.M.A. Olympus 593 Mk. 610–14–28 turbojet engines. The CAA advises that they have received reports of 17 turbine exhaust diffuser modules containing at least one cracked exhaust diffuser vane. In some

cases the exhaust diffuser vanes peeled back due to vane leading edge cracking. If the exhaust diffuser vanes peel back, they can possibly expose the engine oil and reheat systems imbedded inside the exhaust diffuser vane and result in bearing sump damage. There are currently no affected engines operated on aircraft of U.S. registry. This AD, then, is necessary to require accomplishment of the required actions for engines installed on aircraft currently of foreign registry that may someday be imported into the U.S. Accordingly, the FAA has determined that notice and prior opportunity for comment are unnecessary and good cause exists for making this amendment effective in less than 30 days. This condition, if not corrected, could result in exhaust diffuser vane failure, which could result in an adverse effect on the engine oil and reheat systems, possibly causing an inflight engine shutdown or damage to the aircraft.

R-R has issued Service Bulletin (SB) No. OL.593–72–9042–422, Revision 1, dated May 23, 1997, that specifies procedures for X-ray inspections of exhaust diffuser vanes for cracks and corrosion, and if found cracked, removal from service of the exhaust diffuser and replacement with a serviceable part. In addition, R-R has issued SB No. OL.593–72–9047–423, dated January 31, 1997, that specifies procedures for ultrasonic inspections of corroded exhaust diffuser vanes for leading edge cracks, and if the exhaust diffuser fails inspection, removal from service of the exhaust diffuser and replacement with a serviceable part. The CAA classified these SBs as mandatory and issued ADs 005–01–97 and 006–01–97 in order to assure the airworthiness of these engines in the UK.

This engine model is manufactured in the UK and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design registered in the United States, the AD requires initial and repetitive X-ray and ultrasonic inspections of exhaust diffuser vanes for cracks and corrosion, and, if necessary, removal from service of the exhaust diffuser and replacement with a serviceable part. The actions would be required to be accomplished in accordance with the SBs described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 98–ANE–07–AD." The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98–19–11 Rolls-Royce Limited, Aero Division-Bristol/S.N.E.C.M.A.: Amendment 39–10753. Docket 98–ANE–07–AD.

Applicability: Rolls-Royce Limited, (R-R)Aero Division-Bristol/S.N.E.C.M.A. Olympus 593 Mk. 610–14–28 turbojet engines, installed on but not limited to British Aerospace/Aerospatiale Concorde series aircraft.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification,

alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent an exhaust diffuser vane failure, which could result in an adverse effect on the engine oil and reheat systems, possibly causing an inflight engine shutdown or damage to the aircraft, accomplish the following:

(a) Perform initial and repetitive X-ray inspections of exhaust diffuser vanes for cracks and corrosion, in accordance with R-R/S.N.E.C.M.A. Service Bulletin (SB) No. OL.593–72–9042–422, Revision 1, dated May 23, 1997, as follows:

(1) Perform the initial inspection at the first module exposure after accumulating 5,000 hours time since new (TSN).

(2) Thereafter, perform inspections at every module exposure, or 2,000 hours time in service (TIS) since last X-ray inspection, whichever occurs later.

(3) If an exhaust diffuser vane is found cracked, remove the exhaust diffuser from service and replace with a serviceable part.

(4) If any evidence of corrosion is found, perform an ultrasonic inspection for cracks in accordance with paragraph (b) of this AD.

(b) Perform initial and repetitive ultrasonic inspections for corrosion in the exhaust diffuser vanes in accordance with R-R/S.N.E.C.M.A. SB No. OL.593–72–9047–423, dated January 31, 1997, as follows:

(1) Perform the initial inspection no later than 1,000 hours TIS since last X-ray inspection in accordance with paragraph (a) of this AD if no cracks are detected but corrosion is found.

(2) Thereafter, perform inspections at intervals not to exceed 250 hours TIS since last ultrasonic inspection, or 1,000 hours TIS since an X-ray inspection that discovered no cracks, whichever occurs later.

(3) If cracking is found, remove the exhaust diffuser from service and replace with a serviceable part.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the inspection requirements of this AD can be accomplished.

(e) The actions required by this AD shall be performed in accordance with the following R–R SBs:

Document No.	Pages	Revision	Date
OL.593–72–9042–422 ..... Total pages: 5.	1–5	1	May 23, 1997.
OL.593–72–9047–423 ..... Total pages: 7.	1–7	Original ..	January 31, 1997.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Rolls-Royce, PO Box 3, Filton, Bristol BS12 7QE, England; telephone 01–17–979–1234, fax 01–17–979–7575. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on September 30, 1998.

Issued in Burlington, Mass., on September 3, 1998.

David A. Downey,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 98–24403 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–159–AD; Amendment 39–10756; AD 98–19–16]

RIN 2120–AA64

Airworthiness Directives; Aerospatiale Model ATR72–212A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Aerospatiale Model ATR72–212A series airplanes, that requires installation of bushings on the lower attachment fittings of the flap support beam. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent rupture of the lower attachment fittings of the flap support beam due to fatigue, and consequent damage to the flaps; these conditions could result in reduced controllability of the airplane.

DATES: Effective October 20, 1998.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of October 20, 1998.

ADDRESSES: The service information referenced in this AD may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Aerospatiale Model ATR72–212A series airplanes was published in the **Federal Register** on July 23, 1998 (63 FR 39538). That action proposed to require installation of bushings on the lower attachment fittings of the flap support beam.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 4 airplanes of U.S. registry will be affected by this AD, that it will take approximately 25 work hours per airplane to accomplish the

required installation, and that the average labor rate is $60 per work hour. Required parts will be provided by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the installation required by this AD on U.S. operators is estimated to be $6,000, or $1,500 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

98–19–16 Aerospatiale: Amendment 39–10756. Docket 98–NM–159–AD.

Applicability: Model ATR72–212A series airplanes, on which Aerospatiale Modification 4831 has not been accomplished; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent rupture of the lower attachment fittings of the flap support beam due to fatigue, and consequent damage to the flaps, accomplish the following:

(a) Prior to the accumulation of 24,000 total flight cycles, or within 500 flight cycles after the effective date of this AD, whichever occurs later, install bushings on the lower attachment fittings of the flap support beam in accordance with Avions de Transport Regional Service Bulletin ATR72–57–1020, dated March 9, 1998.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The installation shall be done in accordance with Avions de Transport Regional Service Bulletin ATR72–57–1020, dated March 9, 1998. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 3: The subject of this AD is addressed in French airworthiness directive 98–072–036(B), dated February 11, 1998, as revised by Erratum 98–072–036(B), dated February 25, 1998.

(e) This amendment becomes effective on October 20, 1998.

Issued in Renton, Washington, on September 4, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–24407 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ANM–12]

Amendment of Class E Airspace; Price, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Price, UT, Class E airspace by providing additional controlled airspace to accommodate the development of a new Standard Instrument Approach Procedure (SIAP) at Carbon County Airport.

EFFECTIVE DATE: 0901 UTC, December 3, 1998.

FOR FURTHER INFORMATION CONTACT: Dennis Ripley, ANM–520.6, Federal Aviation Administration, Docket No. 98–ANM–12, 1601 Lind Avenue, SW, Renton, Washington, 98055–4056; telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On June 22, 1998, the FAA proposed to amend Title 14, Code of Federal Regulations, part 71 (14 CFR part 71) by revising the Price, UT, Class E airspace area (63 FR 33881). This revision provides the additional airspace necessary to encompass the holding pattern for the new GPS Runway 36 SIAP for the Carbon County Airport, Price, UT. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas

extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Price, UT, by providing the additional airspace necessary to fully contain new flight procedures at Carbon County Airport. This modification of airspace allows the holding pattern and the transition procedure for the new SIAP to be fully encompassed within controlled airspace. The intended effect of this rule is designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under Instrument Flight Rules (IFR) at the Carbon County Airport and between the terminal and en route transition stages.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM UT E5 Price, UT [Revised]

Price, Carbon County Airport, UT
(Lat. 39°36'43" N, long. 110°45'02" W)
Carbon VOR/DME
(Lat. 39°36'11" N, long. 110°45'13" W)

That airspace extending upward from 700 feet above the surface within a 4.3-mile radius of the Carbon VOR/DME, and within 1.8 miles each side of the 200° radial of the Carbon VOR/DME extending from the 4.3-mile radius to 7 miles south of the Carbon VOR/DME; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 39°50'00" N, long. 111°00'00" W; to lat. 39°45'00" N, long. 110°30'00" W; to lat. 39°05'00" N, long. 110°30'00" W; to lat. 39°05'00" N, long. 111°00'00" W; to lat. 39°21'00" N, long. 111°05'00" W; thence to point of beginning; excluding that airspace within Federal Airways, the Moab, UT, and the Salt Lake City, UT, Class E airspace areas.

* * * * *

Issued in Seattle, Washington, on August 26, 1998.

Glenn A. Adams, III,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 98–24709 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ACE–28]

Amendment to Class E Airspace; Fairbury, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends the Class E airspace area at Fairbury Municipal Airport, Fairbury, NE. The FAA has developed Global Positioning System (GPS) Runway (RWY) 17 and RWY 35 Standard Instrument Approach Procedures (SIAPs) to serve Fairbury Municipal Airport, NE. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate these SIAPs and for Instrument Flight Rules (IFR) operations at this airport. The enlarged area will contain the new GPS RWY 17 and GPS RWY 35 SIAPs in controlled airspace. The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the GPS RWY 17 and GPS RWY 35 SIAPs and to segregate aircraft using instrument approach procedures in instrument conditions from aircraft operating in visual conditions.

DATES: This direct final rule is effective on 0901 UTC, January 28, 1999.

Comments for inclusion in the Rules Docket must be received on or before October 23, 1998.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, Federal Aviation Administration, Docket Number 98–ACE–28, 601 East 12th Street, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, Federal Aviation Administration, 601 East 12th Street, Kansas City, MO 64106; telephone: (816) 426–3408.

SUPPLEMENTARY INFORMATION: The FAA has developed GPS RWY 17 and GPS RWY 35 SIAPs to serve the Fairbury Municipal Airport, Fairbury, NE. The amendment to Class E airspace at Fairbury, NE, will provide additional controlled airspace at the above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous

actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98–ACE–28." The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., P. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ACE NE E5 Fairbury, NE [Revised]

Fairbury Municipal Airport, NE
(Lat. 40°10'55"N., long. 97°10'04"W.)
BUXBI Waypoint
(Lat. 40°06'40"N., long. 97°10'12"W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Fairbury Municipal Airport and within 4 miles each side of the 360° bearing from the airport extending from the 6.4-mile radius to 9.6 miles north of the airport, and within 4 miles each side of the 167° bearing from the BUXBI waypoint extending from the 6.4-mile radius to 4.3 miles southeast of the BUXBI waypoint.

* * * * *

Issued in Kansas City, MO, on August 21, 1998.

Christopher R. Blum,

Manager, Air Traffic Division, Central Region.

[FR Doc. 98–24708 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–AWP–26]

Establishment of Class E Airspace; Willits, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects an error in the airport location of a Final Rule that was published in the **Federal Register** on August 12, 1998 (63 FR 43074), Airspace Docket No. 96–AWP–26.

EFFECTIVE DATE: 0901 UTC October 8, 1998.

FOR FURTHER INFORMATION CONTACT: Larry Tonish, Airspace Specialist, Airspace Branch, AWP–520, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6539.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 98–21608, Airspace Docket No. 96–AWP–26, published on August 12, 1998 (63 FR 43074), established a Class E airspace area at Willits, CA. An error was discovered in the airport location for the Ells Field-Willits Municipal Airport, Willits, CA. This action corrects that error.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, the airport location for the Class E airspace area at Ells Field-Willits Municipal Airport, Willits, CA, as published in the **Federal Register** on August 12, 1998 (63FR 43074), (Federal Register Document 98–21068; page 43074, column 3 is corrected as follows:

§ 71.1 [Corrected]

* * * * *

AWP CA E5 Willits, CA [New]

By removing "Ells Field-Willits Municipal Airport, AZ" and substituting "Ells Field-Willits Municipal Airport, CA"

* * * * *

Issued in Los Angeles, California, on August 24, 1998.

Dawna J. Vicars,

Assistant Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 98–24711 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95–AWP–6]

Realignment of VOR Federal Airway V–485; San Jose, CA

RIN 2120–AA66

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action alters Federal Airway 485 (V–485) from the Priest, CA, Very High Frequency Omnidirectional Range (VOR) to the San Jose Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME). The FAA is taking this action to improve traffic flow, reduce pilot and controller workload, and support an instrument approach procedure.

EFFECTIVE DATE: 0901 UTC, December 3, 1998.

FOR FURTHER INFORMATION CONTACT: William C. Nelson, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

On July 18, 1995, the FAA proposed to amend 14 CFR part 71 to alter V–485 from the Priest, CA, VOR to the San Jose, CA, VOR/DME (60 FR 36751).

On June 2, 1997, the FAA published a supplemental notice of proposed rulemaking (SNPRM) in the **Federal Register** which modified the proposed new routing to add an intersection along V–485 between the Priest VOR and the San Jose VOR/DME (62 FR 29679).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the original proposal or the amended proposal were received. Except for editorial changes, this amendment is the same as that proposed in the SNPRM.

Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The airway listed in this document will be published subsequently in the Order.

The Rule

This action amends 14 CFR part 71 by modifying V–485. This action relocates V–485 approximately 1 nautical mile to the northeast from its previous routing, and amends the Federal airway to end at the San Jose VOR/DME. This action enhances safety and reduces pilot and controller workload, while accommodating the concerns of airspace users.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6010(a) Domestic Federal Airways

* * * * *

V–485 [Revised]

From Ventura, CA; Fellows, CA; Priest, CA; INT Priest 306° and San Jose 121° radials; San Jose, CA. The airspace within W–289 and R–2519 more than 3 statute miles west of the airway centerline and the airspace within R–2519 below 5,000 feet MSL is excluded.

* * * * *

Issued in Washington, DC, on September 8, 1998.

Reginald C. Matthews,

Acting Program Director for Air Traffic Airspace Management.

[FR Doc. 98–24710 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–P

FOOD AND DRUG ADMINISTRATION

21 CFR Part 178

Indirect Food Additives: Adjuvants, Production aids, and Sanitizers

CFR Correction

In Title 21 of the Code of Federal Regulations, parts 170 to 199, revised as of April 1, 1998, page 349, § 178.2010 is corrected in the table in paragraph (b), in the entry for 2,2'–Ethylidenebis(4,6–di–*tert*–butylphenol) (CAS Reg. No. 35958-30-6) by inserting the following between the words "chapter" and "food" in the first line in entry 10:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

Substance	Limitations
2,2′-Ethylidenebis(4,6-di-*tert*-butylphenyl)fluorophosphonite (CAS Reg. No. 118337–09–0).	For use only: 1. As provided in § 175.105 of this chapter. 2. In all polymers used in contact with food of types I, II, IV–B, VI–A, VI–B, VII–B, and VIII, under conditions of use B through H described in Tables 1 and 2 of § 176.170(c) of this chapter at levels not to exceed 0.25 percent by weight of polymers. 3. In polypropylene complying with § 177.1520(c) of this chapter, item 1.1, in contact with food of types III, IV–A, V, VII–A, and IX, under: (a) Conditions of use B through H described in Tables 1 and 2 of § 176.170(c) of this chapter at levels not to exceed 0.25 percent by weight of the polymer; or (b) Condition of use A, limited to levels not to exceed 0.1 percent by weight of the polymer; provided that the food-contact surface has an average thickness not exceeding 375 micrometers (0.015 inch). 4. In olefin copolymers complying with § 177.1520(c) of this chapter, items 3.1a or 3.2a, and containing not less than 85 percent by weight of polymer units derived from propylene, in contact with food of types III, IV–A, V, VII–A, and IX, and under: (a) Conditions of use C through G, described in Tables 1 and 2 of § 176.170(c) of this chapter, limited to levels no greater than 0.2 percent by weight of the copolymers; or (b) Conditions of use A, B, and H, limited to levels no greater than 0.1 percent by weight of the olefin copolymers; provided that the food-contact surface has an average thickness not exceeding 375 micrometers (0.015 inch). 5. In olefin polymers complying with § 177.1520(c) of this chapter, items 1.2 or 1.3 in contact with food of types III, IV–A, V, VII–A, and IX, under conditions of use A through H, described in Tables 1 and 2 of § 176.170(c) of this chapter at levels not to exceed 0.1 percent by weight of the polymers; provided that the food-contact surface has an average thickness not exceeding 375 micrometers (0.015 inch). 6. In polyethylene complying with § 177.1520(c) of this chapter, items 2.1 or 2.2, having a density of not less than 0.94, in contact with food of types III, IV–A, V, VII–A, and IX, and under: (a) Conditions of use B through H, described in Tables 1 and 2 of § 176.170(c) of this chapter limited to levels not to exceed 0.2 percent by weight of the polymers; or (b) Condition of use A, described in Tables 1 and 2 of § 176.170(c) of this chapter, limited to levels not to exceed 0.1 percent by weight of the polymer; provided that the food-contact surface has an average thickness not exceeding 125 micrometers (0.005 inch). 7. In olefin copolymers complying with § 177.1520(c) of this chapter, items 3.1a, 3.1b, 3.2a, or 3.2b, containing not less than 85 percent by weight of polymer units derived from ethylene and having a density of not less than 0.94, in contact with food of types III, IV–A, V, VII–A, and IX, and under: (a) Conditions of use C through G, described in Tables 1 and 2 of § 176.170(c) of this chapter limited to levels not to exceed 0.2 percent by weight of the copolymers; or (b) Conditions of use A, B, and H, limited to levels not to exceed 0.1 percent by weight of the copolymers; provided that the food-contact surface has an average thickness not exceeding 125 micrometers (0.005 inch). 8. In olefin polymers complying with § 177.1520(c) of this chapter, items 3.1a, 3.1b, 3.2a, or 3.2b containing not less than 85 percent by weight of polymer units derived from ethylene, in contact with food of types III, IV–A, V, VII–A, and IX, under conditions of use A through H, as described in Tables 1 and 2 of § 176.170(c) of this chapter at levels not to exceed 0.1 percent by weight of the copolymer; provided that the * * *

BILLING CODE 1505–01–D

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans prescribes interest assumptions for valuing benefits under terminating single-employer plans. This final rule amends the regulation to adopt interest assumptions for plans with valuation dates in October 1998.

EFFECTIVE DATE: October 1, 1998.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions for valuing plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974.

Among the actuarial assumptions prescribed in part 4044 are interest assumptions. These interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Two sets of interest assumptions are prescribed, one set for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. This amendment adds to appendix B to part 4044 the annuity and lump sum interest assumptions for valuing benefits in plans with valuation dates during October 1998.

For annuity benefits, the interest assumptions will be 5.40 percent for the first 25 years following the valuation date and 5.25 percent thereafter. For benefits to be paid as lump sums, the interest assumptions to be used by the PBGC will be 4.00 percent for the period during which a benefit is in pay status and during any years preceding the benefit's placement in pay status. These annuity and lump sum interest assumptions are unchanged from those in effect for September 1998.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans with valuation dates during October 1998, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a "significant regulatory action" under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects in 29 CFR Part 4044

Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

1. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

2. In appendix B, a new entry is added to Table I, and Rate Set 60 is added to Table II, as set forth below. The introductory text of each table is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 4044—Interest Rates Used To Value Annuities and Lump Sums

TABLE I.—ANNUITY VALUATIONS

[This table sets forth, for each indicated calendar month, the interest rates (denoted by i_1, i_2, . . ., and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.]

For valuation dates occurring in the month—	The values of it are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*	*		*
October 1998	.0540	1–25	.0525	>25	N/A	N/A

TABLE II.—LUMP SUM VALUATIONS

[In using this table: (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply; (2) For benefits for which the deferral period is y years (where y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years, and thereafter the immediate annuity rate shall apply; (3) For benefits for which the deferral period is y years (where y is an integer and $n_1 < y \leq n_1 + n_2$), interest rate i_2 shall apply from the valuation date for a period of $y - n_1$ years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply; (4) For benefits for which the deferral period is y years (where y is an integer and $y > n_1 + n_2$), interest rate i_3 shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply.]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*	*	*	*	*	*	*	*
60	10–1–98	11–1–98	4.00	4.00	4.00	4.00	7	8

Issued in Washington, DC, on this 3rd day of September 1998.

David M. Strauss,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 98–24635 Filed 9–14–98; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 08–98–041]

Drawbridge Operation Regulation; Green River

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation governing the operation of the Paducah & Louisville Railroad Bridge at Mile 94.8, across the Green River. This deviation amends the federal drawbridge operation regulations to allow the drawbridge to remain closed from September 1, 1998 through October 30, 1998 during planned repair periods. The planned repairs include replacement of the bridge's lift motors.

The repairs will take approximately five days, however the exact dates are unknown at this time due to river conditions and material delivery matters.

DATES: The deviation is effective from September 1, 1998 through October 30, 1998.

ADDRESSES: Documents associated with this action are available for review at the office of Director Western Rivers Operations (ob) Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103, Room 2.107F between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, Eighth Coast Guard District, 314–539–3900, Ext. 378.

SUPPLEMENTARY INFORMATION: The Paducah & Louisville Railroad Bridge is a bascule bridge that provides a vertical clearance of 41.3 feet above normal pool in the closed-to-navigation position. Navigation on the waterway consists of commercial tows and recreational watercraft. This change in drawbridge operation has been coordinated with the commercial waterway industry and fleeting operations in the area. During normal river stages most vessels are able to pass beneath the closed span. In order to replace the lift motors, the moveable bascule leaf must be maintained in the closed to navigation position. Since the river level during September is at or near pool stage the closure is not expected to prevent vessels from passing beneath the closed span. If the river level is above normal pool, the bridge repair will be postponed until normal pool level is reached.

This deviation is for a planned repair period sometime in September or October 1998. The bridge will open on demand except during the approximately 5 day repair period when work will be in progress. The exact dates for this period could not be determined due to the uncertainty of when materials will be delivered. A minimum of two weeks advance notice will be provided to the Coast Guard prior to start of work so that appropriate notification to mariners can be made. The actual dates for the drawbridge closure will be published in the Local Notice to Mariners and included in the Broadcast Notice to Mainers. Interested parties may contact the Roger K. Wiebusch, DWRO Bridge Branch at 314–539–3900 ext. 3 between 8:00 a.m. and 4:00 p.m., Monday through Friday for dates of closure. The drawbridge operation regulations, when not amended by a deviation, require that the drawbridge open-on-demand.

A temporary deviation from the normal operation of the bridge was requested in order to perform necessary maintenance work on the bridge. The work consists of replacing the bridge's lift motors. The repairs are essential to the continued safe operation of the drawbridge.

The District Commander has, therefore, issued a deviation from the regulations in 33 CFR 117.5 authorizing the Paducah & Louisville Railroad Bridge across the Green River to remain in the closed to navigation position during planned repair periods occurring between September 1, 1998 and October 30, 1998.

Dated: August 21, 1998.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 98–24705 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD09–98–003]

RIN–2115–AE47

Drawbridge Operation Regulations; Sheboygan River, WI

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulation governing the operation of the Eighth Street bridge at mile 0.69 over the Sheboygan River in Sheboygan, WI.

The revised regulation will restrict bridge openings for recreational vessel traffic during peak vehicular traffic hours. Also, a permanent winter operating schedule is established with this final rule.

DATES: This regulation is effective October 15, 1998.

ADDRESSES: Documents concerning this regulation are available for inspection and copying at 1240 East Ninth Street, Room 2019, Cleveland, OH 44199–2060 between 6:30 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (216) 902–6084.

FOR FURTHER INFORMATION CONTACT: Mr. Scot M. Striffler, Project Manager, Bridge Branch at (216) 902–6084.

SUPPLEMENTARY INFORMATION:

Regulatory History

The Coast Guard published a notice of proposed rulemaking (NPRM) which appeared in the **Federal Register** on June 3, 1998 (63 FR 30160). The Coast Guard received no comments or letters to the proposed rulemaking. No public hearing was requested and none was held.

Background and Purpose

The proposed schedule was submitted to the Coast Guard by the City of Sheboygan, WI to address congestion problems at the bridge. The bridge is currently required to open on signal at 10 minutes after the hour, on the half-hour, and at 10 minutes before the hour, Monday through Saturday, between the hours of 6:10 a.m. and 7:10 p.m. There was no requested change to the current hours, but the City asked that the bridge not be required to open between 7:30 a.m. and 8:30 a.m., between 12 p.m. and 1 p.m., and between 4:30 p.m. and 5:30 p.m., Monday through Friday, to relieve vehicular traffic congestion. The Eighth Street bridge is considered the primary roadway to the downtown central business district, which has grown considerably since 1995, attracting an increase in vehicle traffic across the bridge.

Vehicular traffic count data supplied by the City indicated that traffic volume was at its highest during the hours identified above. The traffic data was weighed against the number of requests for bridge openings and the type of vessel traffic during the rush-hour periods. The bridge logs showed random openings and did not establish a need for commercial entities to pass through the draw during the requested restricted times.

The City contends that the number of requested openings at Eighth Street bridge has decreased since a new marina, located in the outer harbor of Sheboygan, was constructed and opened in 1995. No data was received by the Coast Guard to support or refute this claim. The known existing marinas located beyond the bridge on Sheboygan River did not provide comments concerning the proposed rulemaking.

The request to establish a permanent winter operating schedule was reviewed and deemed adequate by the Coast Guard. Both recreational and commercial marine activities are virtually shut down during winter months on Sheboygan River due to ice. The advance notice time requested by the City is consistent with established winter bridge schedules in the Great Lakes.

Therefore, the Coast Guard is revising the regulations governing Eighth Street bridge by eliminating openings between 7:30 a.m. and 8:30 a.m., between 12 p.m. and 1 p.m., and between 4:30 p.m.

and 5:30 p.m., Monday through Friday, from May 1 to October 31 each year. From November 1, to April 30 each year, mariners must provide a 12-hour advance notice for requests to open the bridge.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040 February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The Coast Guard made this determination based on the documented use of the bridge and by the fact that this final rule does not prevent transiting of the bridge by vessels, but requires them to plan transits based on the revised schedule.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard must consider whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operate small businesses that are not dominant in their field and otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this final rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant impact on a substantial number of small entities.

Collection of Information

This final rule contains no collection of information requirement under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e) of COMDTINST M16475.1C, this final rule is categorically excluded from further environmental documentation based on the fact that it is a promulgation of the operating regulations of a drawbridge. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For reasons discussed in the preamble, the Coast Guard revises 33 CFR Part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); Section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. Section 117.1097 is revised to read as follows:

§ 117.1097 Sheboygan River

The draw of the Eighth Street bridge, mile 0.69 at Sheboygan, shall open as follows:

(a) From May 1 through October 31—

(1) Between the hours of 6 a.m. and 10 p.m., the bridge shall open on signal, except that:

(i) From 6:10 a.m. to 7:10 p.m., Monday through Saturday, the draw need open only at 10 minutes after the hour, on the half-hour, and 10 minutes before the hour; and

(ii) From Monday through Friday, except Federal holidays, the draw need not open between 7:30 a.m. and 8:30 a.m., between 12 p.m. and 1 p.m., and between 4:30 p.m. and 5:30 p.m.

(2) Between the hours of 10 p.m. and 6 a.m., the draw shall open on signal if at least 2 hours advance notice is provided.

(b) From November 1 through April 30, the draw shall open on signal if at least 12 hours advance notice is provided.

(c) At all times, the draw shall open as soon as possible for public vessels of the United States, state or local government vessels used for public safety, vessels in distress, vessels seeking shelter from rough weather, or any other emergency.

Dated: August 27, 1998.

G. Cope,

Captain, U.S. Coast Guard Acting Commander, Ninth Coast Guard District.

[FR Doc. 98–24706 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–15–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7696]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*, unless an appropriate public body adopts adequate floodplain management measures with effective enforcement

measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region II				
New York:				
Camden, town of, Oneida County	360523	December 26, 1974, May 1, 1985, September 7, 1998, Emerg; Reg; Susp.	September 7, 1998 ...	September 7, 1998.
Endicott, village of, Broome County.	360045	July 5, 1973, May 15, 1978, September 7, 1998. Emerg; Reg; Susp.	.....do	Do.
Trenton, town of, Oneida County ..	360556	April 21, 1975, May 1, 1985, September 7, 1998, Emerg; Reg; Susp.	.....do	Do.
Region V				
Michigan: Logan, township of, Mason County.	260811	February 29, 1988, September 7, 1998, September 7, 1998, Emerg; Reg; Susp.	.....do	Do.
Region VIII				
Montana:				
Hamilton, city of, Ravalli County	300186	November 10, 1989, September 7, 1998, Reg; Susp.	.....do	Do.
Ravalli County, unincorporated areas.	300061	April 11, 1978, July 19, 1982, September 7, 1998, Emerg; Reg; Susp.	.....do	Do.

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Utah: Sevier County, unincorporated areas.	490121	November 14, 1975, July 1, 1986, September 7, 1998, Emerg; Reg; Susp.	.....do	Do.
Region II				
New York: Rome, city of, Oneida County.	360542	October 15, 1974, January 3, 1985, September 21, 1998, Emerg; Reg; Susp.	September 21, 1998	September 21, 1998.
Region III				
Pennsylvania: Carroll, township of, Perry County.	421949	February 18, 1976, September 4, 1987, September 21, 1998, Emerg; Reg; Susp.	.....do	Do.
Region IV				
Georgia: Charlton County, unincorporated areas.	130292	October 14, 1991, September 21, 1998, September 21, 1998, Emerg; Reg; Susp.	.....do	Do.
Kentucky: Pike County, unincorporated areas.	210298	July 20, 1977, December 4, 1979, September 21, 1998, Emerg; Reg; Susp.	.....do	Do.
Region V				
Wisconsin:				
Avoca, village of, Iowa County	550173	June 26, 1974, September 19, 1984, September 21, 1998, Emerg; Reg; Susp.	.....do	Do.
Iowa County, unincorporated areas	550522	January 30, 1974, January 17, 1979, September 21, 1998, Emerg; Reg; Susp.	.....do	Do.
Manitowoc County, unincorporated areas.	550236	July 18, 1973, September 15, 1978, September 21, 1998, Emerg; Reg; Susp.	.....do	Do.
Region VI				
Arkansas: Lakeview, town of, Phillips County.	050169	July 23, 1976, February 1, 1987, September 21, 1998, Emerg; Reg; Susp.	.....do	Do.
Texas: Newton County, unincorporated areas.	480499	June 4, 1975, April 1, 1987, September 21, 1998, Emerg; Reg; Susp.	.....do	Do.
Region VII				
Kansas: Kansas City, city of, Wyandotte County.	200363	December 10, 1974, August 3, 1981, September 21, 1998, Emerg; Reg; Susp.	.....do	Do.
Nebraska:				
Columbus, city of, Platte County ...	315272	May 21, 1971, June 29, 1973, September 21, 1998, Susp Emerg; Reg;.	.....do	Do.
Platte Center, village of, Platte County.	310178	March 31, 1975, February 1, 1990, September 21, 1998, Emerg; Reg; Susp..	.....do	Do.
Platte County, unincorporated areas	310467	January 8, 1990, September 1, 1990, September 21, 1998, Emerg; Reg; Susp.	.....do	Do.
Region VIII				
Wyoming:				
Cokeville, town of, Lincoln County	560033	November 21, 1975, February 19, 1987, September 21, 1998, Emerg; Reg; Susp.	.....do	Do.
Lincoln County, unincorporated areas.	560032	June 23, 1978, February 15, 1980, September 21, 1998, Emerg; Reg; Susp.	.....do	Do.
Region X				
Alaska: Emmonak, city of, unorganized borough.	020125	May 22, 1992, September 21, 1998, September 21, 1998, Emerg; Reg; Susp.	.....do	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")

Issued: September 2, 1998.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 98–24703 Filed 9–14–98; 8:45 am]

BILLING CODE 6718–05–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–17; RM–8819]

Radio Broadcasting Services; Beaver Dam and Brownsville, KY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Charles M. Anderson, substitutes Channel 264C3 for Channel 264A at Beaver Dam, reallots Channel 264C3 from Beaver Dam to Brownsville, Kentucky, and modifies Station WKLX(FM)'s construction permit accordingly. *See* 63 FR 8606, February 20, 1998. Channel 264C3 can be substituted at Brownsville in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at petitioner's requested site. The coordinates for Channel 264C3 at Brownsville are North Latitude 37–10–34 and West Longitude 86–18–08. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 19, 1998.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 98--17, adopted August 26, 1998, and released September 4, 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 Street, NW., Washington, DC. 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, NW., Washington, DC 20036.

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: Sections 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by removing Channel 264A at Beaver Dam, and adding Brownsville, Channel 264C3.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–24663 Filed 9–14–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97–186; RM–9130]

Radio Broadcasting Services; Canton and Glasford, IL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Neil A. Rones and Luann C. Dahl, reallots Channel 266A from Canton to Glasford, Illinois, and modifies Station WBDM(FM)'s construction permit accordingly. *See* 62 FR 45784, August 29, 1997. Channel 266A can be allotted to Glasford in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at petitioner's requested site. The coordinates for Channel 266A at Glasford are North Latitude 40–34–20 and West Longitude 89–48–47. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 19, 1998.

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97–186, adopted August 26, 1998, and released September 4, 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 Street, NW., Washington, DC. 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, NW., Washington, DC 20036.

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: Sections 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Illinois, is amended by removing Channel 266A at Canton, and adding Glasford, Channel 266A.

FederaL Communications Commission.

John A. Karousos,

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

[FR Doc. 98–24664 Filed 9–14–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 89–552; GN Docket No. 93–252; FCC 98–186]

Geographic Partitioning and Spectrum Disaggregation for the 220–222 MHz Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) amends its rules to allow the holders of licenses in the 220–222 MHz band to partition their licensed geographic area and disaggregate their licensed spectrum.

DATES: Effective November 16, 1998.

FOR FURTHER INFORMATION CONTACT: Scott A. Mackoul or Janet L. Sievert, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418–7240.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Fifth Report and Order in PR Docket No. 89–552, adopted on August 4, 1998, and released on August 6, 1998. The full text of the Fifth Report and Order 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 duplicating contractor, International Transcription Services, 1231 20th Street, NW, Washington, DC 20036, (202) 857–3800. The complete text is also available under the name "fcc98186.wp" on the Commission's Internet site at http://www.fcc.gov/Bureaus/Wireless/Orders/1998/index.html.

This Report and Order contains no new or modified information collection requirements. The information collections referenced in the item are contained in information collections previously approved by the Office of Management and Budget under the Paperwork Reduction Act.

Synopsis

1. In 1991, the Commission adopted service rules in PR Docket No. 89–552 and accepted applications of licenses in the 220–222 MHz band. These licensees, referred to as Phase I 220 MHz licensees, were issued in 1993–1994. In 1997, the Commission adopted service rules to govern the second phase of operation and licensing in the 220–222 MHz band. These licensees, referred to as Phase II 220 MHz licenses, will be licensed through competitive bidding. As part of the rules governing Phase II 220 MHz licenses, the Commission authorized any holder of an Economic Area, Regional, or nationwide Phase II license to partition portions of its authorization. At the same time, the Commission requested comment on proposals to permit partitioning and disaggregation for all licensees in the 220 MHz service, and on what specific procedural, administrative and operational rules will be necessary to implement these options.

2. This Fifth Report and Order in PR Docket No. 89–552 addresses the issues of partitioning and disaggregation in the 220 MHz service. The Commission first addressed which licensees would be allowed to partition. Already permitting geographic-based Phase II licensees to partition their license, the Commission found no compelling reason to withhold from site-specific licensees the flexibility gained by having the option to partition their license. Although it may be easier to partition a license that is based on a geographic area, the Commission recognized that a number of non-nationwide Phase I licensees have acquired several site-specific licenses that create a contiguous, compatible, interconnected system. Consolidation of site-specific licenses is more likely to occur since the Commission eliminated the forty-mile restriction in the Fourth Report and Order in PR Docket 89–552. Instead of limiting partitioning through regulation, the Commission determined that the marketplace will best decide if partitioning is economically or technologically feasible. Moreover, finding that the benefits of partitioning outweigh a desire for a nationwide license that is used for a single service, the Commission concluded that nationwide Phase I licensees will also be allowed to geographically partition their licenses.

3. The one exception to extending partitioning to all 220 MHz licensees is in the context of Public Safety and EMRS licensees. The Commission concluded that partitioning is unnecessary in the Public Safety and EMRS context because those licensees have the options of sharing frequencies and short-spacing their base stations. In addition, because applications for Public Safety and EMRS 220 MHz licenses are not subject to competitive bidding, the Commission found it inappropriate to allow them to partition their licensed geographic area for monetary compensation.

4. In addition, consistent with the partitioning policies in other wireless services, the Commission decided to not limit the maximum size of geographic area that a 220 MHz licensee may partition and will permit partitioning based on any area defined by the parties to the partitioning agreement. Finding that areas defined by county lines or other geopolitical boundaries may not reflect market realities and may instead inhibit partitioning, the Commission concluded that the parties to the partitioning agreement are in the best position to know what service area will work best for their business needs, which, in turn, will allow the marketplace to shape optimal service areas. The Commission decided that any other approach would inevitably lead to inefficient use of the spectrum by forcing a partitionee to take on more area than they are willing or capable of serving.

5. The Commission also stated that, consistent with other wireless services, all proposed partitioning agreements, like disaggregation agreements, will be subject to Commission review and approval under the public interest standard of section 310 of the Communications Act. The Commission will require partitioning applicants to submit, as separate attachments to the partial assignment application, a description of the partitioned service area and a calculation of the population of the partitioned service area and licensed market.

6. Finding that disaggregation will allow licensees to divest themselves of spectrum that may be more efficiently and profitably used by another entity or to acquire additional amounts of spectrum to satisfy their consumer demands, the Commission permitted all 220 MHz licensees, except Public Safety and EMRS licensees. As in the context of partitioning, spectrum held by Public Safety and EMRS entities is more easily shared than disaggregated, and the Commission found that it would be inappropriate for these licensees to disaggregate spectrum for monetary compensation. The Commission also concluded that there should be no minimum or maximum limits imposed on spectrum disaggregation in the 220 MHz service. Instead, the Commission felt the market will best determine what amount of spectrum is technically and economically feasible to disaggregate and will best accommodate future technology.

7. Moreover, the Commission permitted 220 MHz licensees to both partition their area and disaggregate their spectrum in any combination. The Commission found that allowing combinations of partitioning and disaggregation will help licensees respond to market forces and demands in service relevant to their particular locations and service offerings, as well as allow licensees to enter or increase their presence in a market. As in other wireless services, in the event that there is a conflict in the application of the partitioning and disaggregation rules, the partitioning rules will prevail.

8. In deciding when a 220 MHz licensee may partition or disaggregate its license, the Commission separately addressed the various type of 220 MHz licensees. First, the Commission stated that non-nationwide Phase I licensees may partition or disaggregate only after they have fully constructed their base station and placed it into operation. Because non-nationwide Phase I licensees were initially required to fully construct their base stations and place them into operation within eight months of the initial authorization, the construction deadline for most of these licensees has already passed. However, for those non-nationwide Phase I licensees that have not yet been required to construct (i.e., located near the Canadian border), the Commission felt that requiring construction as a prerequisite was consistent with the rule prohibiting transfer or assignment of non-nationwide 220 MHz licensees prior to full construction and operation. The Commission found that the construction prerequisite will reduce potential speculation by persons with no real interest in constructing systems, and deter those who would use

partitioning or disaggregation to speculate. Moreover, since construction will be complete before any partitioning or disaggregation is allowed, no construction requirement will be imposed on a partitionee or disaggregatee.

9. Second, consistent with the restriction on the transfer or assignment of nationwide Phase I 220 MHz licenses, the Commission will require a nationwide Phase I licensee to meet the four-year construction benchmark before it may partition or disaggregate. Again, the transfer or assignment restriction was created to reduce any potential speculation or trafficking in licenses by persons who have no real interest in constructing systems, and the Commission believed keeping the current rule will clearly demonstrate the licensees' commitment to promptly implementing nationwide 220 MHz networks.

10. As for when Phase II licenses may be partitioned, the Commission found that the different application and licensing processes between Phase I and Phase II licensees allow it to permit an eligible Phase II licensee (*i.e.*, non-Public Safety or EMRS) that wishes to partition or disaggregate to do so once it receives its license. Phase I licenses were distributed on a random selection basis, where the only up-front cost to the applicant was the application fee. In contrast, covered Phase II applicants will have to bid for the licenses, and will have the financial incentive to develop their 220 MHz systems in order to recover the costs of the auction. The Commission concluded that this financial incentive that Phase II licensees have to build-out their system will mitigate the concern that partitioning and disaggregation might be used as a means to delay construction.

11. The Commission also addressed the post-assignment construction requirements of both the assignor and assignee(s). While the goal of post-assignment construction requirements is to ensure that the spectrum is used to the same degree that would have been required had the partitioning or disaggregation transaction not taken place, the Commission also desired to give licensees and their assignees certain flexibility to determine how the construction requirements will be met. Because only nationwide Phase I licensees and non-Public Safety/EMRS Phase II licensees are allowed to partition or disaggregate before fully constructing, the Commission addressed how each of these entities will be able to meet the construction requirements. First, the Commission decided that it will combine the number of constructed base stations of the nationwide Phase I licensee and their assignee(s) to determine if they collectively meet the six and ten year construction benchmarks. The Commission concluded that this approach is consistent with the original development of nationwide 220 MHz systems, and serves the public interest the same as if no assignment had occurred. If the combined construction fails to meet the construction requirements, both the original licensee and the assignee(s) would be subject to cancellation according to the Commission's original rules for nationwide Phase I 220 MHz licensees.

12. Second, the Commission allowed the parties to the assignment agreement involving an eligible Phase II license to negotiate and choose who will be responsible for satisfying the Commission's construction requirements. The Commission believed that the parties involved should have the flexibility to determine their respective responsibilities for satisfying the Commission's construction requirements, and that, as long as the parties' collective obligations provide the requisite system coverage, the public interest in having the system built-out will be met. Specifically, if the assignee certifies that it will satisfy the same construction requirements as the original licensee, then the assignee must meet the prescribed service requirements in its partitioned area (or for its disaggregated spectrum) while the original licensee would be responsible for meeting those requirements in the area (or for the spectrum) it has retained. Alternatively, if one party (generally the original licensee) certifies that it will meet all future construction requirements, the other party need only demonstrate that it is providing "substantial service" (as defined in the Commission's rules) for its remaining license. Moreover, consistent with other wireless services, in the event that both parties agree to share the responsibility for meeting the construction requirement and either party fails to do so, both parties' licenses will be subject to forfeiture. If one party agrees to take responsibility for meeting the construction requirement and later fails to do so, that party's license will be subject to forfeiture, but the other party's license will not be affected.

13. Finally, the Commission also addressed a number of minor issues surrounding partitioning and disaggregation. First, the Commission decided that partitionees and disaggregatees will hold their license for the remainder of the original licensee term and will be eligible for the same renewal expectancy as the original licensee. Second, if a 220 MHz licensee that received a small or very small business credit in the auction partitions or disaggregates to a entity that would not be eligible for the same credit, the unjust enrichment rules established in 47 CFR part 1 must be applied. Third, the Commission stated that because it considers partitioning and disaggregation transactions to be essentially partial assignments of a license, it will eliminate the rule that forbids partial assignment of Phase I 220 MHz licenses and adopt the partial assignment procedures for commercial mobile radio stations to review all 220 MHz partitioning and disaggregation transactions, both commercial and non-commercial. As with most assignments and transfers, Commission review and approval is necessary to ensure compliance with the Commission's rules. This process includes placing all partial assignment applications on public notice and making them subject to public comment. The Commission believes the public notice process is even more important in the context of partitioning and disaggregation because of the potential interference conflicts such transactions can create.

14. The Fifth Report and Order in PR Docket No. 89–552 also contained a Final Regulatory Flexibility Analysis pursuant to the Regulatory Flexibility Act, 5 U.S.C. 604. It is as follows:

A. Need for and Purpose of This Action

15. In the *Fifth R&O*, the Commission modifies the 220–222 MHz band service (220 MHz) rules to permit partitioning and disaggregation for all 220 MHz licensees. With more open partitioning and disaggregation, additional entities, including small businesses, may participate in the provision of the 220 MHz service without needing to acquire wholesale an existing license (with all of the rights currently associated with the existing license). Acquiring "less" than the current license will presumably be a more flexible and less expensive alternative for entities desiring to enter these services.

B. Summary of Issues Raised in Response to the Initial Regulatory Flexibility Analysis

16. None of the commenters submitted comments that were specifically in response to the IRFA.

C. Description and Number of Small Entities Involved

17. The rules adopted in the *Fifth R&O* will affect all small businesses which avail themselves of these rule changes, including small businesses that

will obtain 220 MHz licenses through auction and subsequently decide to partition or disaggregate, and small businesses who may acquire licenses through partitioning and/or disaggregation.

D. Summary of Projected Reporting, Recordkeeping and Other Compliance Requirements

18. The rules adopted in the *Fifth R&O* will impose reporting and recordkeeping requirements on small businesses seeking licenses through partitioning and disaggregation. The information requirements will be used to determine whether the licensee is a qualifying entity to obtain a partitioned license or disaggregated spectrum. This information will be given in a one-time filing by any applicant requesting such a license. The information will be submitted on the FCC Form 430 which is currently in use and has already received Office of Management and Budget clearance. The Commission estimates that the average burden on the applicant is three hours for the information necessary to complete these forms. The Commission estimates that 75 percent of the respondents (which may include small businesses) will contract out the burden of responding. The Commission estimates that it will take approximately 30 minutes to coordinate information with those contractors. The remaining 25 percent of respondents (which may include small businesses) are estimated to employ in-house staff to provide the information.

E. Steps Taken To Minimize Burdens on Small Entities

19. The rules adopted in the *Fifth R&O* are designed to implement Congress' goal of giving small businesses, as well as other entities, the opportunity to participate in the provision of spectrum-based services and are consistent with the Communications Act's mandate to identify and eliminate market entry barriers for entrepreneurs and small businesses in the provision and ownership of telecommunications services.

20. Allowing non-restricted partitioning and disaggregation will facilitate market entry by parties who may lack the financial resources for participation in auctions, including small businesses. Some small businesses may have been unable to obtain 220 MHz licensees through auction due to high bidding. By allowing open partitioning and disaggregation, small businesses will be able to obtain licenses for smaller service areas and smaller amounts of spectrum at presumably reduced costs, thereby providing a method for small businesses to enter the 220 MHz service marketplace.

21. Allowing geographic partitioning of 220 MHz licenses by areas defined by the parties will provide an opportunity for small businesses to obtain partitioned 220 MHz license areas designed to serve smaller, niche markets. This will permit small businesses to enter the 220 MHz service marketplace by reducing the overall cost of acquiring a partitioned 220 MHz license.

22. Allowing disaggregation of spectrum in any amount will also promote participation by small businesses who may seek to acquire a smaller amount of 220 MHz spectrum tailored to meet the needs of their proposed service.

F. Significant Alternatives Considered and Rejected

23. The Commission considered and rejected the following alternative proposals concerning 220 MHz partitioning and disaggregation.

24. The Commission tentatively concluded in the *Fifth NPRM* to not adopt partitioning for non-nationwide Phase I licensees and non-covered Phase II licensees because their licenses were awarded on a site-specific basis rather than for a geographic area. However, the Commission rejected this proposal because it found no compelling reason to withhold from site-specific licensees the flexibility gained by having the option to partition their license. The Commission noted that a number of non-nationwide Phase I licensees have acquired several site-specific licenses and that such consolidation is more likely since the prohibition of a Phase I licensee operating more than one 220 MHz station within a 40-mile geographic area has been eliminated. Both of these developments have created contiguous, compatible and interconnected 220 MHz systems from non-nationwide Phase I licenses. Therefore, the Commission concluded that non-nationwide Phase I licensees should be allowed the same opportunity to partition their systems and will allow that the marketplace to determine if partitioning is economically or technically feasible for those systems. The Commission did, however, maintain that non-covered Phase II licensees, as well as those Phase I licensees that are Public Safety or EMRS entities, do not need partitioning or disaggregation, but rather should continue to share their licensed spectrum in accordance with § 90.179 of the Commission's rules.

25. The Commission declined to create a minimum standard for the amount of spectrum that a 220 MHz licensee can disaggregate. In place of regulation, the Commission found that the marketplace will best determine the amount of disaggregated spectrum that is economically or technically feasible and that any minimum standard would not allow for future technology.

26. The Commission rejected the proposal of Rush Network Corp. (Rush) that all construction requirements be eliminated and, in their place, allow the market to dictate when construction will occur. Recognizing that the most of the 220 MHz licensees have the incentive to construction, the Commission, nonetheless, reaffirmed that construction requirements play a vital role in encouraging rapid deployment of the 220 MHz system and avoid inefficient use of the spectrum.

27. Along the same lines, the Commission declined permitting nationwide Phase I licensees to partition or disaggregate before meeting the four-year construction benchmark. Current rules prohibit the transfer or assignment of nationwide Phase I licenses prior to the build out of 40 percent of their system to reduce any potential speculation or trafficking in licenses by persons who have no real interest in constructing systems. The Commission concluded that this rationale should also apply to partial assignments, especially for Phase I licensees which received their licenses by lottery and thus lack the financial incentive to recoup their upfront costs.

28. The Commission also rejected the proposal by American Mobile Telephone Association (AMTA) to convert the six-and ten-year construction requirements for nationwide Phase I licensees to population-based criteria. The Commission found that AMTA's approach would be unnecessarily confusing and inconsistent because those nationwide Phase I licensees that decided to partition or disaggregate would have one set of requirements, while those that did not would have different requirements. Moreover, the Commission found no public benefit to switching the construction requirement criteria after the licenses had already been granted.

29. Finally, the Commission rejected the recommendation by Rush to eliminate the public notice requirements in licensing partial assignments. The Commission believed that any delay or extra work created by putting the partial assignment applications on public notice would be outweighed by the benefits of public

notice, especially because of the potential interference conflicts that partitioning and disaggregation may create.

G. Report to Congress

30. The Commission shall include a copy of this Final Regulatory Flexibility Analysis, along with this *Fifth R&O*, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 801(a)(1)(A).

Ordering Clauses

31. Accordingly, *It is Ordered That,* pursuant to the authority of sections 4(i), 303(g), 303(r), and 332(a) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(g), 303(r), and 332(a), § 90.709 of the Commission's rules, 47 CFR 90.709, *is amended.*

32. *It is further ordered that,* pursuant to the authority of Sections 4(i), 303(g), 303(r), and 332(a) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(g), 303(r), and 332(a), § 90.725 of the Commission's rules, 47 CFR 90.725, *is amended.*

33. *It is further ordered that,* pursuant to the authority of Sections 4(i), 303(g), 303(r), and 332(a) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(g), 303(r), and 332(a), § 90.1019 of the Commission's rules, 47 CFR 90.1019, *is amended.*

34. *It is further ordered that* the rule change adopted herein *shall become effective* sixty days after date of publication in the **Federal Register.** This action is taken pursuant to sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r).

35. *It is further ordered that* the Office of Public Affairs, Reference Operations Division, *shall send* a copy of this *Fifth Report and Order,* including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 601(a).

List of Subjects in 40 CFR Part 90

Business and industry, Radio.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble of part 90 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

1. The authority citation for part 90 continues to read as follows:

Authority: Secs. 4, 251–2, 303, 309, and 332, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 251–2, 303, 309 and 332, unless otherwise noted.

2. Section 90.709 is amended by revising paragraph (d) to read as follows:

§ 90.709 Special limitations on amendment of applications and on assignment or transfer of authorizations licensed under this subpart.

* * * * *

(d) A licensee may partially assign any authorization in accordance with § 90.1019.

* * * * *

3. Section 90.725 is amended by revising paragraph (a) introductory text to read as follows:

§ 90.725 Construction requirements for Phase I licensees.

(a) Licensees granted commercial nationwide authorizations will be required to construct base stations and placed those base stations in operation as follows:

* * * * *

4. Section 90.1019 is revised to read as follows:

§ 90.1019 Partitioning and disaggregation.

(a) *Definitions.*

Disaggregation. The assignment of discrete portions or "blocks" of spectrum licensed to a geographic licensee or qualifying entity.

Partitioning. The assignment of geographic portions of a licensee's authorized service area along geopolitical or other geographic boundaries.

(b) *Eligibility.* (1) Phase I non-nationwide licensees may apply to partition their licensed geographic service area or disaggregate their licensed spectrum after constructing their systems and placing their in operation or commencing service in accordance with the provisions in § 90.725(f) of this part.

(2) Phase I nationwide licensees may apply to partition their licensed geographic service area or disaggregate their licensed spectrum after constructing at least 40 percent of the geographic areas designated in their applications in accordance with the provisions in § 90.725(a) of this part.

(3) Phase II licensees may apply to partition their licensed geographic service area or disaggregate their licensed spectrum at any time following the grant of their licenses.

(4) Phase I and Phase II licensees authorized to operate on Channels 161 through 170 or Channels 181 through 185 are not eligible to partition their geographic service area or disaggregate their licensed spectrum.

(5) Parties seeking approval for partitioning and disaggregation shall request authorization for partial assignment of a license pursuant to § 90.709 of this part, as amended.

(c) *Technical Standards*—(1) *Partitioning.* In the case of partitioning, requests for authorization for partial assignment of a license must include, as an attachment, a description of the partitioned service area. The partitioned service area shall be defined by coordinate points at every 3 degrees along the partitioned service area agreed to by both parties, unless either an FCC-recognized service area is utilized (*i.e.*, Major Trading Area, Basic Trading Area, Metropolitan Service Area, Rural Service or Economic Area) or county lines are followed. The geographical coordinates must be specified in degrees, minutes and seconds to the nearest second latitude and longitude, and must be based upon the 1983 North American Datum (NAD83). In the case where an FCC-recognized service area or county lines are utilized, applicants need only list the specific area(s) through use of FCC designations or county names that constitute the partitioned area. In such partitioning cases where an unjust enrichment payment is owed the Commission, the request for authorization for partial assignment of a license must include, as an attachment, a calculation of the population of the partitioned service area and licensed geographic service area.

(2) *Disaggregation.* Spectrum may be disaggregated in any amount.

(3) *Combined Partitioning and Disaggregation.* The Commission will consider requests for partial assignment of licenses that propose combinations of partitioning and disaggregation. In the event that there is a conflict in the application of the partitioning and disaggregation rules, the partitioning rules take precedence.

(d) *License Term.* The license term for a partitioned license area and for disaggregated spectrum shall be the remainder of the original licensee's license term.

(e) *Construction requirements*—(1) *Requirements for partitioning.* Phase II EA, Regional or nationwide licensees seeking authority to partition must meet one of the following construction requirements:

(i) The partitionee may certify that it will satisfy the applicable construction

requirements set forth in §§ 90.767 or 90.769 of this part, as applicable, for the partitioned license area; or

(ii) The original licensee may certify that it has or will meet its five-year construction requirement and will meet the ten-year construction requirement, as set forth in §§ 90.767 or 90.769 of this part, as applicable, for the entire license area. In that case, the partitionee must only satisfy the requirements for "substantial service," as set forth in § 90.743(a)(1) of this part, for the partitioned license area by the end of the original ten-year license term of the licensee.

(iii) Applications requesting partial assignments of license for partitioning must include a certification by each party as to which of the above construction options they select.

(iv) Partitionees must submit supporting documents showing compliance with the respective construction requirements within the appropriate five-year and ten-year construction benchmarks set forth in § 90.767 or 90.769 of this part, as applicable.

(v) Failure by any partitionee to meet its respective construction requirements will result in the automatic cancellation of the partitioned license without further Commission action.

(2) *Requirements for disaggregation.* Parties seeking authority to disaggregate spectrum from a Phase II EA, Regional or nationwide license, must submit with their partial assignment application a certification signed by both parties stating which of the parties will be responsible for meeting the five-year and ten-year construction requirements for the particular market as set forth in § 90.767 or 90.769 of this part, as applicable. Parties may agree to share responsibility for meeting the construction requirements. If one party accepts responsibility for meeting the construction requirements and later fails to do so, then its license will cancel automatically without further Commission action. If both parties accept responsibility for meeting the construction requirements and later fail to do so, then both their licenses will cancel automatically without further Commission action.

[FR Doc. 98–24625 Filed 9–14–98; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[I.D. 090898A]

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna; Closure

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Incidental Other category closure.

SUMMARY: NMFS has determined that the Atlantic bluefin tuna (BFT) Incidental Other category has attained its 1998 annual quota. Therefore, the Incidental Other category for 1998 will be closed.

DATES: Effective 11:30 p.m. local time on September 10, 1998, through December 31, 1998.

FOR FURTHER INFORMATION CONTACT: Pat Scida, 978–281–9260, or Sarah McLaughlin, 301–713–2347.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285. Section 285.22 subdivides the U.S. quota recommended by the International Commission for the Conservation of Atlantic Tunas among the various domestic fishing categories.

NMFS is required, under § 285.20(b)(1), to monitor the catch and landing statistics and, on the basis of these statistics, to project a date when the catch of BFT will equal the quota and to publish a **Federal Register** announcement to close the applicable fishery.

Implementing regulations for the Atlantic tuna fisheries at 50 CFR 285.22 provide for a subquota of 1 mt of large medium and giant BFT to be harvested from the regulatory area by vessels fishing under the Incidental Other category quota over the period January 1 through December 31. Based on reported catch, NMFS has determined that this quota has been reached; reported landings as of September 8, 1998, total 1.06 mt. Therefore, retaining, possessing, or landing large medium or giant BFT under the Incidental Other category quota must cease at 11:30 p.m. local time on September 10, 1998.

Classification

This action is taken under 50 CFR 285.20(b) and 50 CFR 285.22 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 971 *et seq.*

Dated: September 9, 1998.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–24704 Filed 9–10–98; 2:33 pm]
BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971208297–8054–02; I.D. 090998A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for pollock in Statistical Area 610 in the Gulf of Alaska (GOA). This action is necessary to fully utilize the 1998 total allowable catch (TAC) of pollock in this area.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), September 9, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

In accordance with § 679.20(c)(3)(ii), the Final 1998 Harvest Specifications of Groundfish for the GOA (63 FR 12027, March 12, 1998) established the amount of the 1998 TAC of pollock in Statistical Area 610 in the GOA as 29,790 metric tons (mt).

The Administrator, Alaska Region, NMFS (Regional Administrator), has established a directed fishing allowance of 29,590 mt, and set aside the remaining 200 mt as bycatch to support other anticipated groundfish fisheries.

The fishery for pollock in Statistical Area 610 in the GOA was closed to directed fishing under § 679.20(d)(1)(iii) on September 2, 1998, (63 FR 47439, September 8, 1998).

NMFS has determined that as of September 8, 1998, 8,000 mt remain in the directed fishing allowance. Therefore, NMFS is terminating the previous closure and is opening directed fishing for pollock in Statistical Area 610 in the GOA.

Classification

All other closures remain in full force and effect. This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to allow full utilization of the pollock TAC. Providing prior notice and opportunity for public comment for this action is impracticable and contrary to the public interest. Further delay would only disrupt the FMP objective of providing the pollock TAC for harvest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 9, 1998.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–24619 Filed 9–9–98; 5:04 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 63, No. 178
Tuesday, September 15, 1998

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 36

[Docket No. PRM–36–1]

American National Standards Institute N43.10 Committee; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received and requests public comment on a petition for rulemaking filed by the American National Standards Institute N43.10 Committee. The petition was docketed as PRM–36–1 on June 25, 1998. The petitioner requests that the NRC amend its radiation safety requirements for irradiators to allow the operation of panoramic irradiator facilities without continuous onsite attendance.

DATES: Submit comments by November 30, 1998. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Rulemakings and Adjudications Staff.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

For a copy of the petition, write: David L. Meyer, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

You may also provide comments via the NRC's interactive rulemaking website through the home page (http://www.nrc.gov). This site provides the availability to upload comments as files (any format), if your web browser supports the function. For information about the interactive rulemaking website, contact Carol Gallagher, 301–415–5905 (e-mail: CAG@nrc.gov).

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Office of Administration, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001. Telephone: 301–415–7162 or Toll Free: 800–368–5642 or e-mail: DLM1@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

The NRC's current regulations at 10 CFR 36.65 (a) and (b) describe how an irradiator must be attended during operation. The regulations specify that:

(a) Both an irradiator operator and at least one other individual, who is trained on how to respond and prepared to promptly render or summon assistance if the access control alarm sounds, shall be present onsite:

(1) Whenever the irradiator is operated using an automatic product conveyor system; and

(2) Whenever the product is moved into or out of the radiation room when the irradiator is operated in a batch mode.

(b) At a panoramic irradiator at which static irradiations (no movement of the product) are occurring, a person who has received the training on how to respond to alarms described in § 35.51(g) must be onsite.

The petitioner states that at the time this regulation was published (February 9, 1993; 58 FR 7715), the intent was to ensure that appropriately trained personnel were available to provide prompt response to emergencies or abnormal event conditions that could occur during the operation of a panoramic irradiator. The petitioner further states that based on case histories of accidents at panoramic irradiators and on the potential for automatic conveyor systems to malfunction, the regulation was designed to ensure that individuals responding to an abnormal event be physically located at the irradiator site to render assistance promptly.

The Suggested Revisions

10 CFR 36.65 (a) and (b)

(a) Both an irradiator operator and at least one other individual, who is trained on how to respond to alarms as described in § 36.51(g) and prepared to promptly render or summon assistance, shall be present onsite whenever it is necessary to enter the radiation room.

(b) At least one individual who has received the training on how to respond to alarms described in § 36.51(g) must be available and prepared to promptly respond to alarms, emergencies, or abnormal event conditions at any time a panoramic irradiator is operating. If the individual is not onsite,

(1) Automatic means of communications must be provided from the irradiator control system to alert the individual to alarms, emergencies, or abnormal event conditions. As a minimum, the automatic communication system must alert the individual to those emergency or abnormal events listed in § 36.53(b);

(2) The irradiator control system must be secured from unauthorized access at any time an irradiator operator is not onsite. This security must include physically securing the key described in § 36.31(a) from being removed from the control console.

10 CFR 36.61(a) "Inspection and Maintenance"

(17) Operability of automatic communications systems used to alert individuals to alarms, emergencies, or abnormal event conditions if required by § 36.65(b)(1).

10 CFR 36.2 "Definitions"

Onsite means within the building housing the irradiator or on property controlled by the licensee that is contiguous with the building housing the irradiator.

Grounds for Request

The petitioner states that the current requirements dictate that personnel be employed to maintain adequate coverage on all shifts of a continuously operating panoramic irradiator facility. However, according to the petitioner, based on both domestic and international operational experience with these large irradiators, there is no significant benefit to safety from having an individual onsite as opposed to being available to respond promptly from an offsite location.

In addition, the petitioner states that the number of personnel required to operate and safely manage an irradiator has a substantial impact on the expense associated with conducting business, that personnel expenses in salary,

benefits, insurance, training, and affiliated costs must eventually be passed on to customers. The petitioner offers that employing a minimal number of employees without compromising safety provides an opportunity to optimize cost containment without eroding the facility's financial ability to maintain operations.

Supporting Information

The petitioner states that panoramic gamma irradiators are designed to require minimal or no operator intervention with the system to continue routine operations following start-up. The petitioner notes that although the current regulations require the operator and other individuals to be onsite during routine product processing, their involvement with the irradiator controls or safety systems is minimal while the product is being irradiated during normal operations. The petitioner asserts that human intervention is required only during emergencies or abnormal events. Controlling the response to emergencies and abnormal events, such as those listed in 10 CFR 36.53(b) according to the petitioner, requires intervention by the operator or other appropriately trained personnel to evaluate the situation and determine whether actions need to be taken and what specific action would be required. The petitioner believes that the need to have individuals physically present onsite during operation is governed by the potential need to respond to emergencies and abnormal events.

The petitioner states that at the time part 36 was published, the best method for alerting individuals to emergency or abnormal event conditions was considered to be audible and visible alarm systems that would annunciate within the facility, and that individuals responsible for responding to the alarms would be onsite to answer the alarms promptly. However, the petitioner notes that with recent improvements of communications technology, including wireless communications, and in continuing improvements in process control technology, alerting an individual to an abnormal event in an operating system does not have to rely solely on audible and visible signals within the facility to ensure that the alert is made. The petitioner offers that automated alert systems can now be easily designed to provide an offsite alert to an individual available to respond promptly through technologies such as pagers, cellular telephones, land-line telephones, remote process control monitoring, or other methods. If the offsite individual, according to the petitioner, is located so as to be available to respond promptly, response to alarms could require only a slightly longer time than if the individual were onsite.

The petitioner notes that the irradiator operator makes the first response in the event of an emergency or abnormal event. Under the conditions of the current regulations, the implicit assumption is that, during evening or night shifts when the facility management or the Radiation Safety Officer (RSO) are not assumed to be present, the irradiator operator would respond to the alert and assess the situation. The petitioner states that in typical emergency procedures for panoramic irradiators, one of the first responsibilities of the irradiator operator responding to an alert, is to notify the RSO of the condition, and to rely on the RSO or facility management to provide specific instructions to take in responding to the emergency. Therefore, the initial response by an irradiator operator onsite during an abnormal event would be to secure the irradiator against entry and notify the RSO or other responsible party.

The petitioner states that for response to any emergency situation, appropriate actions must be taken to prevent individuals from entering the radiation room while the sources are unshielded (i,e., to prevent personnel exposures) and to protect the sources from damage. The petitioner lists the 10 emergency and abnormal event conditions identified in 10 CFR 36.53(b) for which a licensee must implement procedures to address. These are: (1) Sources stuck in the unshielded position; (2) Personnel overexposures; (3) A radiation alarm from the product exit portal monitor or pool monitor; (4) Detection of leaking sources, pool contamination, or alarm caused by contamination of pool water; (5) A low or high water level indicator, and abnormal water loss, or leakage from the source storage pool; (6) A prolonged loss of electrical power; (7) A fire alarm or explosion in the radiation room; (8) An alarm indicating unauthorized entry into the radiation room, area around pool, or another alarmed area; (9) Natural phenomena, including an earthquake, a tornado, flooding, or phenomena as appropriate for the geographical location of the facility; and (10) The jamming of automatic conveyor systems.

The petitioner states that 10 CFR part 36, subpart C specifies the design features of a panoramic irradiator that address most of the items from the list in terms of preventing personnel exposures and damage to the sources during an abnormal event. Specifically, the petitioner states that access control system as described in 10 CFR 36.23 will prevent unauthorized entry and protect against personnel exposure (item 2 on the list). In 10 CFR 36.39, the conveyor system must automatically be stopped if the exit radiation monitor detects a source (item 3). Sources must be returned to the shielded position and access controls maintained during a prolonged loss of electrical power as described in 10 CFR 36.37 (item 6). A fire protection system designed to meet the requirements of 10 CFR 36.27 will cause the sources to return to the shielded position in the event a fire is detected, thereby protecting the sources from fire damage (item 7). Unauthorized entry to the radiation room must, under 10 CFR 36.23 (a) cause the sources to return to the shielded position (item 8). If an automatic conveyor system jams, the source rack protection required by 10 CFR 36.35 ensures that some cause other than interference with the source rack is the cause of the jam, which will allow the sources to be safely returned to the shielded position (item 10).

The petitioner contends that in the remaining abnormal event conditions listed in 10 CFR 36.53, appropriate response to the conditions would not necessarily be required immediately. That is, responding to the event would entail some evaluation of the conditions before deciding the proper actions to take. The petitioner believes that having individuals onsite to respond to these conditions would not present a substantive improvement in safety over having the same individual offsite, but available to respond promptly. In particular, the petitioner notes that sources stuck in an unshielded position (item 1 from the list), while potentially causing damage to the product being irradiated if it cannot be independently removed from the radiation room, do not present an immediate threat to personnel, provided the access control system operates in accordance with the 10 CFR 36.23 design requirements. Nor does a stuck source rack, in and of itself, pose a threat to the integrity of the sources. Similarly, detection of a leaking source (item 4) would not require quicker action than could be provided by an offsite individual, as long as the water circulation system is automatically stopped to prevent accumulation of contaminants in the water treatment and filtration system. Water level alarms (item 5) and natural phenomena (item 9) would not present an immediate hazard requiring onsite assistance, provided that the radiation

room access control system is operating properly.

Therefore, the petitioner contends that in considering the design requirements for panoramic irradiators and the potential emergency or abnormal event conditions that are addressed in procedures as well as facility design, response by the licensee would not be substantively impaired if the individual responding to the alarms were not located onsite. The petitioner states that automated communication system using current technology would provide adequate protection of personnel and source integrity by alerting an offsite person who is able to respond promptly.

In considering the potential impacts from the proposed rule change, the petitioner cites that European nations permit unattended operation of irradiators, as requested in this petition. The petitioner states that these irradiators have similar or identical design characteristics to those operating in the United States, in terms of the safety and monitoring systems, as well as in product conveyance. The petitioner notes that there have been no incidents at these irradiators that can be traced to the practice of unattended operations.

NUREG–1345

Review of Events at Large Pool Irradiators

The petitioner notes that in reviewing information notices issued to irradiator operators by the NRC over the past several years that none of the events described in the notices occurred during unattended operations. However, the petitioner notes that NUREG–1345, entitled "Review of Events at Large Pool-Type Irradiators," which summarizes 45 events at Category IV irradiators, specifically mentions three events that occurred during unattended operations. They were:

1. Failure of Pool Water Purification System at RTI, Rockaway, NJ, September 22, 1986.

2. Product Conveyance Jam at Johnson & Johnson, Sydney, Australia, November 13, 1982.

3. Contaminated Water Spill at International Nutronics, Inc., Dover, NJ, December 31, 1982.

The petitioner provides a paragraph summarizing how each event occurred. The petitioner states the situations prompting the first two events (i.e., low water level and product conveyance system jam) are listed in the abnormal event procedures required under 10 CFR 36.53(b). The petitioner offers that under the proposed revision described in this petition, both instances would require notification of the offsite individual. In the first event, there were no offsite consequences or threats to worker or public health and safety, although continued loss of pool water could have presented shielding problems inside the irradiator. In the second event, approximately 15 hours passed between the initiating event (conveyor jam) and the fire, which would have allowed more than adequate time for response and mitigation had the offsite individual been promptly notified.

The third event that occurred during unattended operations resulted not from the irradiator operation, but from operation of a pool water clean-up system. Under existing regulations, attendance during this operation would not be specifically required.

Analysis of Events and Lessons Learned

The petitioner notes that in the "Analysis of Events and Lessons Learned" section of NUREG–1345, Category IV irradiator events are grouped into several types and that to evaluate whether the proposed regulatory revision is adequate to protect worker and public health and safety, the potential consequences of each type of event under unattended operations as described in this petition must be examined.

The petitioner states that of the event types listed in NUREG–1345, those described as management deficiencies are not directly related to attendance during operations. That is, the presence of individuals onsite during operations would have no relevance to mitigating potential consequences of management deficiencies, except as may be related to system problems with the irradiator itself.

The petitioner asserts that events stemming from system problems are the most likely type of event that would have adverse consequences from unattended operations and that in NUREG–1345, this type of event is subdivided into: (1) Access control systems; (2) source movement and suspension; (3) encapsulation; (4) pool leakage and pool purification system; and (5) miscellaneous systems. The petitioner notes that in considering whether mitigation of these types of events would be compromised by not having the irradiator operator onsite, the most serious potential consequences would be the failure of the access control systems. The petitioner notes that in NUREG–1345, three of the four events involving the access control system resulted from systems that either were not operating properly or were not designed to meet the criteria as currently specified in 10 CFR part 36. The other event involved an interlock design defect that was corrected through wiring modification.

Unauthorized Access to the Irradiator

The petitioner argues that if the irradiator access control system is designed to meet the requirements of 10 CFR 36, that the primary and backup access control systems will ensure that inadvertent entry to the irradiator is not possible, even under conditions of unattended operation. In addition, the petitioner states that the existing regulations require that the key used to operate the irradiator be the same key used to open the door to the radiation room and that only one such key be in service at the facility. The petitioner proposes in the suggested amendments that physically securing the key from removal would provide an additional layer of protection against unauthorized access to the irradiator.

Other Type of Irradiator Events

The petitioner believes that response and mitigation of other type of events described in NUREG–1345 would not be greatly improved by having an onsite individual to respond as compared to the individual being offsite, but able to respond promptly. For example, source racks stuck in the unshielded position typically require several hours or days to correct; that mitigative and corrective actions in such instances would be accomplished by a team of individuals and would not be done solely by the two people required by the existing regulations to be onsite. The petitioner believes that the small additional delay resulting from an individual offsite being the first to respond to such an abnormal event would not have a discernible effect on the adequacy of response.

As another example, the petitioner states that NUREG–1345 lists several events that resulted in fires in the irradiator, that might be considered to have important consequences for unattended operations. The petitioner states that events in which there was an initiating event from the irradiator system involved a significant time interval between the initiating event, usually a stuck source rack, and the fire. In those events, according to the petitioner, the time delay ranged from approximately nine hours to eleven days, which would allow adequate time for an offsite individual to respond and summon appropriate assistance. The petitioner notes that properly designed source rack protective barriers, as required under 10 CFR 36.35 minimizes

the probability of having a source rack become stuck from product or carrier interference, which further reduces the fire potential in irradiators designed in accordance with 10 CFR 36 part criteria.

Conclusion

The petitioner concludes that the consequences of Category IV irradiator events described in NUREG–1345 would not be increased under the conditions proposed in this petition. The petitioner believes that having an offsite operator with automatic communication capabilities as described in this petition would not appreciably diminish response to and mitigation of abnormal events or emergencies, and would not compromise safety of either the workers or the general public.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland, this 8th day of September, 1998.

John C. Hoyle

Secretary of the Commission.

[FR Doc. 98–24714 Filed 9–14–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 76

RIN 3150–AF85

Certification Renewal and Amendment Processes

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations that apply to gaseous diffusion plants. In 1994, these regulations established the process by which the NRC would assume regulatory authority for the Paducah and Portsmouth gaseous diffusion plants. These plants first came under NRC oversight on March 3, 1997. While implementing the initial certification and amendment processes specified in the 1994 regulations, the NRC staff identified several areas in these processes that should be revised and improved so that they are more effective and efficient. This proposed rulemaking would modify the process for certificate renewals, establish a process for certificate amendments comparable to the process currently used to amend a fuel cycle license, revise the appeal process for amendments, eliminate the "significant" designation for amendments, simplify the criteria for persons who are eligible to file a petition for review of an amendment action, remove references to the initial application because the initial certificates have been issued, and lengthen the time periods associated with filing a petition for review.

DATES: Comments on the proposed rule must be received on or before November 16, 1998. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Mail written comments to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Attn: Rulemakings and Adjudications Staff.

Hand deliver comments to: 11555 Rockville Pike, Rockville, MD, between 7:30 am and 4:15 pm on Federal workdays.

You may access the NRC's interactive rulemaking web site through the NRC home page (http://www.nrc.gov). This site provides the availability to upload comments as files (any format), if your web browser supports that function.

For information about the interactive rulemaking site, contact Ms. Carol Gallagher, (301) 415–5905; e-mail CAG@nrc.gov.

Copies of comments received may be examined or copied for a fee at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Telford, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6229, e-mail JLT@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

The Paducah and Portsmouth gaseous diffusion plants (GDPs) first came under NRC oversight on March 3, 1997. Since that date, as the NRC implemented the initial certification and numerous certificate amendments under the processes specified in the 1994 regulations, the staff has identified several areas to improve the renewal and amendment processes so that they are more effective and efficient. Also, in the 1994 regulations, the certificate renewal period was 1 year. However, by amendment of the Atomic Energy Act (AEA) of 1954, as amended, and implementing rulemaking, this period was recently modified to allow up to 5 years between certificate renewals. These events have caused the NRC to reexamine the part 76 certificate renewal and amendment processes. Hence, the objective of this proposed rule is to revise and improve the current regulations so that the staff can effectively and efficiently handle certificate renewals as well as the number of certificate amendments that could reasonably be expected over the recently established period of up to 5 years between certificate renewals. This proposed rulemaking would modify the process for certificate renewals, establish a process for certificate amendments comparable to the process currently used to amend a fuel cycle license, revise the appeal process for amendments, eliminate the "significant" designation for amendments, simplify the criteria for persons who are eligible to file a petition for review of a certificate amendment action, remove references to the initial application because the initial certificates have been issued, and lengthen the time periods associated with filing a petition for review.

Section-by-Section Analysis

Currently, § 76.37 specifies that the Director of the Office of Nuclear Material Safety and Safeguards (the Director) shall publish a **Federal Register** notice of receipt of an application for renewal. This proposed rule would replace "shall" with "may, at his or her discretion," and insert "for renewal" after the first occurrence of the word "application" in paragraphs (a), (b), and (c). Replacing "shall" with "may, at his or her discretion," allows the Director to determine if a **Federal Register** notice is warranted for an application for renewal, on a case-by-case basis. There are two reasons for proposing this action. First, if the application does not address any new safety issues or there have not been any major changes to the facility or its operating procedures that would substantially increase the risk associated with the facility, then the Director may decide that a **Federal Register** notice is not necessary. This flexibility would allow the agency to focus its resources on safety issues that have significant potential risk. Second, there is no requirement in the AEA to notice an application for certificate renewal. Furthermore, similar actions for 10 CFR parts 30, 40, and 70 facilities are not noticed. Also, adding "for renewal" clarifies that the application is specifically for renewal.

In § 76.39, the phrase "for renewal" would be inserted after each occurrence of the word "application." This clarifies that the application being discussed in § 76.39 is specifically for renewal.

Section 76.45 would be modified in paragraph (a) to remove the responsibility for making the initial decision on an amendment application

from the Director. This change allows the decision to grant or deny an amendment application to be delegated to the branch chief level. This would contribute to a more efficient use of agency resources and is comparable to the process used for facilities regulated by the Commission under 10 CFR parts 30, 40, and 70.

Section 76.45(b) would be deleted. The first sentence currently requires that the Director determine whether the proposed activities are "significant", and if so, follow the procedures specified in §§ 76.37 and 76.39. This sentence would be deleted because the procedures specified in § 76.37 to be followed by the Director would become discretionary, and the procedures specified in § 76.39 are currently discretionary. Accordingly, it would not be logical to compel the Director to follow either of them. This deletion would eliminate the current distinction between "significant" and "not significant" proposed activities. This deletion is intended to provide a more flexible and efficient regulatory process. However, the public's opportunity to follow each amendment action remains the same because licensing documents are placed in the Commission's Public Document Room, and the public would have an opportunity to file a petition for review of an amendment as described in proposed § 76.45(d). In addition, the last sentence in § 76.45(b) would be deleted because decisions on certificate amendment applications would be delegated to the branch chief level. This delegation would be comparable to the process currently used for 10 CFR part 30, 40, and 70 facilities.

The current § 76.45(c) would be redesignated as paragraph (b) because the current paragraph (b) would be deleted.

In proposed § 76.45(c), the first sentence would provide that a certificate amendment would become effective when issued. This would allow the NRC staff to handle issues that need to be addressed quickly to avoid an unnecessary operational upset of a large gaseous diffusion plant, ensure adequate protection of public health and safety from radiological hazards, and/or provide for the common defense and security. The second sentence of § 76.45(c) would provide that the staff may, at its discretion, publish notice of its decision on an amendment application in the **Federal Register**. The staff would take this action, on a case-by-case basis, whenever warranted. For example, if the application does not address any new safety issues or there have not been any major changes to the facility or its operating procedures that would substantially increase the risk associated with the facility, then the staff may decide that a **Federal Register** notice is not necessary. This flexibility would allow the NRC to devote its resources to safety issues that have significant potential risk. Also, there is no requirement in the AEA to notice a certificate amendment application. Furthermore, the Commission does not notice similar actions for 10 CFR Parts 30, 40, and 70 facilities.

Currently, a decision on an amendment application may be appealed by filing a request for the Commission's review. Proposed § 76.45(d), concerning the staff's determination on an amendment application, would establish procedures for the United States Enrichment Corporation (Corporation), or any person whose interests may be affected, to file a petition for the Director's review. Under the proposed rule, it is the initial determination on a certificate amendment application that would be delegated to the branch chief; therefore, it is logical for the Director to be the first level of review. This process would contribute to a more efficient use of agency resources because an appeal issue may be resolved by the Director and, thus, not need the Commission's review.

Proposed § 76.45(e), concerning the Director's decision, would establish procedures for either the Corporation, or any person whose interests may be affected and who filed a petition for review or filed a response to a petition for review under § 76.45(d), to file a petition for the Commission's review. This proposed rule would have the initial review of a staff determination on an amendment application rendered by the Director; therefore, it is logical for the Commission to be the final level of review.

In § 76.62(c) the phrase, "who submitted written comments in response to the **Federal Register** notice on the application or compliance plan under § 76.37, or provided oral comments at any meeting held on the application or compliance plan conducted under § 76.39" would be removed. This would eliminate restrictions that limit those entities who may file a petition requesting review of the Director's decision regarding issuance of a certificate and/or approval of a compliance plan. Elimination of these restrictions is consistent with the Commission's practice for 10 CFR parts 30, 40, and 70 facilities. Further, in the event that a **Federal Register** notice is not issued for a certificate renewal, the notice of the Director's decision would provide the first published opportunity for a person whose interest may be affected to be aware of the action. Also, the number of days specified in § 76.62(c) would be increased, e.g., 15 days becomes 30 days. This would provide more time for the Corporation or other member of the public whose interests may be affected to file a petition for review on a certificate renewal action, since the time period for a certificate renewal was recently extended from annually to up to 5 years and, therefore, the need to act within 15 days because of the time constraint associated with annual renewals has been removed. Also, the sentence, "Unless the Commission grants the petition for review or otherwise acts within 60 days after the publication of the **Federal Register** notice, the Director's initial decision on the certificate application or compliance plan becomes effective and final," would be revised to read: "If the Commission does not issue a decision or otherwise act within 90 days after the publication of the **Federal Register** notice, the Director's decision remains in effect." This change would make clear that the Director's decision is effective upon issuance and would eliminate a potential 60-day suspension of the effectiveness of the Director's decision, if a petition for review is filed. The Director's decision would remain in effect unless it is changed by the Commission. This procedure would also be more consistent with the process for license renewals pursuant to 10 CFR parts 30, 40, and 70. In addition, to accommodate the increased time for both filing a petition for review and responding to a petition, the time provided for the Commission to act would be increased from 60 to 90 days following publication of the **Federal Register** notice.

The changes made in § 76.62(c) would also be made in § 76.64(d) for the same reasons.

In the introductory text of § 76.91, reference to § 76.35(d) would be changed to § 76.35(f) to correct a typographical error.

In addition, part 76 would be modified to remove references to the initial application that are no longer relevant because the initial certificates have been issued. In §§ 76.33 (a)(1), (b), (c), (d), and (e), and 76.35, references to "initial" would be removed. Section 76.9(c) would be removed as no longer relevant because of the reference to the initial certification application. Phrases in §§ 76.21(a), 76.36(a), 76.60(e)(2), and 76.91(n) concerning initial certification would be removed. References in §§ 76.7(e)(1), 76.60(c)(2), 76.60(d)(2),

and 76.60(e)(1) to the NMSS Director's initial decision would be removed.

Section 76.33 would also be amended to correct a printing error in the regulatory text. In § 76.33(a)(2) the redundant phrase "the names, addresses, and citizenship of its principal office," would be removed.

Environmental Impact: Categorical Exclusion

The NRC has determined that this regulation is the type of action described as a categorical exclusion in 10 CFR 51.22(c)(1) and (3). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

The information collection requirements contained in this part of limited applicability apply to a wholly-owned instrumentality of the United States. Therefore, Office of Management and Budget clearance is not required pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 5301 et seq).

Regulatory Analysis

This proposed rulemaking would modify the process for certificate renewals, establish a process for certificate amendments comparable to the process currently used to amend a fuel cycle license, revise the appeal process for amendments, eliminate the "significant" designation for amendments, simplify the criteria for persons who are eligible to file a petition for review of an amendment action, remove references to the initial application because the initial certificates have been issued, and lengthen the time periods associated with filing a petition for review.

Although current 10 CFR part 76 contains a process for certificate amendment and the GDP certificates have been amended several times, these licensing actions have identified that the process described in § 76.45 has several deficiencies that should be corrected and that the process should be revised and improved so that it is more effective and efficient, as discussed above. The proposal being considered parallels the process currently used for 10 CFR parts 30, 40, and 70 facilities. It also removes the ambiguity associated with determining who can petition the NRC for review of an amendment application decision.

Also, since the statute has been amended to allow up to a 5-year certificate renewal period instead of an annual certificate renewal requirement, the lengthened certificate period has permitted consideration of improvements to the certificate renewal process. Because the time constraints of an annual certification process have been removed, appropriate changes to the time for appeals and lifting of restrictions on who may appeal a certification decision in the proposed rule would more closely resemble the process for renewal of materials licenses under 10 CFR parts 30, 40, and 70.

A no-change option would maintain the deficiencies and ambiguities in both processes and would not result in an improved process which is more effective and efficient.

Impacts on the Corporation

An uncomplicated certificate amendment process is expected to provide a more timely regulatory process. If the identified deficiencies and ambiguities in the amendment process are not corrected, there is a potential for expense due to plant operational delays and reduced efficiencies that may be related to amendment requests. However, clarification of who can petition the Director for review of a staff determination on an amendment application and/or extension of the period for requesting a review may result in additional petitions. Similarly, the lifting of restrictions on who can petition for review of a certification renewal decision and the lengthening of the time for such petitions may result in additional petitions. This rulemaking is not expected to have any adverse economic impacts on the Corporation.

Benefit

An uncomplicated process for certificate amendment is expected to result in a more effective and efficient NRC review process that would provide more timely completion of amendment reviews. Clarification of who can petition the Director for review of a certificate amendment determination would remove undesirable ambiguities. Specifically, the proposed rule would remove a restriction on who could petition for review by eliminating the current requirement that a petition for review only be filed by a person who had previously provided comments. The proposed rule would allow anyone whose interests may be affected to file a petition for review. Also, extension of the time periods associated with filing a petition for review would provide more time for the public to participate in the amendment process. The proposed rule also provides the same removal of restrictions on who may petition for review of a certification renewal decision and extension of time for petitions for review of a certification renewal decision. Further, the proposed rule provides the staff discretion in publishing the **Federal Register** notice of receipt of the application for Certificate renewal. Exercise of this discretion permits the staff to use its resources in the most effective and efficient manner.

Preferred Option

The preferred option is to amend the regulations to eliminate ambiguities, reduce inefficiencies, better define the processes for certificate renewals and amendments, allow immediately effective amendments, and allow more time for public participation, while continuing to ensure adequate protection of public health and safety.

This constitutes the regulatory analysis for the proposed rule.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Commission certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities because it only addresses the United States Enrichment Corporation or its successor. The Corporation does not fall within the scope of the definition of "small entities" set forth in 10 CFR 2.810 or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR part 121.

Backfit Analysis

The NRC has determined that the backfit rule does not apply to this proposed rule; therefore, a backfit analysis is not required for this proposed rule because these amendments do not involve any provisions that would impose backfits as defined in 10 CFR Ch. I.

List of Subjects in 10 CFR Part 76

Certification, Criminal penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Special nuclear material, Uranium enrichment by gaseous diffusion.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR part 76.

PART 76—CERTIFICATION OF GASEOUS DIFFUSION PLANTS

1. The authority citation for part 76 continues to read as follows:

Authority: Secs. 161, 68 Stat. 948, as amended, secs. 1312, 1701, as amended, 106 Stat. 2932, 2951, 2952, 2953, 110 Stat. 1321–349 (42 U.S.C. 2201, 2297b–11, 2297f); secs. 201, as amended, 204, 206, 88 Stat. 1244, 1245, 1246 (42 U.S.C. 5841, 5842, 5845, 5846); sec. 234(a), 83 Stat. 444, as amended by Pub. L. 104–134, 110 Stat. 1321, 1321–349 (42 U.S.C. 2243(a)).

Sec. 76.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851). Sec. 76.22 is also issued under sec. 193(f), as amended, 104 Stat. 2835, as amended by Pub. L. 104–134, 110 Stat. 1321, 1321–349 (42 U.S.C. 2243(f)). Sec. 76.35(j) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).

2. In § 76.7, paragraph (e)(1) is revised to read as follows:

§ 76.7 Employee protection.

* * * * *

(e)(1) The Corporation shall prominently post the revision of NRC Form 3, "Notice to Employees," referenced in 10 CFR 19.11(c). This form must be posted at locations sufficient to permit employees protected by this section to observe a copy on the way to or from their place of work. Premises must be posted during the term of the certificate, and for 30 days following certificate termination.

* * * * *

§ 76.9 [Amended]

3. In § 76.9, paragraph (c) is removed.

4. In § 76.21, paragraph (a) is revised to read as follows:

§ 76.21 Certificate required.

(a) The Corporation or its contractors may not operate the gaseous diffusion plants at Piketon, Ohio, and Paducah, Kentucky, unless an appropriate certificate of compliance, and/or an approved compliance plan is in effect pursuant to this part. Except as authorized by the NRC under other provisions of this chapter, no person other than the Corporation or its contractors may acquire, deliver, receive, possess, use, or transfer radioactive material at the gaseous diffusion plants at Piketon, Ohio, and Paducah, Kentucky.

* * * * *

5. Section 76.33 is revised to read as follows:

§ 76.33 Application procedures.

(a) *Filing requirements.* (1) An application for a certificate of compliance must be tendered by filing 20 copies of the application with the Director, Office of Nuclear Material Safety and Safeguards, with copies sent to the NRC Region III Office and appropriate resident inspector, in accordance with § 76.5 of this part.

(2) The application must include the full name, address, age (if an individual), and citizenship of the applicant. If the applicant is a corporation or other entity, it shall indicate the State where it was incorporated or organized, the location of the principal office, the names, addresses, and citizenship of its principal officers, and shall include information known to the applicant concerning the control or ownership, if any, exercised over the applicant by any alien, foreign corporation, or foreign government.

(b) *Oath or affirmation.* An application for a certificate of compliance must be executed in a signed original by a duly authorized officer of the Corporation under oath or affirmation.

(c) *Pre-filing consultation.* The Corporation may confer with the Commission's staff before filing an application.

(d) *Additional information.* At any time during the review of an application, the Corporation may be required to supply additional information to the Commission's staff to enable the Commission or the Director, as appropriate, to determine whether the certificate should be issued or denied, or to determine whether a compliance plan should be approved.

(e) *Withholdable information.* An application which contains Restricted Data, National Security Information, Safeguards Information, Unclassified Controlled Nuclear Information, proprietary data, or other withholdable information, must be prepared in such a manner that all such information or data are separated from the information to be made available to the public.

6. In § 76.35, the section heading and introductory paragraph are revised to read as follows:

§ 76.35 Contents of application.

The application for a certificate of compliance must include the information identified in this section.

* * * * *

7. In § 76.36, paragraph (a) is revised to read as follows:

§ 76.36 Renewals.

(a) The Corporation shall file periodic applications for renewal, as required by § 76.31.

* * * * *

8. Section 76.37 is revised to read as follows:

§ 76.37 Federal Register notice.

The Director may, at his or her discretion, publish in the Federal Register:

(a) A notice of the filing of an application for renewal (specifying that copies of the application, except for Restricted Data, Unclassified Controlled Nuclear Information, Classified National Security Information, Safeguards Information, Proprietary Data, or other withholdable information will be made available for public inspection in the Commission's Public Document Room at 2120 L Street, NW. (Lower Level), Washington, DC, and in the local public document room at or near the location of the plant);

(b) A notice of opportunity for written public comment on the application for renewal; and

(c) The date of any scheduled public meeting regarding the application for renewal.

9. In § 76.39, paragraphs (a), the introductory text of (b), (b)(1), and (b)(4) are revised to read as follows:

§ 76.39 Public meeting.

(a) A public meeting will be held on an application for renewal if the Director, in his or her discretion, determines that a meeting is in the public interest with respect to a decision on the application for renewal.

(b) Conduct of public meeting.

(1) The Director shall conduct any public meeting held on the application for renewal.

* * * * *

(4) Members of the public will be given an opportunity during a public meeting to make their views regarding the application for renewal known to the Director.

* * * * *

10. Section 76.45 is revised to read as follows:

§ 76.45 Application for amendment of certificate.

(a) *Contents of amendment application.* In addition to the application for certification submitted pursuant to § 76.31, the Corporation may at any time apply for amendment of the certificate to cover proposed new or modified activities. The amendment application should contain sufficient information to make findings of compliance or acceptability for the proposed activities as required for the original certificate.

(b) *Oath or affirmation.* An application for an amendment of the certificate of compliance must be executed in a signed original by the Corporation under oath or affirmation.

(c) *Amendment application determinations.* If the NRC staff approves an application for a certificate amendment, it will be effective when issued by the NRC staff to the Corporation. If an application for a certificate amendment is not approved by the NRC staff, the Corporation will be informed in writing. The NRC staff may, at its discretion, publish notice of its determination on an amendment application in the Federal Register.

(d) *Request for review of staffs determination on an amendment application.* The Corporation, or any person whose interest may be affected, may file a petition requesting the Director's review of a NRC staff determination on an amendment application. A petition requesting the Director's review may not exceed 30 pages and must be filed within 30 days after the date of the staff's determination. Any person described in this paragraph may file a written response to a petition requesting the Director's review. This response may not exceed 30 pages and must be filed within 15 days after the filing date of the petition requesting the Director's review. The Director may adopt, modify, or set aside the findings, conclusions, conditions, or terms in the staff's amendment determination by providing a written basis for the action. If the Director does not issue a decision or otherwise act within 60 days after receiving the petition for review, the staff's determination on the amendment application remains in effect.

(e) *Request for review of a Director's decision.* The Corporation, or any person whose interest may be affected and who filed a petition for review or filed a response to a petition for review under § 76.45(d), may file a petition requesting the Commission's review of a Director's decision on an amendment application. A petition requesting the Commission's review may not exceed 30 pages and must be filed within 30 days after the date of the Director's decision. A petition requesting the Commission's review may be either: delivered to the Rulemakings and Adjudications Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or sent by mail or telegram to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff. Any person described in this paragraph may file a written response to a petition requesting the Commission's review. This response may not exceed 30 pages and must be filed within 15 days after the filing date of the petition requesting the Commission's review. The Commission may adopt, by order, further procedures that, in its judgment, would serve the purpose of review of the Director's decision. The Commission may adopt, modify, or set aside the findings, conclusions, conditions, or terms in the Director's amendment review decision and will state the basis of its action in writing. If the Commission does not issue a decision or otherwise act within 90 days after receiving the petition for review, the Director's decision, under § 76.45(d), on the amendment application remains in effect.

11. In § 76.60, paragraphs (c)(2), (d)(2), (e)(1), and (e)(2) are revised to read as follows:

§ 76.60 Regulatory requirements which apply.

* * * * *

(c) * * *

(2) The Corporation shall post NRC Form 3 during the term of the certificate and for 30 days following certificate termination.

(d) * * *

(2) The Corporation shall comply with the requirements in this part or as specified in an approved plan for achieving compliance.

(e) * * *

(1) The Corporation shall comply with the requirements in §§ 21.6 and 21.21.

(2) Under § 21.31, procurement documents issued by the Corporation must specify that the provisions of 10 CFR part 21 apply.

* * * * *

12. In § 76.62, paragraph (c) is revised to read as follows:

§ 76.62 Issuance of certificate and/or approval of compliance plan.

* * * * *

(c) The Corporation, or any person whose interest may be affected, may file a petition, not to exceed 30 pages, requesting review of the Director's decision. This petition must be filed with the Commission not later than 30 days after publication of the **Federal Register** notice. Any person described in this paragraph may file a response to any petition for review, not to exceed 30 pages, within 15 days after the filing of the petition. If the Commission does not issue a decision or otherwise act within 90 days after the publication of the **Federal Register** notice, the Director's decision remains in effect. The Commission may adopt, by order, further procedures that, in its judgment, would serve the purpose of review of the Director's decision.

13. In § 76.64, paragraph (d) is revised to read as follows:

§ 76.64 Denial of certificate or compliance plan.

* * * * *

(d) The Corporation, or any person whose interest may be affected, may file a petition for review, not to exceed 30 pages, requesting review of the Director's decision. This petition for review must be filed with the Commission not later than 30 days after publication of the **Federal Register** notice. Any person described in this paragraph may file a response to any petition for review, not to exceed 30 pages, within 15 days after the filing of the petition for review. If the Commission does not issue a decision or otherwise act within 90 days after the publication of the **Federal Register** notice, the Director's decision remains in effect. The Commission may adopt, by order, further procedures that, in its judgment, would serve the purpose of review of the Director's decision.

14. In § 76.91, the introductory text and paragraph (n) are revised to read as follows:

§ 76.91 Emergency planning.

The Corporation shall establish, maintain, and be prepared to follow a written emergency plan. The emergency plan submitted under § 76.35(f) must include the following information:

* * * * *

(n) Comment from offsite response organizations. The Corporation shall allow the offsite response organizations expected to respond in case of an accident 60 days to comment on the emergency plan before submitting it to NRC. The Corporation shall provide any comments received within the 60 days to the NRC with the emergency plan.

* * * * *

Dated at Rockville, Maryland, this 9th day of September, 1998.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

[FR Doc. 98–24713 Filed 9–14–98; 8:45 am]

BILLING CODE 7590–01–P

FARM CREDIT ADMINISTRATION

12 CFR Parts 611 and 620

RIN 3052–AB79

Organization; Disclosure to Shareholders; FCS Board Compensation Limits

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: The Farm Credit Administration (FCA or Agency), through the FCA Board (Board), proposes to amend its regulation on Farm Credit System (System or FCS) bank director compensation. The proposed amendment would authorize FCS banks to pay their directors more than the statutory maximum when justified by exceptional circumstances and remove the existing requirement that such payments receive FCA's prior approval.

DATES: Written comments must be received on or before October 15, 1998.

ADDRESSES: Comments may be mailed or delivered to Patricia W. DiMuzio, Director, Regulation and Policy Division, Office of Policy and Analysis, 1501 Farm Credit Drive, McLean, VA,

22102–5090 or sent by facsimile transmission to (703) 734–5784. Comments may also be submitted via electronic mail to "reg-comm@fca.gov" or through the Pending Regulations section of the FCA's interactive website at "www.fca.gov." Copies of all communications received will be available for review by interested parties in the Office of Policy and Analysis, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:
Alan Markowitz, Senior Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4479;
or
William L. Larsen, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4083.

SUPPLEMENTARY INFORMATION:

I. Background

Prior to August 1988, the Farm Credit Act of 1971, as amended (Act), authorized the FCA to set the maximum level of FCS bank director compensation. At that time, § 611.1020 limited bank director compensation to $200 per day, plus reasonable allowances for travel, subsistence, and other related expenses.[1] With the passage of the Agricultural Credit Technical Corrections Act of 1988 (1988 Act),[2] Congress modified FCA's regulatory authority over FCS bank director compensation and established a $15,000 annual limit on bank director compensation.[3] The FCA published a final rule to reflect the statutory changes.[4] The new rule removed the $200 per day limit and, in its place, authorized FCS banks to pay fair and reasonable director compensation that did not exceed the statutory limit.

The Farm Credit Banks and Associations Safety and Soundness Act of 1992[5] (1992 Act) amended section 4.21 of the Act to raise the limit on bank director compensation from $15,000 to $20,000 per year and authorized subsequent annual adjustments to reflect changes in the Consumer Price Index (CPI). The 1992 Act also authorized the FCA to waive the director compensation limitation under "exceptional circumstances" in accordance with regulations promulgated by the FCA. In response to these statutory changes, the Agency amended § 611.400 to incorporate the new FCS bank director compensation limits.[6]

Current § 611.400 provides a process for annually adjusting bank director compensation in response to changes in the CPI and for granting waivers when exceptional circumstances necessitate exceeding the statutory maximum. The rule limits the amount of additional director compensation available by waiver to 30 percent of the statutory maximum. The rule also requires that the Agency approve a waiver before the additional compensation is paid. Section 611.400(c) requires a bank to submit a written request to the FCA to waive the limitation. The written request must: (1) Describe and explain the exceptional circumstances that the bank believes necessitate a waiver; (2) state the amount and the terms and conditions of the proposed compensation level for each director whose compensation would exceed the statutory maximum; and (3) justify the proposed level of compensation based on the extraordinary time and service the director devotes to bank business.

The FCA, based on its experience in administering the waiver provisions of § 611.400, proposes to remove the existing prior approval requirements for additional director compensation of up to 30 percent of the statutory maximum when justified by exceptional circumstances. This proposed amendment is part of the Agency's continuing effort to streamline its regulations and reduce regulatory burden.

II. Analysis

Since amending § 611.400 in 1994, the FCA Board has approved several bank requests under the regulatory waiver mechanism to exceed the statutory maximum for bank director compensation. Most of the waivers were based on exceptional circumstances related to development and implementation of mergers, consolidations, and joint management proposals. These activities are typically outside the normal course of business for FCS bank directors and require them to devote exceptional time and attention to bank affairs. The FCA has also approved waiver requests justified by extraordinary director efforts in connection with joint strategic planning projects between banks and the hiring of a new chief executive officer. Significantly, in the 4 years since the FCA amended § 611.400, the Agency has not found it necessary to deny a request for extraordinary director compensation.

Current § 611.400(d) requires each bank board of directors to adopt a written policy regarding the compensation of bank directors. Section 611.400(d)(3) requires this policy to address the exceptional circumstances under which the board would seek a waiver of the statutory maximum and any limitations or conditions the board would wish to place on the availability of such a waiver. Under the proposed rule, the requirement for a written policy would be retained. However, since the FCA would no longer approve in advance the payment of additional director compensation, the Agency would expect each bank to review its director compensation policy to be certain it reflects the added responsibility of the bank to ensure that such compensation occurs only in exceptional circumstances.

III. Proposed Changes

Based on the considerations discussed above, the FCA proposes to amend § 611.400(c) to eliminate the current prior approval requirement for waiver of the director compensation limitation. The proposal would authorize banks to pay directors up to 30 percent above the statutory maximum without notifying the FCA in advance. However, banks that grant additional compensation above the statutory maximum must maintain documentation justifying the additional director compensation, including the amount, and terms and conditions of the compensation, as well as a description of the extraordinary time and service the director devoted to bank business. Documentation will be subject to review and evaluation during the examination process.

The FCA believes that elimination of Agency prior approval in this area strikes an appropriate balance between Congressional intent that additional compensation be granted for truly exceptional circumstances and the goal of reducing regulatory burden. The FCA's experience to date with bank applications to grant additional director compensation has led the Agency to conclude that prior approval is unnecessary and that the use of the new procedure can be adequately monitored through the examination process.

The FCA also proposes conforming changes to §§ 611.400(d)(3) and 620.5(i)(1) to remove references to waivers granted by the FCA for providing additional compensation. As noted above, § 611.400(d)(3) would continue to require banks to maintain a written policy addressing exceptional circumstances justifying additional

[1] *See* 52 FR 36012 (September 25, 1987).
[2] Pub. L. 100–399, 102 Stat. 989 (1988).
[3] *See* section 414 of the 1988 Act, which added section 4.21 of the 1971 Act.
[4] *See* 57 FR 43393 (September 21, 1992).
[5] Pub. L. 102–552, 106 Stat. 4102 (1992).
[6] *See* 59 FR 37406 (July 22, 1994).

director compensation. The conforming changes to § 620.5(i)(1) would continue to require annual report disclosure of director compensation. Should a director receive additional compensation in excess of the statutory maximum, the annual report must describe the exceptional circumstances justifying the additional compensation.

List of Subjects

12 CFR Part 611

Agriculture, Banks, banking, Rural areas.

12 CFR Part 620

Accounting, Agriculture, Banks, banking, Reporting and recordkeeping requirements, Rural areas.

For the reasons stated in the preamble, parts 611 and 620 of chapter VI, title 12 of the Code of Federal Regulations are proposed to be amended to read as follows:

PART 611—ORGANIZATION

1. The authority citation for part 611 continues to read as follows:

Authority: Secs. 1.3, 1.13, 2.0, 2.10, 3.0, 3.21, 4.12, 4.15, 4.21, 5.9, 5.10, 5.17, 7.0—7.13, 8.5(e) of the Farm Credit Act (12 U.S.C. 2011, 2021, 2071, 2091, 2121, 2142, 2183, 2203, 2209, 2243, 2244, 2252, 2279a—2279f-1, 2279aa-5(e)); secs. 411 and 412 of Pub. L. 100–233, 101 Stat. 1568, 1638; secs. 409 and 414 of Pub. L. 100–399, 102 Stat. 989, 1003, and 1004.

Subpart D—Rules for Compensation of Board Members

2. Section 611.400 is amended by revising paragraphs (c) and (d)(3) to read as follows:

§ 611.400 Compensation of bank board members.

* * * * *

(c)(1) A Farm Credit bank is authorized to pay a director up to 30 percent more than the statutory compensation limit in exceptional circumstances where the director contributes extraordinary time and effort in the service of the bank and its shareholders.

(2) Banks must document the exceptional circumstances justifying additional director compensation. The documentation must describe:

(i) The exceptional circumstances justifying the additional director compensation, including the extraordinary time and effort the director devoted to bank business; and

(ii) The amount and the terms and conditions of the additional director compensation.

(d) * * *

(3) The exceptional circumstances under which the board would pay additional compensation for any of its directors as authorized by paragraph (c) of this section.

* * * * *

PART 620—DISCLOSURE TO SHAREHOLDERS

3. The authority citation for part 620 continues to read as follows:

Authority: Secs. 5.17, 5.19, 8.11 of the Farm Credit Act (12 U.S.C. 2252, 2254, 2279aa-11); sec. 424 of Pub. L. 100–233, 101 Stat. 1568, 1656.

Subpart B—Annual Report to Shareholders

§ 620.5 [Amended]

4. Section 620.5(i)(1) is amended by removing the words "under which a waiver of section 4.21 of the Act was granted by the FCA" and adding in their place the words "justifying the additional director compensation as authorized by § 611.400(c)(1)" in the second sentence.

Dated: September 9, 1998.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 98–24633 Filed 9–14–98; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–CE–35–AD]

RIN 2120–AA64

Airworthiness Directives; Ursula Hanle Model H101 "Salto" Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Ursula Hanle (Hanle) Model H101 "Salto" sailplanes. The proposed AD would require replacing the airbrake lever with one of improved design. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by the proposed AD are intended to prevent the airbrake from deploying during high g maneuvers, which could result in an overstressing effect on the airframe with consequent reduced sailplane control.

DATES: Comments must be received on or before October 21, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–35–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Ursula Hanle, Haus Schwalbenwerder, D–14728 Strodehne, Federal Republic of Germany; telephone and facsimile: +49 (0) 33875–30389. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6934; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 98–CE–35–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the

FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 98–CE–35–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, recently notified the FAA that an unsafe condition may exist on certain Hanle Model H101 "Salto" sailplanes. The LBA reports that the airbrake lever may inadvertently deploy during high g maneuvers because the knee mechanism is not adequately fastened to the existing lever.

This condition, if not corrected, could result in an overstressing effect on the airframe with consequent reduction in sailplane control.

Relevant Service Information

Ursula Hanle has issued Technical Bulletin 101–25/2, dated January 21, 1998, which specifies procedures for replacing the airbrake lever made of sheet metal with one made of steel.

The LBA classified this service bulletin as mandatory and issued German AD 1998–108, dated February 26, 1998, in order to assure the continued airworthiness of these sailplanes in Germany.

The FAA's Determination

This sailplane model is manufactured in Germany and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept the FAA informed of the situation described above.

The FAA has examined the findings of the LBA; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Hanle Model H101 "Salto" sailplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require replacing the airbrake lever made of sheet metal with one made of steel. Accomplishment of the proposed replacement would be in accordance with Ursula Hanle Technical Bulletin 101–25/2, dated January 21, 1998.

Compliance Time of the Proposed AD

Although the airbrake lever would only come out during flight in high g maneuvers, the unsafe condition specified in the proposed AD is not a result of the number of times the sailplane is operated. The chance of this situation occurring is the same for a sailplane with 10 hours time-in-service (TIS) as it would be for a sailplane with 500 hours TIS. For this reason, the FAA has determined that a compliance based on calendar time should be utilized in the proposed AD in order to assure that the unsafe condition is addressed on all sailplanes in a reasonable time period.

Cost Impact

The FAA estimates that 8 sailplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 6 workhours per sailplane to accomplish the proposed action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $295 per sailplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $5,240, or $655 per sailplane.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Ursula Hanle: Docket No. 98–CE–35–AD.

Applicability: Model H101 "Salto" sailplanes, all serial numbers, certificated in any category.

Note 1: This AD applies to each sailplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 3 calendar months after the effective date of this AD, unless already accomplished.

To prevent the airbrake from inadvertently deploying during high g maneuvers, which could result in an overstressing effect on the airframe with consequent reduced sailplane control, accomplish the following:

(a) Replace the airbrake lever in accordance with Ursula Technical Bulletin 101–25/2, dated January 21, 1998, and drawing No. 101–44–3(2), as referenced in the technical bulletin.

(b) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the sailplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(d) Questions or technical information related to Ursula Hanle Technical Bulletin 101–25/2, dated January 21, 1998, should be directed to Ursula Hanle, Haus Schwalbenwerder, D–14728 Strodehne, Federal Republic of Germany; telephone and facsimile: +49 (0) 33875–30389. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in German AD 1998–108, dated February 26, 1998.

Issued in Kansas City, Missouri, on September 4, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–24642 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–29–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Supplemental notice of proposed rulemaking; reopening of comment period.

SUMMARY: This document revises an earlier proposed airworthiness directive (AD), applicable to certain Airbus Model A320 series airplanes, that would have required repetitive inspections to detect wear of the inboard flap trunnions; modification or replacement, if necessary; and eventual modification of the trunnions, which would terminate the repetitive inspections. That proposal was prompted by reports of wear damage found on the inboard flap drive trunnions that was caused by chafing of the Teflon rollers of the chain that actuates the sliding panel of the fairing. This new action revises the proposed AD by adding new repetitive inspections to detect wear or debonding of the protective half-shells, and corrective actions, if necessary; and by removing the modification requirement. This action also would expand the applicability of the existing AD to include additional airplanes. The actions specified by this proposed AD are intended to detect and correct chafing and resultant wear damage on the inboard flap drive trunnions or on the protective half-shells, which could result in failure of the trunnion primary load path; this would adversely affect the fatigue life of the secondary load path and could lead to loss of the flap.

DATES: Comments must be received by October 13, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 96–NM–29–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96–NM–29–AD." The postcard will be date stamped and returned to the commenter.

Availability of Notice of Proposed Rulemaking (NPRM)

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 96–NM–29–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to add an airworthiness directive (AD), applicable to certain Airbus Model A320 series airplanes, was published as an NPRM in the **Federal Register** on August 30, 1996 (61 FR 45910). That NPRM would have required repetitive inspections to detect wear of the inboard flap trunnions; modification or replacement, if necessary; and eventual modification of the trunnions, which would terminate the repetitive inspections. That NPRM was prompted by reports of wear damage found on the inboard flap drive trunnions that was caused by chafing of the Teflon rollers of the chain that actuates the sliding panel of the fairing. Such chafing and resultant wear damage, if not corrected, could result in failure of the trunnion primary load path; this would adversely affect the fatigue life of the secondary load path and could lead to loss of the flap.

Comments Received

Due consideration has been given to the comments received in response to the NPRM.

Requests To Delete the Proposed Modification

Several commenters request that the FAA delete the modification requirements specified in paragraphs (a)(2), (a)(3), and (b) of the original NPRM. These commenters state that accomplishment of Airbus Service Bulletin A320–27–1050, Revision 3, dated October 21, 1994 (referenced in the original NPRM as the appropriate source of service information for accomplishing the proposed modification of the inboard flap trunnion), does not eliminate the potential for damage to the trunnion and should not be accomplished.

The FAA concurs with the commenters' requests to delete the modification requirement specified in the original NPRM. Since issuance of that NPRM, the Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France,

advised the FAA that it has received reports of protective half-shells detaching from the inboard flap trunnions, and other reports of wear marks being detected on the protective half-shells on certain A320 series airplanes. These airplanes had been modified in accordance with Airbus Service Bulletin A320–27–1050, Revision 3.

The DGAC further advises the FAA that it also has received reports that the Teflon rollers of the chain that actuates the sliding panel of the fairing have been found displaced and could consequently chafe the unprotected part of the trunnion. In addition, reports indicate that debonding of the protective half-shells was most likely caused by incompatibility between the cleaning solution and the bonding agent.

In light of these findings, the FAA has determined that accomplishment of the modification specified in the original NPRM does not adequately protect the inboard flap trunnion. Therefore, the FAA has deleted the proposed modification requirement from this supplemental NPRM.

Request To Cite New Service Information

Several commenters advise that Airbus has issued Service Bulletin A320–27–1108, Revision 01, dated July 15, 1997 (for Airbus Model A319, A320, and A321 series airplanes on which protective half-shells have been installed). The service bulletin describes procedures for repetitive detailed visual inspections of the trunnions with the protective half-shells. These commenters point out that protective half-shells were installed on certain Airbus Model A319 and A321 series airplanes during production or in accordance with Airbus Service Bulletin A320–27–1097. Therefore, such modified Airbus Model A319 and A321 series airplanes are subject to the same identified unsafe condition as the affected Airbus Model A320 series airplanes.

One of these commenters states that, for airplanes that have not been modified in accordance with Airbus Service Bulletin A320–27–1050, Airbus has issued Revision 3 of Service Bulletin A320–27–1066 that deletes the reference to Airbus Service Bulletin A320–27–1050 and includes a repair solution.

In addition, one commenter states that Airbus has issued Service Bulletin A320–27–1097, which is applicable to Airbus Model A321 series airplanes on which Airbus Modification 23926 has not been accomplished. The commenter also states that Airbus Service Bulletin A320–27–1097 describes repetitive inspections of the trunnion similar to those described in Airbus Service Bulletin A320–27–1066.

The FAA infers that the commenters are requesting that the supplemental NPRM be revised to cite new service information and expand the applicability of the original NPRM. The FAA concurs. Since issuance of the original NPRM, Airbus has issued the following new service bulletins:

1. A320–27–1066, Revision 4, dated July 15, 1997 (for Model A320 series airplanes), describes new procedures for repetitive detailed visual inspections of areas 1 and 2 of the inboard flap trunnion to detect wear on the trunnion; and repair or replacement of the trunnion, if necessary. Revision 4 of the service bulletin revises the effectivity listing of earlier revisions of the service bulletin (Revision 1 was referenced in the original NPRM as an appropriate source of service information). Although one commenter requests that the FAA reference Revision 3 of Airbus Service Bulletin A320–27–1066, the FAA has determined that it is appropriate to cite the latest revision of that service bulletin. Therefore, the FAA has revised paragraphs (b) and (c) of the supplemental NPRM to cite Revision 4 of Airbus Service Bulletin A320–27–1066 as an appropriate source of service information.

2. A320–27–1097, Revision 01, dated July 15, 1997 (for Model A321 series airplanes), describes essentially identical procedures to those specified in Airbus Service Bulletin A320–27–1066 (discussed above) for Airbus Model A321 series airplanes. The FAA finds that accomplishment of these procedures will adequately detect and correct wear of the inboard trunnion. Therefore, the FAA has revised paragraphs (b) and (c) of the supplemental NPRM to cite Revision 01 of Airbus Service Bulletin A320–27–1097 as an appropriate source of service information.

3. A320–27–1108, Revision 01, dated July 15, 1997 (for Model A319, A320, and A321 series airplanes), describes procedures for repetitive detailed visual inspections of the protective half-shell (area 1) to detect wear or debonding, and detailed visual inspections of the trunnion (area 2) to detect wear. In addition, this service bulletin describes follow-on corrective actions that include further inspections of the trunnions and/or protective half-shells; repair of the inboard flap trunnion by installing a new protective half-shell of the drive trunnion of the inboard flap, or replacing the existing half-shell; and replacement of the trunnion with a new or serviceable trunnion. The FAA has determined that accomplishment of these follow-on inspections and corrective actions will adequately detect and correct wear of the protective half-shells and the trunnion, and debonding of the protective half-shells. Therefore, the FAA has revised paragraphs (a) and (c) of the supplemental NPRM to cite Revision 01 of Airbus Service Bulletin A320–27–1108 as an appropriate source of service information.

The DGAC classified the Airbus service bulletins as mandatory, and issued French airworthiness directive 96–271–092(B) R1, dated October 8, 1997, in order to assure the continued airworthiness of these airplanes in France.

In addition, because the FAA finds that Airbus Model A319 and A321 series airplanes also are subject to the identified unsafe condition of this proposed AD, the applicability of this supplemental NPRM, and the cost impact information, below, have been revised accordingly.

Differences Between Supplemental NPRM and Service Information

Operators should note that, although the service bulletins specify that the manufacturer may be contacted for disposition of certain wear conditions found on the flap trunnions, this supplemental NPRM would require repair of the wear condition in accordance with a method approved by the FAA, or the DGAC (or its delegated agent). In light of the action that would be required to address the identified unsafe condition, and in consonance with existing bilateral airworthiness agreements, the FAA has determined that a repair approved by either the FAA or the DGAC would be acceptable for compliance with this supplemental NPRM.

Request To Establish an Alternative Compliance Time for Certain Airplanes

One commenter requests that the FAA establish a grace period of 18 months for the compliance time threshold of 10,000 total flight hours specified in paragraph (b) of the original NPRM. The commenter states that no accomplishment period exists for airplanes that have passed the proposed limit, and that all of its Airbus Model A320 series airplanes have accumulated in excess of 11,000 total flight hours. Therefore, operators would be subject to severe operational impact under the compliance time specified by the original NPRM.

The FAA acknowledges that a grace period would have been appropriate; however, as discussed previously, the FAA has deleted the modification requirements specified in paragraphs (a)(2), (a)(3), and (b) of the original NPRM.

Request to Change the Terminating Action in the Original NPRM

One commenter requests that the terminating action specified in Airbus Service Bulletin A320–27–1050, Revision 3, dated October 21, 1994 [as referenced in paragraph (b) of the original NPRM] be changed to the terminating action specified in Airbus Service Bulletin A320–27–1117, dated September 16, 1997. The commenter states that this new service bulletin specifies a new design for the protective clamp assembly and sliding fairing, which incorporates a lockwire to the protective clamp assembly and redesigns the sliding fairing to reduce the flexibility of the assembly and reduce the clearance between the trunnion fitting and clamp assembly. The commenter also states that the new design eliminates the potential for damage to the unprotected portion of the trunnion, and that the new, thicker steel wear pads on the clamp assembly are more wear resistant than the half-shell design.

The FAA concurs partially with this request. As discussed previously, the FAA agrees that the modification proposed in accordance with Airbus Service Bulletin A320–27–1050 is not appropriate as a terminating action and has deleted that requirement from this supplemental NPRM. However, the FAA has not approved an alternative terminating action at this time. The DGAC and the manufacturer advise that the modification specified in Airbus Service Bulletin A320–27–1117 is being evaluated to determine whether it is an appropriate terminating action for the repetitive inspections. The DGAC also states that it will provide additional information when the evaluation is completed. If such a modification is determined to be effective in preventing the unsafe condition addressed by this supplemental NPRM, the FAA may consider further rulemaking. However, the FAA considers that it is inappropriate to delay issuance of the supplemental NPRM in order to await completion of the evaluation.

Conclusion

Since these changes expand the scope of the originally proposed AD, the FAA has determined that it is necessary to reopen the comment period to provide additional opportunity for public comment.

Interim Action

This is considered to be interim action. The manufacturer has advised that it currently is developing a modification that will positively address the unsafe condition addressed by this AD. Once this modification is developed, approved, and available, the FAA may consider additional rulemaking.

Cost Impact

The FAA estimates that 132 airplanes of U.S. registry would be affected by this AD, that it would take approximately 1 work hour per airplane to accomplish any of the proposed inspections, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be $7,920, or $60 per airplane, per inspection cycle.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus Industrie: Docket 96–NM–29–AD.

Applicability: All Model A319, A320, and A321 series airplanes; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct chafing and resultant wear damage on the inboard flap drive trunnions or on the protective half-shells, which could result in failure of the trunnion primary load path, adversely affect the fatigue life of the secondary load path, and lead to loss of the flap; accomplish the following:

(a) For airplanes on which a protective half-shell has been installed over area 1 of the left or right inboard flap trunnion: Perform a detailed visual inspection of the protective half-shell (area 1) to detect wear or debonding, and perform a detailed visual inspection of the trunnion (area 2) to detect wear at the time specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable; in accordance with Airbus Service Bulletin A320–27–1108, Revision 01, dated July 15, 1997.

(1) For Model A319 and Model A320 series airplanes on which Airbus Modification 22841 has been installed: Inspect prior to the accumulation of 2,500 flight hours after the incorporation of the modification, or within 500 flight hours after the effective date of this AD, whichever occurs later.

(2) For Model A321 series airplanes on which Airbus Modification 23926 has been installed, or on which the repair specified in Airbus Service Bulletin A320–27–1097, dated October 5, 1996, or Revision 01, dated July 15, 1997, has been accomplished; and for Model A320 series airplanes on which the repair specified in Airbus Service Bulletin A320–27–1066, Revision 3, dated October 30, 1996, or Revision 4, dated July 15, 1997, has been accomplished: Inspect prior to the accumulation of 5,000 flight hours after incorporation of the repair or modification,

or within 500 flight hours after the effective date of this AD, whichever occurs later.

[3] For Airbus Model A320 series airplanes on which Airbus Modification 22881 has been accomplished, and on which Airbus Modification 22841 or the modification specified in Airbus Service Bulletin A320–27–1050 has not been accomplished: Inspect within 500 flight hours after the effective date of this AD.

(b) For airplanes on which no protective half-shell is installed over area 1 of the left or right inboard flap trunnion: Within 500 flight hours after the effective date of this AD, perform a detailed visual inspection of areas 1 and 2 of the inboard flap trunnion to detect wear on the trunnion, in accordance with Airbus Service Bulletin A320–27–1066, Revision 4, dated July 15, 1997 (for Model A320 series airplanes), or A320–27–1097, Revision 01, dated July 15, 1997 (for Model A321 series airplanes).

(c) Except as provided by paragraph (d) of this AD: Following the accomplishment of any inspection required by either paragraph (a) or (b) of this AD, perform the follow-on repetitive inspections and/or corrective actions, as applicable, in accordance with Airbus Service Bulletin A320–27–1066, Revision 4, dated July 15, 1997 (for Model A320 series airplanes); A320–27–1097, Revision 01, dated July 15, 1997 (for Model A321 series airplanes); or A320–27–1108, Revision 01, dated July 15, 1997 (for Model A319, A320, and A321 series airplanes); as applicable; at the compliance times specified in the applicable service bulletin.

(d) If the applicable service bulletin specifies to contact Airbus for an appropriate action, prior to further flight, repair in accordance with a method approved by either the Manager, International Branch, ANM–116, FAA, Transport Airplane Directorate, or the Direction Générale de l'Aviation Civile (or its delegated agent).

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116. Operators shall submit requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Note 3: The subject of this AD is addressed in French airworthiness directive 96–271–092(B) R1, dated October 8, 1997.

Issued in Renton, Washington, on September 9, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–24656 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Parts 1 and 3

RIN 1024–AC65

Personal Watercraft Use Within the NPS System

AGENCY: National Park Service, Interior.

ACTION: Proposed rule.

SUMMARY: The National Park Service (NPS) is proposing regulations that will prohibit personal watercraft (PWC) in units of the National Park System unless the NPS determines that PWC use is appropriate for a specific unit based on that unit's enabling legislation, resources and values, other visitor uses and overall management objectives. This regulation will describe a process that will allow continued PWC use in some areas. This proposed rule would enable the NPS to better manage the use of personal watercraft in units of the NPS.

DATES: Written comments will be accepted until November 16, 1998.

ADDRESSES: Mail comments to: NPS—Ranger Activities Division—PWC, Room 7408, 1849 C Street NW, Washington, D.C. 20240. E-mail comments by selecting Hotdocs and Personal Watercraft Use in the NPS System at *http://www.nps.gov/refdesk* on the NPS website.

FOR FURTHER INFORMATION CONTACT: Chip Davis at the above address or by calling 202–208–4874.

SUPPLEMENTARY INFORMATION:

Background

The NPS is granted broad statutory authority under 16 U.S.C. 1 *et seq.* (National Park Service Organic Act) and 16 U.S.C. 1a–2(h) to "* * * regulate the use of the Federal areas known as national parks, monuments, and reservations * * * by such means and measures as conform to the fundamental purpose of the said parks * * * which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations". Conserving the resources of the parks is the primary responsibility of the NPS, while compatibly providing for the enjoyment of the visitor, without impairing the resources or the visitor experience. The appropriateness of a visitor use or recreational activity will vary from park to park. *NPS Management Polices* states that "* * * because of differences in individual park enabling legislation and resources and differences in the missions of the NPS and other federal agencies, an activity that is entirely appropriate when conducted in one location may be inappropriate if conducted in another" (Chapter 8:2–3).

NPS Management Policies provide further direction in implementing the intent of the congressional mandate and other applicable Federal legislation. The policy of the NPS regarding protection and management of natural resources is "The National Park Service will manage the natural resources of the national park system to maintain, rehabilitate, and perpetuate their inherent integrity" (Chapter 4:1). Where conflict arises between human use and resource protection, where the NPS has a "reasonable basis to believe a resource is or would become impaired, the Park Service may, * * * otherwise place limitations on public use" (Chapter 1:3).

The Organic Act and the other statutory authorities of the NPS vest the NPS with substantial discretion in determining how best to manage park resources and provide for park visitors. "Courts have noted that the Organic Act is silent as to the specifics of park management and that 'under such circumstances, the Park Service has broad discretion in determining which avenues best achieve the Organic Act's mandate * * *. Further, the Park Service is empowered with the authority to determine what uses of park resources are proper and what proportion of the park resources are available for each use.'" *Bicycle Trails Council of Marin* v. *Babbitt*, 82 F.3d 1445, 1454 (9th Cir. 1996), quoting *National Wildlife Federation* v. *National Park Service*, 669 F. Supp. 384, 390 (D.Wyo. 1987). In reviewing a challenge to NPS regulations at Everglades National Park, the court stated, "The task of weighing the competing uses of federal property has been delegated by Congress to the Secretary of the Interior * * *. Consequently, the Secretary has broad discretion in determining how best to protect public land resources." *Organized Fishermen of Florida* v. *Hodel*, 775 F.2d 1544, 1550 (11th Cir. 1985), *cert. denied*, 476 U.S. 1169 (1986).

Over the years, NPS areas have been impacted with new, and what often prove to be controversial, recreational activities. These recreational activities tend to gain a foothold in NPS units in their infancy, before a full evaluation of the possible impacts and ramifications that expanded use will have on the unit can be initiated, completed and

considered. Personal watercraft (PWC) use fits this category.

PWC use is a relatively new recreational activity that has been observed in about 32 of the 87 units of the National Park System that allow motorized boating. PWC refers to a vessel, usually less than 16 feet in length (measured from end to end over the deck excluding sheer) which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. PWCs are high performance vessels designed for speed and maneuverability and are often used to perform stunt-like maneuvers. PWC includes vessels commonly referred to as jet ski, waverunner, wavejammer, wetjet, sea-doo, wet bike and surf jet. Over 1.3 million PWCs are in use today with annual sales of approximately 200,000. The Personal Watercraft Industry Association (PWIA), which consists of about five or six PWC manufacturers, coined the term "Personal Watercraft'.

This proposed rule takes a conservative approach to PWC use in units of the National Park System based on consideration of the potential resource impacts, conflicts with other visitors' uses and enjoyment, and safety concerns. The proposed rule prohibits PWC use in units of the National Park System unless the NPS determines that PWC use is appropriate for a specific unit based on that unit's enabling legislation, resources and values, other visitor uses, and overall management objectives. The proposed rule incorporates and distinguishes two methods of authorizing PWC use. The first method is available for a relatively small group of park units where authorization might be appropriately and successfully accomplished through locally based procedures. The second method, unit-specific rulemaking through the **Federal Register**, is available for all other park units where authorization is deemed appropriate.

The first, or locally-based, method of authorizing PWC use would be available to allow PWC use to continue in certain park units identified in the proposed rule, namely, eleven national recreation areas (NRA's): Amistad, Bighorn Canyon, Chickasaw, Curecanti, Gateway, Glen Canyon, Golden Gate, Lake Mead, Lake Meredith, Lake Roosevelt and Whiskeytown-Shasta-Trinity, and two national seashores: Gulf Islands and Padre Island. In these park units, the superintendent could invoke the procedures established by 36 CFR 1.5 and 1.7 to allow specified PWC use to continue. These procedures authorize the superintendent to restrict or allow activities, among other things, "for the maintenance of public health and safety, protection of environmental or scenic values, protection of natural or cultural resources, * * * or the avoidance of conflict among visitor use activities." 36 CFR 1.5(a). These procedures authorize the superintendent to take such actions using locally based methods, unless the proposed action "is of a nature, magnitude and duration that will result in a significant alteration in the public use pattern of the park area, adversely affect the park's natural, aesthetic, scenic or cultural values, require a long-term or significant modification in the resource management objectives of the unit, or is of a highly controversial nature * * *" 36 CFR 1.5 (b), (e); 1.7. In these circumstances, the superintendent must elevate the authorization to a unit-specific rulemaking through the **Federal Register**, which is the authorization procedure required of all other units of the National Park System where PWC use might be appropriate.

The proposed rule makes available the locally-based approach of 36 CFR 1.5 and 1.7 to the thirteen park units listed above based on a determination that (a) PWC use in portions of these units appears consistent with these units' enabling legislation, resources and values, other visitor uses, and overall management objectives, and (b) the superintendent may be able to authorize such PWC use without triggering the provisions of 36 CFR 1.5(b) that would require elevating the action to a **Federal Register** rulemaking. In the event that rulemaking is required, the effective date of this regulation is delayed for two years for the park units listed above. All thirteen areas were established for water-related recreation and characterized by substantial motorized use: nine contain man-made lakes created by the construction of dams, and four have open ocean or bay waters, and visitors to all thirteen areas appear generally to accept a variety of motorized boating. The superintendent has the authority under 36 CFR 1.5 to regulate PWC use within these units, e.g., by area closures or operating conditions.

The second method for authorizing PWC use in park units is a unit-specific rulemaking in the **Federal Register**. This method provides nationwide notice and opportunity to comment on any proposal to authorize PWC use in a unit of the NPS other than the thirteen listed above. This approach is similar to the NPS's approach to certain other activities that raise questions of resource impacts, visitor use conflicts, or significant controversy, such as snowmobile and off-road vehicle use, bicycle use in undeveloped park zones, aircraft landing, and hang-gliding. (See, e.g., 36 CFR 2.17, 2.18, and 4.30).

The proposed rule recognizes that promulgation of unit-specific regulations can be time-consuming. Therefore, the rule would establish a two-year "grace period" following final rule publication to provide certain listed park units where PWC use is presently occurring sufficient time to develop and finalize special regulations as appropriate. During this two-year period, the superintendents of the following park units would be able to authorize PWC use to continue by complying with the procedures of 36 CFR 1.5 and 1.7:

National Seashores

Assateague Island
Canaveral
Cape Cod
Cape Hatteras
Cape Lookout
Cumberland Island
Fire Island

National Lakeshores

Indiana Dunes
Pictured Rocks
Sleeping Bear Dunes

National Recreation Areas

Delaware Water Gap
Chattahoochee River

NPS is presently adopting interim management measures to govern PWC use in units of the National Park System during the rulemaking period. These interim management measures are intended to prohibit the introduction of PWC use into park units, which have not experienced significant PWC use before this year. NPS is directing all park units with water resources capable of being used by PWCs, but where PWCs are not being used, to designate such water resources closed to PWC use through the procedures of 36 CFR 1.5 and 1.7 pending promulgation of a final rule. In addition, superintendents in park units with some level of PWC use continue to have the authority to close areas to PWC use using these same procedures while the rulemaking process is taking place. As discussed above, the final rule, to the extent that it reflects the proposed rule, will prohibit PWC use throughout the National Park System except where specifically authorized through appropriate authorization procedures.

The NPS's conservative approach to authorizing PWC use in units of the NPS

reflects many concerns that have been raised about such use. These concerns, described below, lead NPS to presume that, as a general matter, PWC is inappropriate in most units of the National Park System. NPS also recognizes, however, that PWC use appears appropriate in certain park units; for example, Congress intended the NPS to manage an active motorized water-based recreation program on the large man-made lakes of Lake Mead and Glen Canyon National Recreation Areas. The proposed rule requires NPS to determine that PWC use is consistent with a park unit's enabling legislation, resources and values, other visitor uses, and overall management objectives before authorizing PWC use in the park unit.

The NPS is aware that the use of PWCs has raised controversy in numerous locations throughout the nation. Not surprisingly, this controversy is also affecting NPS units. PWCs clearly differ from conventional watercraft in terms of design, use, safety record, controversy and visitor and resource impacts. They are high performance vessels designed for speed and maneuverability and are often operated in an aggressive manner. They have a disproportional thrust capability and horsepower to vessel length and/or weight, in some cases four times that of conventional vessels. They are designed to be capable of operation at high speed and are able to perform stunt-like maneuvers. The complaint most often voiced by the boating public about PWCs is the seeming disregard for other boaters and unsafe boating activity. Complaints include PWCs operating too close to other boaters in order to jump the wake of the other boats, buzzing swimmers, failure to control their vessels, going in circles in the same area for long periods of time, underage operators and not observing "no wake" zones. Studies also show the disturbance of fish and wildlife associated with PWC use.

The use of PWCs as a recreational pursuit in and of itself is not necessarily an appropriate use in units of the National Park System, especially where it has the potential to affect adversely the resources and values of that unit or other visitors' enjoyment of those resources and values. Such use of PWCs for excitement and thrills is to be distinguished from use of motorized vehicles for access and enjoyment of the statutorily protected resources and values of the park unit. For example, motor boats provide access for touring, fishing and transport on some park lakes, and snowmobiles provide visitor transportation on unplowed snow-covered park roads that are open to other motorized vehicles at other times of the year.

While PWCs make up about eleven percent of the vessels registered in the country, they comprise over 35 percent of the vessels involved in accidents. Forty-four percent of the boating injuries reported in 1996 involved PWCs (National Association of State Boating Law Administrators). The majority of these accidents are attributed to rider inexperience and lack of skill, operation and use patterns, excessive speed, alcohol use and conflicts with other vessels in congested use areas. Also, PWCs are considered too dangerous to operate at night and are explicitly prohibited from night operation by some States. The number of PWC accidents has created enough concern that the United States Coast Guard (USCG), as well as many of the States, is looking into their use and operation. At least 34 States have implemented or are contemplating some type of legislation or regulation specific to PWC use, including minimum age requirement, education and training requirement, wake jumping, use in specific areas, speed limits, adult presence and night use.

PWCs have a shallow draft, which gives them the ability to penetrate areas that are not available to conventional motorized watercraft. This access has the potential to adversely impact wildlife and aquatic vegetation in these shallow areas. Wildlife impacts may include interruption of normal activity and alarm or flight; avoidance and displacement, loss of habitat use, decreased reproductivity success, interference with movement, direct mortality, interference with courtship, alteration of behavior, change in community structure and nest abandonment. Other potential impacts on the environment include elevated noise levels and the discharge of oil and gas mixture into the water.

NPS began to recognize the need to address PWC use and its potential to impact park resources, values, and purposes several years ago. In 1994, the NPS prohibited the use of PWCs at Everglades National Park through a special regulation (59 FR 58781). Studies conducted at the Everglades determined that the use of PWC over emergent vegetation, shallow grass flats and mud flats commonly used by feeding shore birds, damaged the vegetation, adversely impacted these shore birds, disturbed the life cycles of other wildlife and was inconsistent with the resources, values and purpose for which the park was established. Everglades was established to protect a unique natural ecosystem. NPS determined that activities such as water skiing and the use of PWCs are incompatible with protecting such natural resources and preserving wilderness qualities such as serenity. The studies conducted by the Everglades recommended that the potential impact of PWCs be studied before their use is permitted within other areas of the National Park System.

At about the same time as the Everglades rulemaking, the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration (NOAA) were addressing the impact of PWCs on similarly sensitive resources and adopting regulations to manage PWCs. NOAA has already regulated the use of PWCs in most National Marine Sanctuaries. (See, e.g., 50 CFR 922). In *PWIA* v. *the Department of Commerce, NOAA*, 48 F.3d 540, (D.C. Cir. 1995), concerning PWC use in the Monterey Bay National Marine Sanctuary, the U.S. Court of Appeals for the District of Columbia Circuit held that Federal officials could regulate certain types of vessels (i.e., PWCs) differently from other types of vessels.

In February 1997, the Tahoe Regional Planning Agency (TRPA), a governing body consisting of representatives from the States of Nevada and California, held hearings on the adverse environmental impacts of PWCs. Lake Tahoe, which straddles the border of California and Nevada in the Sierra Nevada mountains, is world renowned for its cobalt blue waters. TRPA is charged with protecting these waters against degradation. The hearings focused in particular on the impacts to water quality of two-stroke, non-fuel-injected engines on the marine environment of Lake Tahoe. The vast majority of PWCs in use today operate two-stroke, non-fuel injected engines. Studies have shown that these two-stroke engines discharge as much as 25 percent of their gas and oil emissions directly into the water. At the conclusion of testimony, the TRPA voted unanimously to ban all two-stroke, internal combustion engines (PWCs and outboards) from all of Lake Tahoe beginning in the year 2000.

PWC use has a significant potential to conflict with other visitors' enjoyment of park values and purposes. Many people complain about the noise and pitch changes associated with PWC use. There are additional concerns when high speed PWCs are operated in park areas used almost exclusively by slow moving canoes and rafts in back water areas, inlets or in river corridors. The visitor experience related to a

traditional river, secluded lake or cove, where the number of launches or number of users is limited to protect the remote quality and expectations of solitude and where parties encounter each other infrequently, would be greatly compromised with the introduction of PWCs into the same area. Fishermen have also voiced concerns over the introduction of PWC use in areas historically known for their isolation, solitude and overall fishing experience.

In proposing this rulemaking, NPS has considered certain legal issues brought to its attention about PWC regulation. The Personal Watercraft Industry Association believes that PWCs are Class A vessels according to the USCG, and therefore cannot be singled out and regulated differently than any other Class A vessel. However, USCG officials state that the term "Class A" vessel no longer has any significant meaning other than with respect to certain fire extinguisher and life preserver requirements. Indeed, the Recreational Boating Product Assurance Division of the USCG has determined as a practical matter that the term "Class A" has no meaning insofar as Coast Guard regulations are concerned, except with regard to fire extinguisher regulations. No matter how PWCs are classified, NPS and other agencies believe PWCs can be regulated differently from other vessels because of the unique performance capabilities and operational characteristics of PWCs.

Impact of This Proposal

NPS expects PWC use to be authorized to continue in several units of the National Park System. Because these are precisely the areas likely to get the preponderance of PWC usage in units of the National Park System, the NPS expects little, if any, economic impact on PWC users or the PWC industry on a regional or national basis. The NPS completed a threshold analysis, as required by the Regulatory Flexibility Act, to examine the impacts on small entities and consider alternatives to minimize such impact. Significant impacts on commercial PWC operations in and adjacent to NPS units are not expected from this rule and a substantial number of small entities will not be affected. Moreover, from the point of view of both users and the industry, it is quite likely that any restrictions in one area would only shift usage to other areas, either within or outside the park unit. And while such restrictions may reduce the quality of experience of some PWC users, by and large, the impact of this proposed rule on non-PWC visitors of NPS units is expected to be positive since their visitor experience would, if anything, be enhanced.

Drafting Information

The principal authors of this proposed rule are Dennis Burnett and Chip Davis, Washington Office of Ranger Activities, National Park Service, Michael Tiernan, Office of the Solicitor, Department of the Interior and Molly N. Ross, Office of the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, Washington, D.C.

Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule to the address noted at the beginning of this rulemaking. The NPS will review all comments and consider making changes to the rule based upon analysis of the comments.

Paperwork Reduction Act

This rulemaking does not contain collections of information requiring approval by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

Compliance With Other Laws

The Office of Management and Budget under Executive Order 12866 reviewed this rule. The Department of the Interior determined that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*). The overall economic effects of this rulemaking should be negligible. There are no expected increases in costs or prices for consumers, individual industries, Federal, State or local governments, agencies or geographic regions.

The Regulatory Flexibility Act, as amended, requires agencies to analyze impacts of regulatory actions on small entities (businesses, nonprofit organizations, and governments), and to consider alternatives that minimize such impacts while achieving regulatory objectives. This threshold analysis examines impacts of the proposed regulation that would restrict personal watercraft (PWC) use within the National Park System. A combination of quantitative and qualitative indicators is used to determine whether these regulations would impose significant impacts on a substantial number of small entities.

Analysis of Impacts

The PWC regulation could potentially impact two types of small businesses: manufacturers and rental shops. Small nonprofit organizations and small governments will not be affected. With respect to small manufacturers, significant impacts are not likely given the relatively low level of PWC use in affected NPS units compared to the overall use of PWCs throughout the United States. Over 1.3 million PWCs are currently in use in the U.S. with annual sales of approximately 200,000. Currently, PWC use has been observed in only 32 NPS units, 13 of which will likely not be affected significantly by these regulations. Those 13 units, which are specifically authorized in their enabling legislation for water recreation, account for the vast majority of PWC use in NPS units. Consequently, PWC use would likely be potentially affected in only 19 NPS units. Those 19 affected units generally have alternative sites nearby where PWC use is allowed. Therefore, it is not anticipated that PWC manufacturers will suffer a significant decrease in sales due to these regulations.

Most, if not all, rental shops that supply PWCs for use within NPS units could be classified as small businesses for purposes of this threshold analysis. In the 19 potentially affected units, where PWCs are currently in use, there are approximately 53 rental shops that could be potentially impacted. However, any impacts from this rulemaking should not be widespread or significant for the following reasons:

1. In 12 of the 19 affected units, a 2-year grace period would allow a locally based determination on PWC use until unit-specific rulemakings can determine appropriate management measures. Such measures would not automatically prohibit PWC use, but could limit use to areas and times that are consistent with a unit's enabling legislation, resources and values, other visitor uses, and overall management objectives. Therefore, not only would potentially affected rental shops benefit from the 2 year grace period, but a determination of appropriate levels of PWC use would be made in these units under future unit-specific regulations.

2. Future rulemakings will solicit and consider public comments on proposed management measures, potentially increasing the flexibility of such measures.

3. The remaining 7 affected units have limited commercial PWC use from rental shops. The primary use is by individuals with privately owned PWCs. Therefore, there would be

limited impacts on rental shops near those units.

4. All of the affected units having commercial PWC rental operations operate on larger bodies of water (oceans, lakes and rivers) of which the NPS managed portions are only a part of the larger body of water. NPS jurisdiction typically extends from the shoreline out to ¼ mile and up to one mile in various units. PWC use is managed by state and local governments in the waters outside NPS jurisdiction and is unaffected by the NPS regulation.

5. NPS managers have reported the existence of significant opportunities for PWC use at alternative sites near each of the 19 affected NPS units. Therefore, potentially affected rental shops would continue to be able to rent PWCs for use at these alternative sites.

6. No direct compliance costs, such as those associated with reporting requirements, would be imposed on rental shops.

Therefore, significant impacts on PWC rental shops are not expected from this rulemaking. Moreover, even if significant impacts were expected, a substantial number of rental shops will not be affected. Currently, there are approximately 133 rental shops that supply PWCs for use in NPS units. However, only 4 rental shops supply PWCs for use in units that would be automatically closed to PWC use by this rulemaking.

There are virtually tens of thousands of water areas nationwide where PWCs may be operated. A very small percentage of the nation's 1.3 million PWCs are used in units of the NPS. Where PWC use already occurs in the NPS, there are anticipated to be few changes that would adversely affect their current activity. Where PWC use does not already occur, the possibility of keeping those areas free of PWC use will not pose any additional economic impact.

These considerations indicate that this rulemaking will not impose significant impacts on a substantial number of small entities.

The Department has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*), that this rule will not impose a cost of $100 million or more in any given year on local, State or tribal governments or private entities. The threshold economic analysis of commercial PWC activity in relation to NPS areas supports this determination.

The Department has determined that this rule meets the applicable standards provided in Section 3(a) and 3(b)(2) of Executive Order 12988.

This rule is not a major rule under the Congressional review provisions of the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 804(2)).

The NPS has determined that this proposed rulemaking will not have a significant effect on the quality of the human environment, health and safety because it is not expected to:

(a) Increase public use to the extent of compromising the nature and character of the area or causing physical damage to it;

(b) Introduce potentially incompatible uses, which compromise the nature and characteristics of the area or cause physical damage to it;

(c) Conflict with adjacent ownership or land uses; or

(d) Cause a nuisance to adjacent owners or occupants.

Based on this determination, the regulation is categorically excluded from the procedural requirements of the National Environmental Policy Act (NEPA) by Departmental guidelines in 516 DM 6, Appendix 7.4D (49 FR 21438). As such, neither an Environmental Assessment nor an Environmental Impact Statement has been prepared.

List of Subjects

36 CFR Part 1

National parks, Penalties, Reporting and recordkeeping requirements, Signs and symbols.

36 CFR Part 3

Marine safety, National parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the NPS proposes to amend 36 CFR Chapter I as follows:

PART 1—GENERAL PROVISIONS

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

Authority: 16 U.S.C. 1, 3, 460 1–6a(e), 469(k); D.C. Code 8–137, 40–721 (1981).

2. Section 1.4 is amended by revising the section heading and adding a new definition, in alphabetical order to paragraph (a), to read as follows:

§ 1.4 What terms do I need to know?

(a) * * *

Personal watercraft refers to a vessel, usually less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is stated in feet and inches.

* * * * *

PART 3—BOATING AND WATER USE ACTIVITIES

3. The authority citation for Part 3 continues to read as follows:

Authority: 16 U.S.C. 1, 1a–2(h), 3.

4. New § 3.24 is added to read as follows:

§ 3.24 Where may I use personal watercraft?

(a) The use of personal watercraft in units of the National Park System is allowed only in designated areas.

(b) Designation of areas for personal watercraft use requires the promulgation of a special regulation, except for the following park areas: Amistad, Bighorn Canyon, Chickasaw, Curecanti, Gateway, Glen Canyon, Golden Gate, Lake Mead, Lake Meredith, Lake Roosevelt, Whiskeytown-Shasta-Trinity National Recreation Areas, and Gulf Islands and Padre Island National Seashores, where personal watercraft use may be designated using the procedures of §§ 1.5 and 1.7 of this Chapter.

(c) The provisions of this section do not apply until [insert date two years from effective date of final regulation] to the park areas identified in paragraph (b) to allow either designation of personal watercraft use areas pursuant to §§ 1.5 and 1.7 of this chapter or promulgation of a special regulation, and for the following park areas, if determined appropriate, to promulgate a special regulation to designate use areas for personal watercraft:

National Seashores

Assateague Island
Canaveral
Cape Cod
Cape Hatteras
Cape Lookout
Cumberland Island
Fire Island

National Lakeshores

Indiana Dunes
Pictured Rocks
Sleeping Bear Dunes

National Recreation Areas

Delaware Water Gap

Chattahoochee River

Dated: July 17, 1998.

Stephen C. Saunders

(Acting) Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 98–24695 Filed 9–14–98; 8:45 am]

BILLING CODE 4310–70–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL–6161–4]

Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the St. Louis, Missouri Moderate Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: Under section 211(k)(6) of the Clean Air Act, as amended (Act), the Administrator of EPA shall require the sale of reformulated gasoline (RFG) in ozone nonattainment areas upon the application of the Governor of the state in which the nonattainment area is located. This notice proposes to extend the Act's prohibition against the sale of conventional (i.e., non-reformulated) gasoline in RFG areas to the St. Louis, Missouri moderate ozone nonattainment area. The Agency proposes to implement this prohibition on May 1, 1999, for all persons other than retailers and wholesale purchaser-consumers (i.e., refiners, importers, and distributors). For retailers and wholesale purchaser-consumers, EPA proposes to implement the prohibition on June 1, 1999, as requested by Governor Mel Carnahan of the State of Missouri. On June 1, 1999, the St. Louis ozone nonattainment area would be a covered area for all purposes in the federal RFG program.

DATES: The Agency will hold a public hearing on today's proposal if one is requested by September 22, 1998. If a public hearing is held, it will take place on Tuesday, September 29, 1998. If a public hearing is held on today's proposal, comments must be received by October 30, 1998. If a hearing is not held, comments must be received by October 15, 1998.

ADDRESSES: If a public hearing is requested by September 22, 1998, it will be held from 9 a.m. until noon at the Renaissance St. Louis Hotel—Airport, 9801 Natural Bridge Road, St. Louis, MO. If additional time is needed to hear testimony, the hearing will continue from 1 until 5 p.m. in the same location. If there are no parties interested in testifying on this proposal, the hearing will be subject to cancellation without further notification. If you wish to testify at this public hearing, or if you want to know if the hearing has been canceled contact Karen Smith at (202) 564–9674. Materials relevant to this document have been placed in Docket A–98–38. The docket is located at the Air Docket Section, Mail Code 6102, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, in room M–1500 Waterside Mall. Documents may be inspected from 8 a.m. to 5:30 p.m. A reasonable fee may be charged for copying docket materials.

Written comments should be submitted to Air Docket Section, Mail Code 6102, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. A copy should also be sent to Karen Smith at U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street, SW (6406J), Washington, DC 20460. An identical docket is also located in EPA's Region VII office in Docket A–98–38. The docket is located at 726 Minnesota Avenue, Kansas City, Kansas, 66101. In Region VII contact Wayne G. Leidwanger at (913) 551–7607 or Royan Teter at (913) 551–7609. Documents may be inspected from 9 a.m. to noon and from 1–4 p.m. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: Karen Smith at U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street, SW (6406J), Washington, DC 20460, (202) 564–9674. An additional contact person is Christine Hawk at (202) 564–9672.

SUPPLEMENTARY INFORMATION: Under section 211(k)(6) of the Clean Air Act, as amended (Act), the Administrator of EPA shall require the sale of reformulated gasoline in an ozone nonattainment area classified as Marginal, Moderate, Serious, or Severe upon the application of the Governor of the state in which the nonattainment area is located. This action proposes to extend the prohibition set forth in section 211(k)(5) against the sale of conventional (i.e., non-reformulated) gasoline to the St. Louis, Missouri moderate ozone nonattainment area. The Agency is proposing the implementation date of the prohibition described herein to take effect on May 1, 1999 for all persons other than retailers and wholesale purchaser-consumers (i.e., refiners, importers, and distributors). For retailers and wholesale purchaser-consumers, EPA is proposing the implementation of the prohibition described herein to take effect June 1, 1999 as requested by Governor Mel Carnahan of the State of Missouri. As of the implementation date for retailers and wholesale purchaser-consumers, the St. Louis ozone nonattainment area will be a covered area for all purposes in the federal RFG program.

The preamble and regulatory language are also available electronically from the EPA internet Web site. This service is free of charge, except for any cost you already incur for internet connectivity. A copy of the **Federal Register** version is made available on the day of publication on the primary Web site listed below. The EPA Office of Mobile Sources also publishes these notices on the secondary Web site listed below.

Internet (Web)

http://www.epa.gov/docs/fedrgstr/EPA-AIR/ (either select desired date or use Search feature)

http://www.epa.gov/OMSWWW/ (look in What's New or under the specific rulemaking topic)

Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

Regulated entities: Entities potentially regulated by this action are those which produce, supply or distribute motor gasoline. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Petroleum refiners, motor vehicle gasoline distributors and retailers.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your business is regulated by this action, you should carefully examine the list of areas covered by the reformulated gasoline program in § 80.70 of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Opportunity for Public Participation

A. Comments and the Public Docket Procedures

Comments should be submitted in writing to EPA's Air Docket and to Karen Smith (see **ADDRESSES**). Persons with comments containing proprietary information must distinguish such information from other comments to the greatest extent and label it as "Confidential Business Information." If a person making comments wants EPA to base the final rule in part on a submission labeled as confidential business information, then a non-confidential version of the document which summarizes the key data or information should be placed in the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when it is received by EPA, it may be made available to the public without further notice to the person making comments.

B. Public Hearing Procedures

Any person desiring to present testimony regarding this proposed rule at the public hearing (see **DATES**) should notify the contact person listed above of such intent as soon as possible. A sign-up sheet will be available at the registration table the morning of the hearing for scheduling testimony for those who have not notified the contact person. This testimony will be scheduled on a first come, first serve basis to follow the previously scheduled testimony.

EPA suggests that approximately 50 copies of the statement or material to be presented be brought to the hearing for distribution to the audience. In addition, EPA would find it helpful to receive an advance copy of any statement or material to be presented at the hearing in order to give EPA staff adequate time to review such material before the hearing. Such advance copies should be submitted to the contact person listed above.

The official records of the hearing will be kept open for 30 days following the hearing to allow submission of rebuttal and supplementary testimony. All such submittals should be directed to the Air Docket, Docket No. A–98–38 (see **ADDRESSES**).

The Director of EPA's Fuels and Energy Division, Office of Mobile Sources, or his/her designee, is hereby designated Presiding Officer of the hearing. The hearing will be conducted informally and technical rules of evidence will not apply. Because a public hearing is designed to give interested parties an opportunity to participate in the proceeding, there are no adversary parties as such. Statements by participants will not be subject to cross examination by other participants. A written transcript of the hearing will be placed in the above docket for review. Anyone desiring to purchase a copy of the transcript should make individual arrangements with the court reporter recording the proceeding. The Presiding Officer is authorized to strike from the record statements which he/she deems irrelevant or repetitious and to impose reasonable limits on the duration of the statement of any witness. This information will be available for public inspection at the EPA Air Docket, Docket No. A–98–38 (see **ADDRESSES**).

The remainder of this proposed rulemaking is organized in the following sections:

I. Background
Opt-in Provision/Process
II. The Governor's Request
III. Action
IV. Public Participation and Effective Date
V. Environmental Impact
VI. Administrative Designation and Regulatory Analysis
A. Executive Order 12866
B. Regulatory Flexibility
C. Executive Order 12875: Enhancing Intergovernmental Partnerships
D. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments
E. Unfunded Mandates
F. The Paperwork Reduction Act
G. Children's Health Protection
H. National Technology Transfer and Advancement Act of 1995 (NTTAA)
I. Statutory Authority

I. Background

Opt-in Provision/Process

As part of the Clean Air Act Amendments of 1990, Congress added a new subsection (k) to section 211 of the Act. Subsection (k) prohibits the sale of gasoline that EPA has not certified as reformulated ("conventional gasoline") in the nine worst ozone nonattainment areas beginning January 1, 1995. Section 211(k)(10)(D) defines the areas covered by the reformulated gasoline (RFG) program as the nine ozone nonattainment areas having a 1980 population in excess of 250,000 and having the highest ozone design values during the period 1987 through 1989. [1] Under section 211(k)(10)(D), any area reclassified as a severe ozone nonattainment area under section 181(b) is also to be included in the RFG program, such as Sacramento, California. EPA first published final regulations for the RFG program on February 16, 1994. See 59 FR 7716.

Other ozone nonattainment areas may be included in the program at the request of the Governor of the state in which the area is located. Section 211(k)(6)(A) provides that upon the application of a Governor, EPA shall apply the prohibition against selling conventional gasoline in "any area in the State classified under subpart 2 of Part D of Title I as a Marginal, Moderate, Serious or Severe" ozone nonattainment area. Subparagraph 211(k)(6)(A) further provides that EPA is to apply the prohibition as of the date the Administrator "deems appropriate, not later than January 1, 1995, or 1 year after such application is received, whichever is later." In some cases the effective date may be extended for such an area as provided in section 211(k)(6)(B) based on a determination by EPA that there is "insufficient domestic capacity to produce" RFG. Finally, EPA is to publish a Governor's application in the **Federal Register**.

II. The Governor's Request

EPA received an application July 13, 1998 from the Honorable Mel Carnahan, Governor of the State of Missouri, for the St. Louis moderate ozone nonattainment area to be included in the reformulated gasoline program. The Governor's letter is set out in full below.

July 10, 1998.

Ms. Carol Browner,
Administrator, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460

Dear Administrator Browner: Pursuant to Section 211(k)(6) of the Clean Air Act (CAA), I request the U.S. Environmental Protection Agency (EPA) extend the requirement for Reformulated Gasoline (RFG) to the Missouri portion of the St. Louis ozone non-attainment area beginning June 1, 1999.

Also, be advised that I have directed the Missouri Department of Natural Resources to allow for the use of ethanol as a wintertime oxygenate in the St. Louis area.

Thank you for your attention to this matter. I look forward to the successful implementation of this program and, ultimately, attainment of the federal clean air standards for the St. Louis area.

If you have any further questions or concerns, please contact Mr. Stephen Mahfood, Director, Department of Natural Resources.

Very truly yours,

s/ Mel Carnahan

cc: Dennis Grams, EPA, Region VII

[1] Applying these criteria, EPA has determined the nine covered areas to be the metropolitan areas including Los Angeles, Houston, New York City, Baltimore, Chicago, San Diego, Philadelphia, Hartford and Milwaukee.

III. Action

Pursuant to the Governor's letter and the provisions of section 211(k)(6), EPA is proposing to apply the prohibitions of subsection 211(k)(5) to the St. Louis, Missouri ozone nonattainment area as of May 1, 1999, for all persons other than retailers and wholesale purchaser-consumers. This date applies to the refinery level and all other points in the distribution system other than the retail level. For retailers and wholesale purchaser-consumers, EPA is proposing to apply the prohibitions of subsection 211(k)(5) to the St. Louis, Missouri ozone nonattainment area on June 1, 1999. As of the June 1, 1999 implementation date, this area would be treated as a covered area for all purposes of the federal RFG program.

The application of the prohibition of section 211(k)(5) to the St. Louis ozone nonattainment area could take effect no later than July 13, 1999, under section 211(k)(6)(A), which stipulates that the effective program date must be no "later than January 1, 1995 or 1 year after [the Governor's] application is received, whichever is later." For the St. Louis nonattainment area, EPA could establish an effective date for the start of the RFG program anytime up to this date.

EPA considers that July 13, 1999 would be the latest possible effective date, since EPA expects there to be sufficient domestic capacity to produce RFG and therefore has no current reason to extend the effective date beyond one year after July 13,1999 under section 211(k)(6)(B). EPA believes that there is adequate domestic capability to support the current demand for RFG nationwide as well as the addition of the St. Louis area. According to the Energy Information Administration's (EIA) preliminary calculations using survey data and demand estimates, it appears that there are adequate RFG supplies for the areas currently considering opting-in to the program. An estimated 63 thousand barrels per day of gasoline are required in St. Louis which could be covered by industry's current capacity to supply roughly an extra 300 thousand barrels per day of RFG in the eastern half of the U.S.

Like the federal volatility program, the RFG program includes seasonal requirements. Summertime RFG must meet certain VOC control requirements to reduce emissions of VOCs, an ozone precursor. Under the RFG program, there are two compliance dates for VOC-controlled RFG. At the refinery level, and all other points in the distribution system other than the retail level, compliance with RFG VOC-control requirements is required from May 1 to September 15. At the retail level (service stations and wholesale purchaser-consumers), compliance is required from June 1 to September 15. See 40 CFR 80.78 (a)(1)(v). Pipeline requirements and demands for RFG from the supply industry drive refineries to establish their own internal compliance date earlier than May so that they can then assure that terminals are capable of meeting the RFG VOC-control requirements by May 1. Based on past success with this implementation strategy, EPA proposes to stagger the implementation dates for the St. Louis opt-in to the RFG program.

Pursuant to its discretion to set an effective date under section 211(k)(6), EPA is proposing two implementation dates. For all persons other than retailers and wholesale purchaser-consumers (i.e., refiners, importers, and distributors), EPA is proposing the implementation to take effect on May 1, 1999. For retailers and wholesale purchaser-consumers, EPA is proposing the implementation to take effect on June 1, 1999. These dates are consistent with the state's request that EPA require that the RFG program begin in the St. Louis area on June 1, 1999. These dates would provide environmental benefits by allowing St. Louis to achieve VOC reduction benefits throughout the 1999 VOC-controlled season. EPA believes these dates provide adequate lead time for the distribution industry to set up storage and sales agreements to ensure supply. Although EPA is proposing and seeking comments on allowing 30 days for the transition period (May 1, 1999 to June 1, 1999), EPA is also asking for comment on whether retailers and wholesale purchaser-consumers believe they could comply with federal RFG in 15 days from the effective date set for persons other than retailers and wholesale purchaser-consumers.

IV. Public Participation and Effective Date

The Agency is publishing this action as a proposed rulemaking. The Agency will hold a public hearing on today's proposal if one is requested on September 29, 1998.

Section 211(k)(6) states that, "[u]pon the application of the Governor of a State, the Administrator shall apply the prohibition" against the sale of conventional gasoline in any area of the State classified as Marginal, Moderate, Serious, or Severe for ozone. Although section 211(k)(6) provides EPA discretion to establish the effective date for this prohibition to apply to such areas, and allows EPA to consider whether there is sufficient domestic capacity to produce RFG in establishing the effective date, EPA does not have discretion to deny a Governor's request. Therefore, the scope of this action is limited to setting an effective date for St. Louis's opt-in to the RFG program, and not to decide whether St. Louis should in fact opt in. For this reason, EPA is only soliciting comments addressing the implementation date and whether there is sufficient capacity to produce RFG, and is not soliciting comments that support or oppose St. Louis's participating in the program.

EPA also asks for comment on whether retailers and wholesale purchaser-consumers could comply with federal RFG in 15 or 30 days from the effective date set for persons other than retailers and wholesale purchaser-consumers.

In setting the effective date, EPA believes it should review the many factors that could affect the supply of gasoline to that area. By evaluating these and other factors, EPA can make a determination as to whether industry's capacity to supply RFG for an opt-in area meets or exceeds the demand.

V. Environmental Impact

The federal RFG program provides reductions in ozone-forming VOC emissions, air toxics, and starting in 2000, oxides of nitrogen (NO_X). Reductions in VOCs and NO_X are environmentally significant because they lead to reductions in ozone formation and in secondary formation of particulate matter, with the associated improvements in human health and welfare. Exposure to ground-level ozone (or smog) can cause respiratory problems, chest pain, and coughing and may worsen bronchitis, emphysema, and asthma. Animal studies suggest that long-term exposure (months to years) to ozone can damage lung tissue and may lead to chronic respiratory illness. Reductions in emissions of toxic air pollutants are environmentally important because they carry significant benefits for human health and welfare primarily by reducing the number of cancer cases each year.

Missouri's modeling estimates that if federal RFG is required to be sold in St. Louis, VOC emissions will be cut by an additional 5.53 tons/day over the VOC reductions from its current low volatility (RVP) gasoline requirement of 7.0 psi. In addition, all vehicles would have improved emissions and the area would also get reductions in toxic emissions.

VI. Administrative Designation and Regulatory Analysis

A. Executive Order 12866

Under Executive Order 12866,[2] the Agency must determine whether a regulation is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments of communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof, or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.[3]

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Regulatory Flexibility

For the following reasons, EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this proposed rule. EPA has also determined that this proposed rule would not have a significant economic impact on a substantial number of small entities.

In promulgating the RFG and the related anti-dumping regulations for conventional gasoline, the Agency analyzed the impact of the regulations on small businesses. The Agency concluded that the regulations may possibly have some economic effect on a substantial number of small refiners, but that the regulations may not significantly affect other small entities, such as gasoline blenders, terminal operators, service stations and ethanol blenders. *See* 59 FR 7810–7811 (February 16, 1994). As stated in the preamble to the final RFG/anti-dumping rule, exempting small refiners from the RFG regulations would result in the failure of meeting CAA standards. 59 FR 7810. However, since most small refiners are located in the mountain states or in California, which has its own RFG program, the vast majority of small refiners are unaffected by the federal RFG requirements (although all refiners of conventional gasoline are subject to the anti-dumping requirements). Moreover, all businesses, large and small, maintain the option to produce conventional gasoline to be sold in areas not obligated by the Act to receive RFG or those areas which have not chosen to opt into the RFG program. A complete analysis of the effect of the RFG/anti-dumping regulations on small businesses is contained in the Regulatory Flexibility Analysis which was prepared for the RFG and anti-dumping rulemaking, and can be found in the docket for that rulemaking. The docket number is: EPA Air Docket A–92–12.

Today's proposed rule will affect only those refiners, importers or blenders of gasoline that choose to produce or import RFG for sale in the St. Louis ozone nonattainment area, and gasoline distributors and retail stations in those areas. As discussed above, EPA determined that, because of their location, the vast majority of small refiners would be unaffected by the RFG requirements. For the same reason, most small refiners will be unaffected by today's action. Other small entities, such as gasoline distributors and retail stations located in St. Louis, which will become a covered area as a result of today's action, will be subject to the same requirements as those small entities which are located in current RFG covered areas. The Agency did not find the RFG regulations to significantly affect these entities. Based on this, EPA certifies that this proposed rule would not have a significant adverse impact on a substantial number of small entities.

C. Executive Order 12875: Enhancing Intergovernmental Partnerships

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

D. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Today's proposed rule does not create a mandate any tribal governments. The rule does not impose any enforceable duties on these entities. Today's proposed rule will affect only those refiners, importers or blenders of gasoline that choose to produce or import RFG for sale in the St. Louis ozone nonattainment area, and gasoline distributors and retail stations in those areas. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("UMRA"), Pub. L. 104–4, EPA must prepare a budgetary impact statement to accompany any general notice of

[2] *See* 58 FR 51735 (October 4, 1993).

[3] *Id.* at section 3(f)(1)–(4).

proposed rulemaking or final rule that includes a Federal mandate which may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more in any one year. Under section 205, for any rule subject to section 202 EPA generally must select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Under section 203, before establishing any regulatory requirements that may significantly or uniquely affect small governments, EPA must take steps to inform and advise small governments of the requirements and enable them to provide input.

EPA has determined that today's proposed rule does not trigger the requirements of UMRA. The rule does not include a Federal mandate that may result in estimated annual costs to State, local or tribal governments in the aggregate, or to the private sector, of $100 million or more, and it does not establish regulatory requirements that may significantly or uniquely affect small governments.

F. The Paperwork Reduction Act

This action does not add any new requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq*. The Office of Management and Budget (OMB) has approved the information collection requirements that apply to the RFG/anti-dumping program, and has assigned OMB control number 2060–0277 (EPA ICR No. 1591.07).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

G. Children's Health Protection

This proposed rule is not subject to E.O. 13045, entitled "Protection of Children From Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

H. National Technology Transfer and Advancement Act of 1995 (NTTAA)

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its 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, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking does not involved technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

I. Statutory Authority

The Statutory authority for the action proposed today is granted to EPA by sections 211(c) and (k) and 301 of the Clean Air Act, as amended; 42 U.S.C. 7545(c) and (k) and 7601.

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, Motor vehicle pollution.

Dated: September 9, 1998.

Carol M. Browner,

Administrator.

40 CFR part 80 is proposed to be amended as follows:

PART 80—[AMENDED]

1. The authority citation for part 80 is revised to read as follows:

Authority: Secs. 114, 211, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7414, 7545 and 7601(a)).

2. Section 80.70 is amended by adding paragraph (n) as follows:

§ 80.70 Covered areas.

* * * * *

(n) The prohibitions of section 211(k)(5) will apply to all persons other than retailers and wholesale purchaser-consumers on May 1, 1999. The prohibitions of section 211(k)(5) will apply to retailers and wholesale purchaser-consumers on June 1, 1999. As of the effective date for retailers and wholesale purchaser-consumers, the St. Louis, Missouri ozone nonattainment area is a covered area. The geographical extent of the covered area listed in this paragraph shall be the nonattainment boundaries for the St. Louis ozone nonattainment area as specified in 40 CFR 81.326.

[FR Doc. 98–24637 Filed 9–14–98; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6159–5]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Operable Unit 2 of the South Andover Salvage Yards site from the National Priorities List; request for comments.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) Region 5 announces its intent to delete operable unit OU2 of the South Andover Salvage Yards Site (the Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which the U.S. EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by the U.S. EPA, because it has been determined that Responsible Parties have implemented all response actions required and the U.S. EPA, in consultation with the State of Minnesota, has determined that no further response is appropriate for this particular operable unit. This action constitutes a partial delisting of the Site from the NPL. Moreover, the U.S. EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of the Site's OU2 from the NPL may be submitted on or before October 15, 1998.

ADDRESSES: Comments may be mailed to John O'Grady, Remedial Project Manager, or Gladys Beard, Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region 5, 77 W. Jackson Blvd. (SR–6J), Chicago, IL 60604. Comprehensive information on the site is available at the U.S. EPA's Region 5 office and at the local information repository located at: Andover City Hall, 1685 N. W. Crosstown Blvd., Andover, MN 55303. Requests for comprehensive copies of documents should be directed formally to the Region 5 Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H–7J), U.S. EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

FOR FURTHER INFORMATION CONTACT: John O'Grady, Remedial Project Manager at (312) 886–1477 or Gladys Beard (SR–6J), Associate Remedial Project Manager, Superfund Division, U.S. EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–7253 or Don DeBlasio (P–9J), Office of Public Affairs, U.S. EPA, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–4360.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion

I. Introduction

The U.S. EPA Region 5 announces its intent to delete OU2 of the South Andover Salvage Yards Site from the NPL, which constitutes Appendix B of the (NCP), and requests comments on the proposed deletion. The U.S. EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Potentially Responsible Parties or the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to section 300.425(e)(3) of the NCP, any site or portion of a site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the Site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for deleting sites or portions of sites from the NPL. Section III discusses procedures that U.S. EPA is using for this action. Section IV discusses the history of this site and explains how the Site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter the U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites or portions of a site may be deleted from the NPL where no further response is appropriate. In making this determination, the U.S. EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

(iii) The Remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in § 300.425(e) has been met, the U.S. EPA may formally begin deletion procedures once the State has concurred. This **Federal Register** notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on the U.S. EPA's intention to delete a portion of the Site from the NPL. All critical documents needed to evaluate the U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the U.S. EPA Region 5 Office to obtain a copy of this responsiveness summary, if one is prepared. If the U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the **Federal Register**.

IV. Basis for Intended Site Deletion

The Site is located in the city of Andover, Anoka County, Minnesota, approximately 16 miles north-northwest of Minneapolis and 3 miles northeast of the City of Anoka. The Site is situated at 45 degree, 16 minutes N Latitude, and 93 degrees, 12 degrees West Longitude, in the south half of Section 32, Township 32 North, Range 24 West of Grow Township.

The Site is comprised of approximately 50 acres. Bunker Lake Boulevard defines the northern extent of the Site. The eastern site boundaries roughly 500 feet west of Jay Street.

Small businesses and new residential developments are located near the Site. For many years the area's population was minimal, however, residential development has encroached the Site since the early 1970s. Development continues to occur around the Site.

There are several small recreational lakes in the area. Crooked Lake is one mile west of the Site and Bunker Lake is 1¼ miles to the east. The Site is in the Coon Creek watershed which supports an oak savanna plant community.

The remediation effort for the Site has been divided into two units or discrete actions, referred to as "operable units" (OUs). They are as follows:

OU 1: Remediation of contaminated groundwater.
OU 2: Remediation of contaminated soil.

The operable unit under consideration for deletion from the NPL is Operable Unit 2: Contaminated Soil. The Remedial Investigation (RI), Feasibility Study (FS) and Proposed Plan for OU2 of the Site were released to the public for comment on October 9, 1991. The RI determined that the nature and extent of soil and buried contamination at the Site is distributed in localized "hot spots". Seven hot spots were found at the Site which presented a risk to human health. These hot spots were generally found in surface soils at a depth of six feet or less.

The remedial action objective for the soil OU was to clean-up the contaminants of concern to a level which is protective by biologically treating contaminated soil or transporting it off-site where it is contained in a secured, permitted landfill.

The U.S. EPA and the Minnesota Pollution Control Agency (MPCA) determined that the South Andover Superfund Site contained hazardous substances which posed a risk to human health. The hazardous substances which posed such a threat are polycyclic aromatic hydrocarbons (PAHs),

polychlorinated biphenyls (PCBs), lead and antimony. The source of these hazardous substances is contaminated soil which has come into contact with leaking drums which were disposed of at the Site, electrical transformers and/or salvaged automobiles.

PAHs are probable carcinogens that exhibit a low subsurface mobility. PAHs also have a low water solubility. They originate as constituents of crude oil fractions. Such crude oil fractions include fuel and motor oils, as well as coal tar fractions. The highest PAH concentration found at the Site was 30.3 ppm.

PCBs are probable carcinogens that also exhibit a relatively low potential for subsurface mobility. PCBs are chemically inert and insoluble in water. PCBs do adsorb strongly to soils, the amount of PCBs adsorbed is proportional to the amount of organic material in the soil. Based on their strong adsorption to soil organic matter and their relative insolubility in water, PCBs can be persistent. PCBs can be found in oils, greases, dielectric liquids, and thermostatic or insulting fluids, especially in electrical equipment such transformers.

On December 24, 1991, a Record of Decision was signed for OU2 that included:

Excavate and treat approximately 2,100 cubic yards of predominately PAH-contaminated soils using an above-ground biological treatment unit. Use clean fill from other areas of the site as backfill for the excavated areas.

Biologically treated soil would be returned to the Site after performance testing confirmed successful biodegradation of the PAHs.

Excavate and transport approximately 9,300 cubic yards of soils contaminated with PCBs, PAHs, lead and antimony to an off-site soiled waste landfill permitted to receive industrial and/or commercial wastes. Included in this component is the replacement of excavated soil with clean fill from other areas of the site.

Sample and remove approximately twenty drums located on the Site.

A ROD amendment for OU2 of the remedial action was signed on May 31, 1994. U.S. EPA amended its original decision so that the predominately PAH-contaminated soils would be taken off-site for thermal treatment in either a rotary kiln incinerator or a low-temperature thermal desorption unit. Additionally, this amendment served to update the Maximum Contaminant Levels (MCLs) for several constituents which are currently being monitored in groundwater. The need for groundwater monitoring would be assessed three years after all excavation activities had been completed.

The amended remedy when used in conjunction with the contaminated groundwater monitoring remedy (OU1) addressed the potential threat posed to groundwater by eliminating or reducing the risks posed by the Site.

Remedial Action (RA) construction began at the Site in July 1994. The U.S. EPA and MPCA provided field approvals of construction quality control and field modifications. The RA was constructed in accordance with the Remedial Design report, which was approved on June 16, 1994.

A Prefinal Inspection of the RA was completed on September 30, 1994. 11A Prefinal Inspection Report was approved by U.S. EPA on October 11, 1994. The punch list of items identified in the Prefinal Inspection Report were completed by October 28, 1994. Preliminary Close Out Report (PCOR) was signed on November 1, 1994.

The Final Inspection of the Site was completed on November 15, 1994. During the inspection, all items noted in the Pre-Final Inspection Report were found to be complete. All contaminated soil was either destroyed through thermal treatment or transported off-site where it was contained in a secured, permitted landfill. No contaminated soil identified in the RI was left on-site to pose a human health or environmental risk. All remedial actions were deemed to be completed.

The final Remedial Action Report for OU2 (Soil Remediation) was signed and submitted to the U.S. EPA on December 2, 1994.

U.S. EPA, with concurrence from the State of Minnesota, has determined that Responsible Parties implemented all appropriate response actions required for OU2 at the Site. Therefore, the U.S. EPA proposes to delete OU2 two from the NPL.

Dated: August 31, 1998.

Gail W. Ginsberg,

Acting Regional Administrator, Region V.

[FR Doc. 98–24473 Filed 9–14–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–159; RM–9290]

Radio Broadcasting Services; Wallace, ID and Bigfork, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Alpine Broadcasting, Ltd., permittee of Station KSIL (FM), Channel 264C, Wallace, Idaho, requesting the reallotment of Channel 264C to Bigfork, Montana, as that community's first local aural transmission service, and modification of its authorization accordingly, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. Coordinates used for this proposal are 48–02–45 and 114–00–33. As Bigfork, Montana, is located within 320 kilometers (199 miles) of the Canadian border, the Commission must obtain concurrence of the Canadian government to this proposal.

DATES: Comments must be filed on or before October 26, 1998, and reply comments on or before November 10, 1998.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Theodore D. Kramer, Esq., Haley Bader & Potts P.L.C., 4350 North Fairfax Dr., Suite 900, Arlington, VA 22203–1633.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–159, adopted August 26, 1998, and released September 4, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's 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., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 98–24665 Filed 9–14–98; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 63, No. 178
Tuesday, September 15, 1998

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Advisory Committee on Actuarial Examinations; Meeting

Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet in the Office of The Wyatt Company, The Board Room, 303 West Madison Street, Chicago, IL, on September 28, 1998, beginning at 8:30 a.m.

The purpose of the meeting is to discuss topics and questions which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics and methodology referred to in Title 29 U.S. Code, section 1242(a)(1)(B).

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) has been made that the subject of the meeting falls within the exception to the open meeting requirement set forth in title 5 U.S. Code, section 552b (c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: September 1, 1998.

Robert I. Brauer,

Advisory Committee Management Officer, Joint Board for the Enrollment of Actuaries.

[FR Doc. 98–24623 Filed 9–14–98; 8:45 am]

BILLING CODE 4830–01–U

ASSASSINATION RECORDS REVIEW BOARD

Formal Determinations, Additional Releases and Corrections

AGENCY: Assassination Records Review Board.

ACTION: Notice.

SUMMARY: The Assassination Records Review Board (Review Board) met in a closed meeting on August 25, 1998, and made formal determinations on the release of records under the President John F. Kennedy Assassination Records Collection Act of 1992 (JFK Act). By issuing this notice, the Review Board complies with the section of the JFK Act that requires the Review Board to publish the results of its decisions in the **Federal Register** within 14 days of the date of the decision.

FOR FURTHER INFORMATION CONTACT:

Peter Voth, Assassination Records Review Board, Second Floor, Washington, D.C. 20530, (202) 724–0088, fax (202) 724–0457. The public may obtain an electronic copy of the complete document-by-document determinations by contacting <Eillen__Sullivan@jfk-arrb.gov>.

SUPPLEMENTARY INFORMATION: This notice complies with the requirement of the President John F. Kennedy Assassination Records Collection Act of 1992, 44 U.S.C. § 2107.9(c)(4)(A) (1992). On August 25, 1998, the Review Board made formal determinations on records it reviewed under the JFK Act.

Notice of Formal Determinations

2 Church Committee Documents: Postponed in Part until 05/2001
39 Church Committee Documents: Postponed in Part until 10/2017
2 CIA Documents: Open in Full
15 CIA Documents: Postponed in Part until 05/2001
975 CIA Documents: Postponed in Part until 10/2017
3 DIA Documents: Postponed in Part until 10/2017
1 DOJ Civil Division Document: Postponed in Part until 10/2017
185 FBI Documents: Postponed in Part until 10/2017
1 Ford Library Document: Postponed in Part until 10/2017
11 HSCA Documents: Postponed in Part until 10/2017
1 JCS Document: Postponed in Part until 10/2017
1 NARA Document: Postponed in Part until 05/2001
1 NARA Document: Postponed in Part until 10/2017
2 Office of the Secretary of Defense Documents: Postponed in Part until 10/2017
6 Pike Committee Documents: Postponed in Part until 10/2017
6 US ARMY (Califano) Documents: Postponed in Part until 10/2017
75 US ARMY(IRR) Documents: Open in Full
270 US ARMY (IRR) Documents: Postponed in Part until 10/2017

Notice of Other Releases

After consultation with appropriate Federal agencies, the Review Board announces that documents from the following agencies are now being opened in full: 105 Church Committee documents; 11 DOJ Civil Division documents; 76 JCS documents; 6 Office of the Secretary of Defense documents; 9 Pike Committee documents; 150 U.S. Army (Califano) documents; 119 U.S. Army (IRR) documents.

Notice of Correction

On June 4, 1998 the Review Board made formal determinations that were published in the June 12, 1998 **Federal Register** (FR Doc. 98–15757, 63 FR 12345). For that Notice, please make the following corrections

Previously Published

Notice of Formal Determinations

7 LBJ Library Documents; Postponed in Part until 10/2017

Corrected Data

Notice of Formal Determinations

2 LBJ Library Documents: Open in Full

5 LBJ Library Documents: Postponed in Part until 10/2017

On July 20, 1998 the Review Board made formal determinations that were published in the July 27, 1988 **Federal Register** (FR 98–20092, 63 FR 12345).

Previously Published

Notice of Formal Determinations

392 US ARMY Documents: Postponed in Part until 10/2017

Notice of Other Releases

302 U.S.Army (IRR) documents

Corrected Data

Notice of Formal Determinations

384 US ARMY Documents: Open in Full

Notice of Other Releases

299 U.S. Army (IRR) documents

On August 6, 1998 the Review Board made formal determinations that were published in the August 24, 1998 **Federal Register** (FR 98–22482, 63 FR 12345). For that Notice, please make the following corrections:

Previously Published

Notice of Formal Determinations

341 US ARMY (IRR) Documents: Postponed in Part until 10/2017

Notice of Other Releases

689 U.S. Army (IRR) documents

Corrected Data

Notice of Formal Determinations

134 US ARMY (IRR) Documents: Open in Full

338 US ARMY (IRR) Documents: Postponed in Part until 10/2017

Notice of Other Releases

558 U.S. Army (IRR) documents

Dated: September 8, 1998.

Laura A. Denk,

Executive Director.

[FR Doc. 98–24741 Filed 9–14–98; 8:45 am]

BILLING CODE 6118–01–M

ASSASSINATION RECORDS REVIEW BOARD

Sunshine Act Meeting

DATE: September 22–23, 1998.

PLACE: ARRB, 600 E Street, NW, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Review and Accept Minutes of Closed Meeting.
2. Review of Assassination Records.
3. Other Business.

CONTACT PERSON FOR MORE INFORMATION: Eileen Sullivan, Press Officer, 600 E Street, NW, Second Floor, Washington, DC 20530. Telephone: (202) 724–0088; Fax: (202) 724–0457.

Laura Denk,

Executive Director.

[FR Doc. 98–24777 Filed 9–11–98; 10:44 am]

BILLING CODE 6118–01–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Address Listing for the American Community Survey Area Frame

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before November 16, 1998.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instruments and instructions should be directed to Cynthia Taeuber, Bureau of the Census, Demographic Statistical Methods Division, Washington, DC 20233. Her telephone number is 301–457–2899.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau is developing a methodology to produce data on a continual basis, rather than only once every ten years during the decennial census. This methodology is referred to as Continuous Measurement, and the vehicle for collecting the data is a monthly household survey called the American Community Survey (ACS). The Census Bureau began the ACS in late 1995 in four test sites and has expanded the program every year since. The Census Bureau plans to continue expanding the ACS, and put the ACS fully in place nationally in 2003.

For the ACS, we select most of the survey sample addresses from the Census Bureau's Master Address File (MAF). The MAF is a list of addresses that the Bureau is compiling for use during the decennial census in 2000. There are some areas for which a MAF will not be created until the time of the decennial census. These areas are list/enumerate areas, meaning that Bureau staff will list addresses at the time of the decennial enumeration. These types of areas will be in the ACS for the first time in 2000. In order to conduct the ACS in 2000–2002 for these areas, we will have Census Bureau employees called "listers" compile a list of address in a sample of blocks in the list/enumerate areas of counties we have selected for the 2000–2002 ACS. Most of the listing activities will be completed during 1999, but there may be some areas which will require listing in 2000 and 2001.

Address listing will be conducted in approximately 1,200 blocks. Listers will canvass (walk or drive) each of these blocks, identifying each structure where people live or could live, including housing units and group quarters. They will record the block number and each physical location address or description on an Area Segment Listing Sheet. For each living quarters, the lister will attempt to conduct an interview to collect the mailing address, occupant name or group quarters contact person name, and telephone number. If no one is at home, the lister will attempt to interview a neighbor to obtain this information. If unable to obtain the information, the lister will make up to three personal and two telephone callbacks to obtain the information. The lister will also spot the location of the living quarters on a Block Map and update the Block Maps by adding missing roads, road names, or other map features as necessary, and deleting roads that no longer exist. The address information and map spots will be directly used to mail ACS Questionnaires to sample addresses, and to locate addresses for non-response follow-up in the ACS, should that become necessary.

II. Method of Collection

The primary method of data collection for all operations will be personal interview by listers using the operation's listing form. In some cases, the interview could be by telephone callback if no one was home on the initial visit.

III. Data

OMB Number: Not available.

Form Number: We have not yet assigned a form number to the ACS Area Segment Listing Sheet.

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of respondents: 6,000.

Estimated Time per Response: 2 Minutes.

Estimated Total Annual Burden Hours: 200.

Estimated Total Annual Cost: The only cost to respondents is that of their time to respond.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Section 182.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be

collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 8, 1998.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 98–24627 Filed 9–14–98; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–820]

Notice of Antidumping Duty Order: Stainless Steel Wire Rod From Italy

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 15, 1998.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson or Irina Itkin, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1776 or (202) 482–0656, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR part 351, 62 FR 27296 (May 19, 1997).

Scope of Order

For purposes of this order, stainless steel wire rod (SSWR) comprises products that are hot-rolled or hot-rolled annealed and/or pickled and/or descaled rounds, squares, octagons, hexagons or other shapes, in coils, that may also be coated with a lubricant containing copper, lime or oxalate. SSWR is made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are manufactured only by hot-rolling or hot-rolling, annealing, and/or pickling and/or descaling, are normally sold in coiled form, and are of solid cross-section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed and pickled, and later cold-finished into stainless steel wire or small-diameter bar.

The most common size for such products is 5.5 millimeters or 0.217 inches in diameter, which represents the smallest size that normally is produced on a rolling mill and is the size that most wire-drawing machines are set up to draw. The range of SSWR sizes normally sold in the United States is between 0.20 inches and 1.312 inches diameter. Two stainless steel grades, SF20T and K–M35FL, are excluded from the scope of the order. The chemical makeup for the excluded grades is as follows:

SF20T

Carbon—0.05 max
Manganese—2.00 max
Phosphorous—0.05 max
Sulfur—0.15 max
Silicon—1.00 max
Chromium—19.00/21.00
Molybdenum—1.50/2.50
Lead—added (0.10/0.30)
Tellurium—added (0.03 min)

K–M35FL

Carbon—0.015 max
Silicon—0.70/1.00
Manganese—0.40 max
Phosphorous—0.04 max
Sulfur—0.03 max
Nickel—0.30 max
Chromium—12.50/14.00
Lead—0.10/0.30
Aluminum—0.20/0.35

The products subject to this order are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Antidumping Order

In accordance with section 735(a) of the Act, on July 20, 1998, the Department made its final determination that SSWR from Italy, is being, or is likely to be, sold in the United States at less than fair value (63 FR 40422 (July 29, 1998)). On September 8, 1998, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department of its final determination, pursuant to section 735(b)(1)(A)(i) of the Act, that a U.S. industry is materially injured by reason of imports of stainless steel wire rod from Italy.

In accordance with section 736(a)(1) of the Act, the Department will direct Customs officers to assess, upon further advice by the administering authority, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price of the merchandise for all relevant entries of stainless steel wire rod from Italy, except for imports manufactured and exported by Acciaierie Valbruna S.r.l. or its subsidiary Acciaierie di Bolzano SpA. For all other manufacturers/exporters, antidumping duties will be assessed on all unliquidated entries of stainless steel wire rod from Italy entered, or withdrawn from warehouse, for consumption on or after March 5, 1998, the date on which the Department published its preliminary determination notice in the **Federal Register** (63 FR 10831).

On or after the date of publication of this notice in the **Federal Register**, Customs officers must require, at the same time as importers would normally deposit estimated duties, the following cash deposits for the subject merchandise:

Manufacturer/producer/exporter	Cash deposit rate
Cogne Acciai Speciali S.r.l	12.73
All Others	12.73

The "All Others" rate applies to all manufacturers/exporters of stainless steel wire rod not specifically listed above, except for Acciaierie Valbruna S.r.l. and Acciaierie di Bolzano SpA.

Article VI (5) of the General Agreement on Tariffs and Trade (1947) prohibits assessing dumping duties on the portion of the margin attributable to an export subsidy. In this case, the product under investigation is subject to a countervailing duty investigation (*see Final Affirmative Countervailing Duty Determination: Certain Stainless Steel Wire Rod From Italy*, 63 FR 40474 (July 29, 1998)). Therefore, for all entries of SSWR from Italy, entered or withdrawn from warehouse for consumption on or after the date on which the order in the companion countervailing duty investigation is published in the **Federal Register**, we will request for duty deposit purposes that the Customs Service deduct the portion of the margin attributable to export subsidies from the countervailing duty investigation. The antidumping cash deposit rates, as adjusted for export subsidies, are as follows:

Manufacturer/producer/exporter	Cash deposit rate
Cogne Acciai Speciali S.r.l	12.72
All Others	12.72

This notice constitutes the antidumping duty order with respect to stainless steel wire rod from Italy, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 351.211.

Dated: September 10, 1998.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 98–24769 Filed 9–14–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–843]

Notice of Antidumping Duty Order: Stainless Steel Wire Rod From Japan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 15, 1998.

FOR FURTHER INFORMATION CONTACT: Sunkyu Kim or John Maloney, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230; telephone: (202) 482–2613 or (202) 482–1503, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are references to 19 CFR Part 351 (62 FR 27296 (May 19, 1997)).

Scope of Order

The scope of this order consists of stainless steel wire rod (SSWR) products that are hot-rolled or hot-rolled annealed and/or pickled and/or descaled rounds, squares, octagons, hexagons or other shapes, in coils, that may also be coated with a lubricant containing copper, lime or oxalate. SSWR is made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are manufactured only by hot-rolling or hot-rolling, annealing, and/or pickling and/or descaling, are normally sold in coiled form, and are of solid cross-section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed and pickled, and later cold-finished into stainless steel wire or small-diameter bar.

The most common size for such products is 5.5 millimeters or 0.217 inches in diameter, which represents the smallest size that normally is produced on a rolling mill and is the size that most wire-drawing machines are set up to draw. The range of SSWR sizes normally sold in the United States is between 0.20 inches and 1.312 inches diameter. Two stainless steel grades, SF20T and K–M35FL, are excluded from the scope of this order. The chemical makeup for the excluded grades is as follows:

SF20T

Carbon—0.05 max
Manganese—2.00 max
Phosphorous—0.05 max
Sulfur—0.15 max
Silicon—1.00 max
Chromium—19.00/21.00
Molybdenum—1.50/2.50
Lead—added (0.10/0.30)
Tellurium—added (0.03 min)

K–M35FL

Carbon—0.015 max
Silicon—0.70/1.00
Manganese—0.40 max
Phosphorous—0.04 max
Sulfur—0.03 max
Nickel—0.30 max
Chromium—12.50/14.00
Lead—0.10/0.30
Aluminum—0.20/0.35

The products covered by the order are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Antidumping Duty Order

In accordance with section 735(a) of the Act, on July 20, 1998, the Department made its final determination that SSWR from Japan, is being, or is likely to be, sold in the United States at less than fair value (63 FR 40434 (July 29, 1998)). On September 8, 1998, the International Trade Commission (ITC) notified the Department of its final determination, pursuant to section 735(b)(1)(A)(i) of the Act, that an industry in the United States is materially injured by reason of imports of the subject merchandise from Japan.

In accordance with section 736(a)(1) of the Act, the Department will direct Customs officers to assess, upon further advice by the administering authority, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price or constructed export price of the merchandise for all entries of SSWR from Japan, except for merchandise produced and sold by Hitachi Metals Ltd., which received a zero margin. These antidumping duties will be assessed on all unliquidated entries of SSWR from Japan entered, or withdrawn from warehouse, for consumption on or after March 5, 1998, the date on which the Department published its preliminary determination in the **Federal Register** (63 FR 10854). On or after the date of publication of this notice in the **Federal Register**, Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below. The "All Others" rate applies to all exporters of SSWR not specifically listed below.

The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin percentage
Hitachi Metals Ltd	0.00
Daido Steel Co. Ltd	34.21
Nippon Steel Corporation	21.18
Sanyo Special Steel Co., Ltd	34.21
Sumitomo Electric Industries, Ltd	34.21
All Others	25.26

This notice constitutes the antidumping duty order with respect to SSWR from Japan, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published pursuant to section 736(a) of the Act and 19 CFR 351.211.

Dated: September 10, 1998.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 98–24770 Filed 9–14–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–401–806]

Notice of Antidumping Duty Order: Stainless Steel Wire Rod From Sweden

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 15, 1998.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Everett Kelly, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–1766 or (202) 482–4194, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR part 351, 62 FR 27296 (May 19, 1997).

Scope of Order

For purposes of this order, stainless steel wire rod (SSWR) comprises products that are hot-rolled or hot-rolled annealed and/or pickled and/or descaled rounds, squares, octagons, hexagons or other shapes, in coils, that may also be coated with a lubricant containing copper, lime or oxalate. SSWR is made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are manufactured only by hot-rolling or hot-rolling annealing, and/or pickling and/or descaling, are normally sold in coiled form, and are of solid cross-section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed and pickled, and later cold-finished into stainless steel wire or small-diameter bar. The most common size for such products is 5.5 millimeters or 0.217 inches in diameter, which represents the smallest size that normally is produced on a rolling mill and is the size that most wire-drawing machines are set up to draw. The range of SSWR sizes normally sold in the United States is between 0.20 inches and 1.312 inches in diameter.

Certain stainless steel grades are excluded from the scope of the order. SF20T and K-M35FL are excluded. The following proprietary grades of Kanthal AB are also excluded: Kanthal A–1, Kanthal AF, Kanthal A, Kanthal D, Kanthal DT, Alkrothal 14, Alkrothal 720, and Nikrothal 40. The chemical makeup for the excluded grades is as follows:

SF20T

Carbon—0.05 max
Manganese—2.00 max
Phosphorous—0.05 max
Sulfur—0.15 max
Silicon—1.00 max
Chromium—19.00/21.00
Molybdenum—1.50/2.50
Lead—added (0.10/0.30)
Tellurium—added (0.03 min)

K–M35FL

Carbon—0.015 max
Silicon—0.70/1.00
Manganese—0.40 max
Phosphorous—0.04 max
Sulfur—0.03 max
Nickel—0.30 max
Chromium—12.50/14.00
Lead—0.10/0.30
Aluminum—0.20/0.35

Kanthal A–1

Carbon—0.08 max
Silicon—0.70 max
Manganese—0.40 max
Aluminum—5.30 min, 6.30 max
Iron—balance
Chromium—20.50 min, 23.50 max

Kanthal AF

Carbon—0.08 max
Silicon—0.70 max
Manganese—0.40 max
Chromium—20.50 min, 23.50 max
Aluminum—4.80 min, 5.80 max
Iron—balance

Kanthal A

Carbon—0.08 max
Silicon—0.70 max
Manganese—0.50 max
Chromium—20.50 min, 23.50 max
Aluminum—4.80 min, 5.80 max
Iron—balance

Kanthal D

Carbon—0.08 max
Silicon—0.70 max
Manganese—0.50 max
Chromium—20.50 min, 23.50 max
Aluminum—4.30 min, 5.30 max
Iron—balance

Kanthal DT

Carbon—0.08 max
Silicon—0.70 max
Manganese—0.50 max
Chromium—20.50 min, 23.50 max
Aluminum—4.60 min, 5.60 max
Iron—balance

Alkrothal 14

Carbon—0.08 max
Silicon—0.70 max
Manganese—0.50 max
Chromium—14.00 min, 16.00 max
Aluminum—3.80 min, 4.80 max
Iron—balance

Alkrothal 720

Carbon—0.08 max
Silicon—0.70 max
Manganese—0.70 max
Chromium—12.00 min, 14.00 max
Aluminum—3.50 min, 4.50 max
Iron—balance

Nikrothal 40

Carbon—0.10 max
Silicon—1.60 min, 2.50 max
Manganese—1.00 max
Chromium—18.00 min, 21.00 max
Nickel—34.00 min, 37.00 max
Iron—balance

The products investigated are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States ("HTSUS"). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

Antidumping Order

On September 8, 1998, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that a U.S. industry is materially injured by reason of imports of SSWR from Sweden, pursuant to section 735(b)(1)(A) of the Act. Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct the United States Customs Service to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price and constructed export price of the merchandise for all relevant entries of SSWR from Sweden. These antidumping duties will be assessed on all unliquidated entries of SSWR from Sweden entered, or withdrawn from warehouse, for consumption on or after March 5, 1998, the date on which the Department published its preliminary determination notice in the **Federal Register** (63 FR 10825).

On or after the date of publication of this notice in the **Federal Register**, Customs officers must require, at the same time as importers would normally deposit estimated duties, the cash deposits listed below for the subject merchandise. The All Others rate applies to all exporters of SSWR not specifically listed below.

The weighted-average dumping margins are as follows:

Manufacturer/producer	Weighted-average margin percentage
Fagersta Stainless AB	5.71
All Others	5.71

This notice constitutes the antidumping duty order with respect to stainless steel wire rod from Sweden, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 351.211.

Dated: September 10, 1998.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 98–24771 Filed 9–14–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–807]

Notice of Amended Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Stainless Steel Wire Rod From Spain

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 15, 1998.

FOR FURTHER INFORMATION CONTACT: Howard Smith or Wendy Frankel, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5193 or (202) 482–5849, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (Department's) regulations are to the regulations at 19 CFR part 351, 62 FR 27296 (May 19, 1997).

Amendment to the Final Determination

On July 20, 1998, in accordance with section 735(a) of the Act, the Department made a final determination that stainless steel wire rod (SSWR) from Spain is being, or is likely to be, sold in the United States at less than fair value. *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Wire Rod From Spain,* 63 FR 40391 (July 29, 1998) (final determination). On August 3, 1998, petitioners filed a timely allegation that the Department had made a ministerial error in its final determination. Specifically, petitioners assert that while the Department found in its final determination that the reported cost of production (COP) and constructed value (CV) should be increased by the amount of an inventory write-down that respondent subtracted from reported costs, the Department made an arithmetic error in adjusting the reported costs which inadvertently decreased, rather than increased costs by the inventory write-down.

We have determined, in accordance with 19 CFR 351.224, that a ministerial error was made in adjusting the COP and CV that were reported in the final determination. For a detailed discussion of the alleged ministerial error, see the memorandum from Howard Smith to Holly Kuga on the subject, "Ministerial Error Allegation" regarding the antidumping duty investigation of stainless steel wire rod from Spain—final determination, dated August 20, 1998.

Therefore, in accordance with 19 CFR 351.224(e), we are amending the final determination of the antidumping duty investigation of stainless steel wire rod from Spain. The revised weighted-average dumping margins are in the "Antidumping Duty Order" section below.

Scope of Order

For purposes of this investigation, SSWR comprises products that are hot-rolled or hot-rolled annealed and/or pickled and/or descaled rounds, squares, octagons, hexagons or other shapes, in coils, that may also be coated with a lubricant containing copper, lime or oxalate. SSWR is made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are manufactured only by hot-rolling or hot-rolling, annealing, and/or pickling and/or descaling, are normally sold in coiled form, and are of solid cross-section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed and pickled, and later cold-finished into stainless steel wire or small-diameter bar.

The most common size for such products is 5.5 millimeters or 0.217 inches in diameter, which represents the smallest size that normally is produced on a rolling mill and is the size that most wire-drawing machines are set up to draw. The range of SSWR sizes normally sold in the United States is between 0.20 inches and 1.312 inches diameter. Two stainless steel grades, SF20T and K–M35FL, are excluded from the scope of the investigation. The chemical makeup for the excluded grades is as follows:

SF20T

Carbon—0.05 max
Manganese—2.00 max
Phosphorous—0.05 max
Sulfur—0.15 max
Silicon—1.00 max
Chromium—19.00/21.00
Molybdenum—1.50/2.50
Lead—added (0.10/0.30)
Tellurium—added (0.03 min)

K–M35FL

Carbon—0.015 max
Silicon—0.70/1.00
Manganese—0.40 max
Phosphorous—0.04 max
Sulfur—0.03 max
Nickel—0.30 max
Chromium—12.50/14.00
Lead—0.10/0.30
Aluminum—0.20/0.35

The products subject to this order are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Antidumping Duty Order

On September 8, 1998, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that a U.S. industry is materially injured by reason of imports of stainless steel wire rod from Spain, pursuant to section 735(b)(1)(A) of the Act. Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct the

United States Customs Service to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the constructed export price of the merchandise for all relevant entries of stainless steel wire rod from Spain. These antidumping duties will be assessed on all unliquidated entries of stainless steel wire rod from Spain entered, or withdrawn from warehouse, for consumption on or after March 5, 1998, the date on which the Department published its preliminary determination notice in the **Federal Register** (63 FR 10849).

On or after the date of publication of this notice in the **Federal Register**, U.S. customs officers must require, at the same time as importers would normally deposit estimated duties, the cash deposits listed below for the subject merchandise. The "All Others" rate applies to all exporters of stainless steel wire rod not specifically listed below.

The revised final weighted-average margins are as follows:

Manufacturer/producer/exporter	Original final margin percentage	Revised final margin percentage
Roldan, S.A.	4.72	4.73
All Others	4.72	4.73

This notice constitutes the antidumping duty order with respect to stainless steel wire rod from Spain, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 351.211.

Dated: September 10, 1998.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration

[FR Doc. 98–24772 Filed 9–14–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–829]

Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Stainless Steel Wire Rod From Korea

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 15, 1998.

FOR FURTHER INFORMATION CONTACT: Frank Thomson, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4793.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (Department's) regulations are to the regulations at 19 CFR part 351, 62 FR 27296 (May 19, 1997).

Amendment to the Final Determination

On July 20, 1998, in accordance with section 735(a) of the Act, the Department made a final determination that stainless steel wire rod (SSWR) from Korea is being, or likely to be, sold in the United States at less than fair value. *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Wire Rod from Korea*, 63 FR 40404 (July 29, 1998) (final determination). On July 27 and 30, 1998, Dongbang Special Steel Co. Ltd. (Dongbang)/Changwon Specialty Steel Co. Ltd. (Changwon)/Pohang Iron & Steel Co. Ltd. (POSCO) (collectively, respondent) and petitioners (AL Tech Specialty Steel Corp., Carpenter Technology Corp., Republic Engineered Steels, Talley Metals Technology, Inc., and the United Steel Workers of America, AFL–CIO/CLC), respectively, filed timely allegations that the Department had made ministerial errors in its final determination. The respondent's allegation asserts that the Department did not incorporate necessary adjustments to the cost of materials figures utilized on the sales tape (*i.e.*, the variable cost of manufacture field). Respondent alleges that the Department's failure to adjust the cost of materials resulted in incorrect difference in merchandise (DIFMER) adjustments on the sales file. The respondent notes that the Department correctly made the necessary adjustments to the cost of materials figures in the cost files. As a result, the respondent claims that the DIFMER adjustment utilized by the Department in the final determination does not accurately reflect the costs as adjusted by the Department. To correct this alleged error, the respondent suggests that the Department recalculate the materials, labor, and variable overhead figures (both for home market and the U.S. market) used to derive the DIFMER adjustment for both Dongbang and Changwon's calculations. For Dongbang's home market and U.S. variable cost of manufacturing calculation, the respondent claims the Department should include Dongbang's cost of materials less the fixed cost portions, POSCO's cost of materials, and POSCO's general and administrative expenses. For Changwon's home market and U.S. variable cost of manufacturing calculation, the respondent asserts that the Department should include Changwon's cost of materials less the fixed cost portions, and POSCO's cost of production, which includes POSCO's general and administrative expenses.

Petitioners' July 30, 1998, submission addressed the respondent's ministerial error allegation and contained one additional ministerial error allegation. Petitioners agreed with the respondent that an error occurred in the calculation of the DIFMER adjustment. However, in addition to the respondent's proposed solution, petitioners also claim that for Dongbang's variable cost of manufacture calculation, the Department should also add POSCO's interest expense for both the home and U.S. market calculations. Petitioners also allege that the Department inadvertently used an incorrect home market diameter variable when conducting the product concordance.

On August 4, 1998, the respondent filed comments addressing petitioners' ministerial error allegations. The respondent agrees with petitioners' proposed changes regarding Dongbang and Changwon's variable cost of manufacturing calculations, with one exception. The respondent asserts that the Department should not include

POSCO's interest expense field in these calculations because these financing costs are not considered a component of variable cost of manufacturing.

We have determined, in accordance with 19 CFR 351.224, that a ministerial error (as alleged by petitioners) was made regarding the product concordance program in the final determination.

However, we have also determined that the nature of the respondent's alleged error concerning the calculation of Dongbang and Changwon's variable cost of manufacturing calculations in the respondent's sales data base is methodological, rather than ministerial as defined above, and the allegation does not address an unintentional decision by the Department. Accordingly, we have not made any revisions with regard to this alleged error.

Therefore, in accordance with 19 CFR 351.224(e), we are amending the final determination of the antidumping duty investigation of stainless steel wire rod from Korea. The revised weighted-average dumping margins are in the "Antidumping Order" section below.

Scope of Order

For purposes of this investigation, SSWR comprises products that are hot-rolled or hot-rolled annealed and/or pickled and/or descaled rounds, squares, octagons, hexagons or other shapes, in coils, that may also be coated with a lubricant containing copper, lime or oxalate. SSWR is made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are manufactured only by hot-rolling or hot-rolling, annealing, and/or pickling and/or descaling, are normally sold in coiled form, and are of solid cross-section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed and pickled, and later cold-finished into stainless steel wire or small-diameter bar.

The most common size for such products is 5.5 millimeters or 0.217 inches in diameter, which represents the smallest size that normally is produced on a rolling mill and is the size that most wire-drawing machines are set up to draw. The range of SSWR sizes normally sold in the United States is between 0.20 inches and 1.312 inches diameter. Two stainless steel grades, SF20T and K–M35FL, are excluded from the scope of the investigation. The chemical makeup for the excluded grades is as follows:

SF20T

Carbon—0.05 max
Manganese—2.00 max
Phosphorous—0.05 max
Sulfur—0.15 max
Silicon—1.00 max
Chromium—19.00/21.00
Molybdenum—1.50/2.50
Lead—added (0.10/0.30)
Tellurium—added (0.03 min)

K–M35FL

Carbon—0.015 max
Silicon—0.70/1.00
Manganese—0.40 max
Phosphorous—0.04 max
Sulfur—0.03 max
Nickel—0.30 max
Chromium—12.50/14.00
Lead—0.10/0.30
Aluminum—0.20/0.35

The products subject to this order are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Antidumping Order

On September 8, 1998, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that a U.S. industry is materially injured by reason of imports of stainless steel wire rod from Korea, pursuant to section 735(b)(1)(A) of the Act. Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct the United States Customs Service to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price of the merchandise for all relevant entries of stainless steel wire rod from Korea. These antidumping duties will be assessed on all unliquidated entries of stainless steel wire rod from Korea entered, or withdrawn from warehouse, for consumption on or after March 5, 1998, the date on which the Department published its preliminary determination notice in the **Federal Register** (63 FR 10825).

On or after the date of publication of this notice in the **Federal Register**, U.S. customs officers must require, at the same time as importers would normally deposit estimated duties, the cash deposits listed below for the subject merchandise. The "All Others" rate applies to all exporters of stainless steel wire rod not specifically listed below.

The revised final weight-averaged margins are as follows:

Manufacturer/producer/exporter	Original final margin percentage	Revised final margin percentage
Dongbang Special Steel Co., Ltd./Changwon Specialty Steel Co., Ltd./Pohang Iron and Steel Co., Ltd	3.18	5.19
Sammi Steel Co., Ltd	28.44	28.44
All Others	3.18	5.19

This notice constitutes the antidumping duty order with respect to stainless steel wire rod from Korea, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR § 351.211.

Dated: September 10, 1998.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 98–24773 Filed 9–14–98; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–828]

Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Stainless Steel Wire Rod From Taiwan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 15, 1998.

FOR FURTHER INFORMATION CONTACT: Alexander Amdur, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–5346.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the

Department's) regulations are to the regulations at 19 CFR part 351, 62 FR 27296 (May 19, 1997).

Amendment to the Final Determination

On July 20, 1998, the Department made its final determination that stainless steel wire rod (SSWR) from Taiwan is being, or is likely to be, sold in the United States at less than fair value. *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Wire Rod from Taiwan,* 63 FR 40461 (July 29, 1998) (final determination). We disclosed our calculations for the final determination to counsel for Walsin Cartech Specialty Steel Corporation (Walsin) and Yieh Hsing Enterprise Corporation, Ltd. (Yieh Hsing) on July 23, 1998; and to counsel for the petitioners (AL Tech Specialty Steel Corp., Carpenter Technology Corp., Republic Engineered Steels, Talley Metals Technology, Inc., and the United Steel Workers of America, AFL–CIO/CLC), on July 27, 1998.

On August 3, 1998, we received a submission, timely filed pursuant to 19 CFR 351.224(c)(2), from the petitioners, alleging ministerial errors pertaining to Walsin's margin calculation in the Department's final determination. In its submission, the petitioners requested that these errors be corrected. On August 7, 1998, Walsin submitted comments on the petitioners' allegations. We did not receive ministerial error allegations from Walsin or from Yieh Hsing, the other respondent.

After analyzing the petitioner's submission, we have determined, in accordance with 19 CFR 351.224, that ministerial errors were made in the margin calculation for Walsin in the final determination. Specifically, we inadvertently recalculated Walsin's short-term credit expenses for home market sales based on Walsin's home market gross unit price, rather than on the gross unit price net of discounts. We also inadvertently failed to use the lowest per-unit expense reported by Walsin in its May 13, 1998 submission for inventory carrying costs for home market sales, as we intended. Furthermore, we also inadvertently used an incorrect figure as the percent of Walsin's total purchases of copper from an affiliate, and we did not apply the appropriate resulting adjustment factors to all of the steel grades that we intended to adjust. *See* Memorandum To Holly Kuga From The Team, dated August 20, 1998, for a detailed discussion of the petitioners' ministerial errors allegations and the Department's analysis.

Therefore, in accordance with 19 CFR 351.224(e), we are amending the final determination of the antidumping duty investigation of stainless steel wire rod from Taiwan. The revised weighted-average dumping margins are in the "Antidumping Order" section below.

Scope of Order

For purposes of this investigation, SSWR comprises products that are hot-rolled or hot-rolled annealed and/or pickled and/or descaled rounds, squares, octagons, hexagons or other shapes, in coils, that may also be coated with a lubricant containing copper, lime or oxalate. SSWR is made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are manufactured only by hot-rolling or hot-rolling, annealing, and/or pickling and/or descaling, are normally sold in coiled form, and are of solid cross-section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed and pickled, and later cold-finished into stainless steel wire or small-diameter bar.

The most common size for such products is 5.5 millimeters or 0.217 inches in diameter, which represents the smallest size that normally is produced on a rolling mill and is the size that most wire-drawing machines are set up to draw. The range of SSWR sizes normally sold in the United States is between 0.20 inches and 1.312 inches diameter. Two stainless steel grades, SF20T and K-M35FL, are excluded from the scope of the investigation. The chemical makeup for the excluded grades is as follows:

SF20T

Carbon—0.05 max
Manganese—2.00 max
Phosphorous—0.05 max
Sulfur—0.15 max
Silicon—1.00 max
Chromium—19.00/21.00
Molybdenum—1.50/2.50
Lead—added (0.10/0.30)
Tellurium—added (0.03 min)

K–M35FL

Carbon—0.015 max
Silicon—0.70/1.00
Manganese—0.40 max
Phosphorous—0.04 max
Sulfur—0.03 max
Nickel—0.30 max
Chromium—12.50/14.00
Lead—0.10/0.30
Aluminum—0.20/0.35

The products subject to this order are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Antidumping Order

On September 8, 1998, in accordance with section 735(d) of the Act, the U.S. International Trade Commission (ITC) notified the Department that a U.S. industry is materially injured by reason of imports of stainless steel wire rod from Taiwan, pursuant to section 735(b)(1)(A) of the Act. Therefore, in accordance with section 736(a)(1) of the Act, the Department will direct the United States Customs Service to assess, upon further advice by the Department, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price or constructed export price of the merchandise for all relevant entries of stainless steel wire rod from Taiwan. These antidumping duties will be assessed on all unliquidated entries of stainless steel wire rod from Taiwan, except those produced and exported by Yieh Hsing, entered, or withdrawn from warehouse, for consumption on or after March 5, 1998, the date on which the Department published its preliminary determination notice in the **Federal Register** (63 FR 10836).

On or after the date of publication of this notice in the **Federal Register,** U.S. customs officers must require, at the same time as importers would normally deposit estimated duties, the cash deposits listed below for the subject merchandise, except those produced and exported by Yieh Hsing. The "All Others" rate applies to all exporters of stainless steel wire rod not specifically listed below.

The revised final weighted-average margins are as follows:

Manufacturer/producer/exporter	Original final margin percentage	Revised final margin percentage
Walsin Cartech Specialty Steel Corporation	8.24	8.29
Yieh Hsing Enterprise Corporation, Ltd	.02	[1]
All Others	8.24	8.29

[1] No revision.

Pursuant to section 735(c)(5)(A) of the Act, the Department has excluded any *de minimis* margins from the calculation of the "All Others Rate."

This notice constitutes the antidumping duty order with respect to

stainless steel wire rod from Taiwan, pursuant to section 736(a) of the Act. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act and 19 CFR 351.211.

Dated: September 10, 1998.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 98–24775 Filed 9–14–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

[C–475–821]

Notice of Countervailing Duty Order: Stainless Steel Wire Rod From Italy

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: September 15, 1998.

FOR FURTHER INFORMATION CONTACT: Kathleen Lockard or Eric B. Greynolds, Office of CVD/AD Enforcement VI, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–2786.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act effective January 1, 1995 (the Act). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations codified at 19 CFR 351 and published in the **Federal Register** on May 19, 1997 (62 FR 27295).

Scope of Order

For purposes of this order, stainless steel wire rod (SSWR), comprises products that are hot-rolled or hot-rolled annealed and/or pickled and/or descaled rounds, squares, octagons, hexagons or other shapes, in coils, that may also be coated with a lubricant containing copper, lime or oxalate. SSWR is made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are manufactured only by hot-rolling or hot-rolling, annealing, and/or pickling and/or descaling, and are normally sold in coiled form, and are of solid cross-section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed and pickled, and later cold-finished into stainless steel wire or small-diameter bar.

The most common size for such products is 5.5 millimeters or 0.217 inches in diameter, which represents the smallest size that normally is produced on a rolling mill and is the size that most wire drawing machines are set up to draw. The range of SSWR sizes normally sold in the United States is between 0.20 inches and 1.312 inches in diameter. Two stainless steel grades SF20T and K–M35FL are excluded from the scope of the order. The percentages of chemical makeup for the excluded grades are as follows:

SF20T

Carbon—0.05 max
Manganese—2.00 max
Phosphorous—0.05 max
Sulfur—0.15 max
Silicon—1.00 max
Chromium—19.00/21.00
Molybdenum—1.50/2.50
Lead—added (0.10/0.30)
Tellurium—added (0.03 min)

K–M35FL

Carbon—0.015 max
Silicon—0.70/1.00
Manganese—0.40 max
Phosphorous—0.04 max
Sulfur—0.03 max
Nickel—0.30 max
Chromium—12.50/14.00
Lead—0.10/0.30
Aluminum—0.20/0.35

The products subject to this order are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Countervailing Duty Order

In accordance with section 705(d) of the Act, on July 29, 1998, the Department published its final determination in the countervailing duty investigation of certain stainless steel wire rod from Italy (63 FR 40474). On September 8, 1998, in accordance with section 705(d) of the Act, the International Trade Commission (ITC) notified the Department of its final determination, pursuant to section 705(b)(1)(A)(i) of the Act, that an industry in the United States suffered material injury as a result of subsidized imports of stainless steel wire rod from Italy.

Therefore, countervailing duties will be assessed on all unliquidated entries of SSWR from Italy entered, or withdrawn from warehouse, for consumption on or after January 7, 1998, the date on which the Department published its preliminary countervailing duty determination in the **Federal Register**, and before May 7, 1998, the date the Department instructed the U.S. Customs Service to terminate the suspension of liquidation in accordance with section 703(d) of the Act, and on all entries and withdrawals on or after the date of publication of this countervailing duty order in the **Federal Register**. Section 703(d) states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for more than four months. Entries of SSWR made on or after May 7, 1998, and prior to the date of publication of this order in the **Federal Register** are not liable for the assessment of countervailing duties due to the Department's termination, effective May 7, 1998, of the suspension of liquidation.

In accordance with section 706 of the Act, the Department will direct U.S. Customs officers to reinstitute suspension of liquidation and to assess, upon further advice by the Department pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rate for the subject merchandise.

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the countervailable subsidy rates noted below. The All Others rate applies to all producers and exporters of SSWR from Italy not specifically listed below. The cash deposit rates are as follows:

AD VALOREM RATE

Producer/Exporter	Net Subsidy Rate %
Cogne Acciai Speciali S.r.l.	22.22
Acciaierie Valbruna S.r.l./Acciaierie di Bolzano S.p.A.	1.28
All Others	13.85

This notice constitutes the countervailing duty order with respect to stainless steel wire rod from Italy, pursuant to section 706(a) of the Act.

Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of countervailing duty orders currently in effect.

This countervailing duty order is published in accordance with section 706(a) of the Act and 19 CFR 351.211.

Dated: September 10, 1998.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 98–24774 Filed 9–14–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Judges Panel of the Malcolm Baldrige National Quality Award; Meeting

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that there will be a closed meeting of the Judges Panel of the Malcolm Baldrige National Quality Award on Thursday, September 24, 1998. The Judges Panel is composed of nine members prominent in the field of quality management and appointed by the Secretary of Commerce. The purpose of this meeting is to review the consensus process, determine possible conflict of interest for site visited companies, select applicants for site visits, begin stage III of the judging process, and review of feedback to first stage applicants. The applications under review contain trade secrets and proprietary commercial information submitted to the Government in confidence.

DATE: The meeting will convene September 24, 1998 at 8:00 a.m. and adjourn at 4:00 p.m. on September 24, 1998. The entire meeting will be closed.

ADDRESS: The meeting will be held at the National Institute of Standards and Technology, Administration Building Conference Room, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT: Dr. Harry Hertz, Director, National Quality Program, National Institute of Standards and Technology, Gaithersburg, Maryland 20899, telephone number (301) 975–2361.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on May 22, 1998, that the meeting of the Judges Panel will be closed pursuant to Section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94–409. The meeting, which involves examination of records and discussion of Award applicant data, may be closed to the public in accordance with Section 552b(c)(4) of Title 5, United States Code, since the meeting is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential.

Dated: September 10, 1998.

Robert E. Hebner,

Acting Deputy Director.

[FR Doc. 98–24740 Filed 9–14–98; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090498C]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of application for a scientific research permit (1178); Issuance of a scientific research permit (1155).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: NMFS has received a permit application from Michael P. Sissenwine, Ph.D., Science and Research Director, Northeast Fisheries Science Center, NMFS (NEFSC) (1178); and NMFS has issued a scientific research permit to Dr. Tim King, of US Geological Survey - BRD - Leetown Science Center (LSC) (1155).

DATES: Written comments or requests for a public hearing on the application must be received on or before October 15, 1998.

ADDRESSES: The applications, permit, and related documents are available for review in the following offices, by appointment:

Director, Northeast Region, NMFS, NOAA, One Blackburn Drive, Glouster, MA, 01930–2298 (978–281–9250); and

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301–713–1401).

FOR FURTHER INFORMATION CONTACT: For permit 1155: Terri Jordan, Endangered Species Division, Silver Spring, MD (301–713–1401).

For permit 1178: Michelle Rogers, Endangered Species Division, Silver Spring, MD (301–713–1401).

SUPPLEMENTARY INFORMATION:

Authority

Permits are requested and issued under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217–227).

Those individuals requesting a hearing on the request for a permit should set out the specific reasons why a hearing would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the below application summaries are those of the applicant and do not necessarily reflect the views of NMFS.

New Application Received

NEFSC (1178) has requested a 5-year scientific research permit for listed sea turtles incidentally taken in fisheries in the Northwest Atlantic. The work will be conducted by scientific observers aboard such vessels. The following species and take numbers have been requested: 300 loggerhead (*Caretta caretta*), 85 leatherback (*Dermochelys coriacea*), 10 Kemp's ridley (*Lepidochelys kempi*), 10 hawksbill (*Eretmochelys imbricata*), and 10 green (*Chelonia mydas*) turtles. The applicant has requested authorization to measure, photograph, flipper tag, scan for PIT tags, resuscitate (if necessary) and release turtles taken in foreign and domestic commercial fishing vessels operating in state waters and the Exclusive Economic Zone. Further, the applicant has requested authority to bring to shore, when feasible, dead sea turtles for necropsy. Necropsy will only be performed by personnel currently permitted to conduct such research. This research supports the National Marine Fisheries Service's mission of assessing the impacts of commercial fisheries on marine resources of interest to the United States.

Permit Issued

Notice was published on June 3, 1998 (63 FR 30199), that an application had been filed by LSC for a 5-year permit to possess the DNA of listed shortnose sturgeon (*Acipenser brevirostrum*).

Permit 1155 was issued on July 21, 1998, and expires on July 31, 2003.

Dated: September 9, 1998.

Kevin Collins,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–24724 Filed 9–14–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 090498B]

Endangered Species; Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of scientific research permits (1141, 1148, 1152) and modifications to scientific research permits (900, 946, 948, 994).

SUMMARY: Notice is hereby given that NMFS has issued permits to: Public Utility District No 2 of Grant County at Ephrata, WA (PUDGC) (1141), the Resource Enhancement and Utilization Technologies Division of the Northwest Fisheries Science Center, NMFS at Seattle, WA (NWFSC) (1148), and the Oregon Department of Fish and Wildlife at La Grande, OR (ODFW) (1152); and has issued modifications to permits to: Northwest Fisheries Science Center, NMFS at Seattle, WA (NWFSC) (900 and 946), the Northern Wasco County People's Utility District at The Dalles, OR (NWCPUD) (948), and the Idaho Cooperative Fish and Wildlife Research Unit at Moscow, ID (ICFWRU)(994).

ADDRESSES: The permits, applications and related documents are available for review in the following offices, by appointment: Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–4169 (503–230–5400); and

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3226 (301-713-1401).

FOR FURTHER INFORMATION CONTACT: For permit 1141: Tom Lichatowich (503–230–5438).

For permits 900, 946, 948, 994, 1148, and 1152: Robert Koch (503–230–5424).

SUPPLEMENTARY INFORMATION:

Authority

Permits are issued under the authority of section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and the NMFS regulations governing ESA-listed fish and wildlife permits (50 CFR parts 217–227).

Issuance of the permits and permit modifications, as required by the ESA, was based on a finding that such actions: (1) Were requested/proposed in good faith, (2) would not operate to the disadvantage of the ESA-listed species that are the subject of the permits, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA and the NMFS regulations governing ESA-listed species permits.

Species Covered in this Notice

The following species are covered in this notice: Chinook salmon (*Oncorhynchus tshawytscha*), Sockeye salmon (*O. nerka*), Steelhead (*O. mykiss*).

Permits Issued

Notice was published on April 16, 1998 (63 FR 73), that an application had been filed by PUDGC for a 5-year research permit. Permit 1141 was issued on August 21, 1998, and authorizes takes of endangered, juvenile, upper Columbia River (UCR) steelhead in three research activities. In the first, one-third of the smolts netted at Wanapum Dam would be anesthetized, counted, examined for marks, and lengths taken on a representative 5% sample before the fish would be allowed to recover in a holding tank until release. In the second activity, 50–100 smolts are examined twice per week for gas bubble trauma. The third study involves a lethal take of ESA-listed steelhead smolts captured during weekly fyke-netting efforts at Wanapum Dam from mid-July through August as part of a hydro acoustics study. Permit 1141 expires on December 31, 2002.

Notice was published on May 15, 1998 (63 FR 27055), that an application had been filed by NWFSC for a scientific research/enhancement permit. Permit 1148 was issued to NWFSC on September 2, 1998. Permit 1148 authorizes NWFSC annual direct takes of adult and juvenile, endangered, Snake River sockeye salmon associated with its role in a captive broodstock program. The captive broodstock program is a cooperative effort among the Idaho Department of Fish and Game (IDFG), NMFS, the Shoshone-Bannock Tribes, the University of Idaho, the Idaho Department of Environmental Quality, the Oregon Department of Fish and Wildlife, and the Bonneville Power Administration (BPA). Funding is provided by BPA. IDFG is authorized annual takes of ESA-listed sockeye salmon under scientific research/enhancement Permit 1120. Permit 1148 expires on December 31, 2002.

Notice was published on May 29, 1998 (63 FR 29382), that an application had been filed by ODFW for a scientific research permit. Permit 1152 was issued to ODFW on August 26, 1998. Permit 1152 authorizes ODFW annual direct takes of adult and juvenile, threatened, naturally produced, Snake River spring/summer chinook salmon associated with scientific research conducted in the Grande Ronde and Imnaha River Basins in the state of OR. ODFW will conduct five research tasks: (1) Spring chinook salmon spawning ground surveys, (2) spring chinook salmon early life history, (3) habitat and fish inventory surveys, (4) passage and irrigation screening, and (5) monitoring of residual hatchery steelhead. Permit 1152 expires on December 31, 2002.

Permits Modifications Issued

Notice was published on May 29, 1998 (63 FR 29382) that an application had been filed by NWFSC for modification 6 to scientific research permit 900. Modification 6 to permit 900 was issued to NWFSC on September 4, 1998. Permit 900 authorizes NWFSC annual direct takes of juvenile, endangered, Snake River sockeye salmon; juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon; juvenile, threatened, Snake River fall chinook salmon; and juvenile, endangered, naturally produced and artificially propagated, upper Columbia River steelhead associated with three studies designed to determine the relative survival of migrating juvenile salmonids at hydropower dams and reservoirs on the Snake and Columbia Rivers in the Pacific Northwest. For modification 6, NWFSC is authorized an increase in the annual takes of ESA-listed juvenile fish associated with The Dalles Dam survival study. Actual field conditions to date in 1998 indicate that NWFSC underestimated the amount of ESA-listed fish takes needed to validate the study. Modification 6 is valid for the duration of the permit, which expires on December 31, 1999.

Notice was published on May 29, 1998 (63 FR 29382) that an application had been filed by NWFSC for modification 5 to scientific research permit 946. Modification 5 to permit 946 was issued to NWFSC on September 4, 1998. Permit 946 authorizes NWFSC annual direct takes of juvenile, endangered, Snake River sockeye salmon; juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon; juvenile, threatened, Snake River fall chinook salmon; and juvenile, endangered, naturally produced and

artificially propagated, upper Columbia River steelhead associated with two scientific research studies. The studies are designed to assess the migration timing and relative survival of chinook salmon smolts transported by barge to below Bonneville Dam on the Columbia River with the survival to adulthood of smolts migrating volitionally inriver to Bonneville Dam and to the mouth of the Columbia River. For modification 5, NWFSC is authorized an increase in the takes of ESA-listed juvenile fish associated with both studies. Actual field conditions to date in 1998 indicate that NWFSC underestimated the amount of ESA-listed fish takes needed to complete the studies. Modification 5 is valid for the duration of the permit which expires on December 31, 1999.

Notice was published on March 6, 1998 (63 FR 11220) that an application had been filed by NWCPUD for modification 2 to scientific research permit 948. Modification 2 to permit 948 was issued to NWCPUD on September 2, 1998, and authorizes annual direct takes of juvenile, endangered, Snake River sockeye salmon; juvenile, threatened, naturally produced and artificially propagated, Snake River spring/summer chinook salmon; and juvenile, threatened, Snake River fall chinook salmon associated with a study designed to assess run-of-the-river juvenile anadromous fish condition after passage through the screened turbine intake channel at The Dalles Dam, located on the Columbia River. For modification 2, NWCPUD is authorized an annual direct take of juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with the research. Modification 2 is valid for the duration of the permit. Permit 948 expires on September 30, 1999.

Notice was published on May 29, 1998 (63 FR 29382) that an application had been filed by ICFWRU for modification 4 to scientific research permit 994. Modification 4 to permit 994 was issued to ICFWRU on September 2, 1998, and authorizes annual direct takes of adult, threatened, Snake River spring/summer and fall chinook salmon and adult, endangered, Snake River sockeye salmon associated with two studies. Study 1 is designed to assess the passage success of migrating adult salmonids at the four dams and reservoirs in the lower Columbia River. Study 2 is designed to determine if adult salmon successfully return to natal streams or hatcheries after passing Lower Granite Dam on the Snake River. For modification 4, ICFWRU is authorized an annual direct take of adult, endangered, UCR steelhead associated with a new study designed to determine the effects of transporting steelhead smolts on the homing of returning adults. Modification 4 is valid for the duration of the permit, which expires on December 31, 2000.

Dated: September 9, 1998.

Kevin Collins,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–24726 Filed 9–14–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 082898B]

Marine Mammals; File Nos. 594–1467, 914–1470 and 772#69

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Receipt of applications and request to amend Permit No. 1024.

SUMMARY: Notice is hereby given that two applicants have applied in due form for a permit to take marine mammals for purposes of scientific research, and a permit holder has requested an amendment to Permit No. 1024. The applications are from:

(File No. 594–1467): Georgia Department of Natural Resources, Nongame/Endangered Wildlife Program Coastal Office, One Conservation Way, Brunswick, GA 31520–8687;

(File No. 914–1470): University of Southern Mississippi, Department of Biological Sciences, USM Box 5018, Hattiesburg, MS 39401; and

(File No. 772#69): NMFS, Southwest Fisheries Science Center, 8604 La Jolla Shores Drive, La Jolla, CA 92037.

DATES: Written or telefaxed comments must be received on or before October 15, 1998.

ADDRESSES: The applications and related documents are available for review upon written request or by appointment. (see **SUPPLEMENTARY INFORMATION**).

Written comments or requests for a public hearing on these applications should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on these particular requests would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Sara Shapiro 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject permits are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Georgia Department of Natural Resources (No. 594–1467) requests a permit to conduct aerial and vessel surveys on Northern right whales (*Eubalaena glacialis*) in areas within and adjacent to the Southeast U.S. (SEUS) calving area critical habitat. The objective of the research is to determine right whale distribution in the SEUS as well as to determine if the present placement of the SEUS calving areas critical habitat requires revision. Opportunistic Level B harassment will be conducted on Atlantic bottlenose dolphin (*Tursiops truncatus*), Atlantic spotted dolphin (*Stenella frontalis*), Pantropical spotted dolphin (*S. attenuata*) and humpback whales (*Megaptera novaeangliae*).

University of Southern Mississippi (No. 914–1470) requests authority to import samples taken from captive animals. Samples will include fluids (serum or plasma, tears, sputum, feces, colostrum or milk, and bronchiolavage), and tissue samples (lung, spleen, kidney, ovary, testes, liver, lymph nodes, brain, and skin). Samples will be from Atlantic bottlenose dolphins, Pacific bottlenose dolphins, beluga whales, and Pacific white-sided dolphins. The objectives are to: establish standard cetacean cell lines for viral isolation and viral diagnostic studies; and isolate viruses from cetacean tissues.

Southwest Fisheries Science Center (No. 772#69) requests amendment to Permit No. 1024 to capture 30 juvenile Antarctic fur seals (*Arctocephalus gazella*) over the next 3 austral summers, and to take blubber biopsy

samples from 150 of the 1000 pups already authorized to be taken.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents may be reviewed in the following locations:

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

(File Nos. 594–1467 and 914–1470): Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432 (813/570–5312);

(File No. 594–1467): Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, (978/281–9250); and

(File No. 772#69): Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (562/980–4001).

Dated: September 8, 1998.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 98–24622 Filed 9–14–98; 8:45 am]

BILLING CODE 3510–22–F

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 63 F.R. 48199.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 11:00 a.m., Wednesday, September 30, 1998.

CHANGES IN THE MEETING: The Commodity Futures Trading Commission changed the meeting to discuss enforcement matters to Monday, September 28, 1998 at 3:00 p.m.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 98–24778 Filed 9–11–98; 10:40 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Proposed Implementation of the Defense Table of Official Distances (DTOD) for the DoD Freight Movements Program

AGENCY: Military Traffic Management Command, DoD.

ACTION: Notice (request for comments).

SUMMARY: The Military Traffic Management Command (MTMC), as the Department of Defense (DoD) Traffic Manager for surface and surface intermodal traffic management services (DTR Vol 1, Pg 101–113), intends to utilize a new automated distance calculation product known as the Defense Table of Official Distances (DTOD) in the DoD freight program. The DTOD will replace existing distance calculation products used within the DoD, such as the Rand McNally TDM Milemaker System, and the Household Goods Carriers' Mileage Guide. The DTOD will become the DoD standard source for distance information worldwide. Commercially, DTOD is known as PC*MILER by ALK Associates, Inc. The DTOD/PC*MILER will be used by the DoD for all distance calculations, analysis, and for transportation payment/audits. Carriers and third party providers may continue to use other mileage sources for their own business purposes. However, carriers and third party providers participating in the DoD freight program must agree to be bound by the DTOD/PC*MILER distance calculations for payment and audit purposes.

DATES: Comments must be submitted by November 16, 1998.

ADDRESSES: Comments may be mailed to: Headquarters, Military Traffic Management Command, ATTN: MTTM–O, Room 108, 5611 Columbia Pike, Falls Church, VA 22041–5050.

FOR FURTHER INFORMATION CONTACT: Additional information concerning use of the DTOD in the MTMC Freight Movement Program can be obtained by contacting Mr. Ed Dickerson (703) 681–6870 or Ms. Patty Maloney (703) 681–6586. Information regarding DTOD complaint commercial software and other technical information can be provided by contacting ALK Associates, Inc. at 1–800–377–MILE, or on the Intenet at *www.pcmiler.com.*

SUPPLEMENTARY INFORMATION:

1. The proposed effective date for the use of the DTOD in the DoD freight movement program will be 1 March 1999 and will effect all MTMC sponsored freight traffic programs where mileage is used for negotiation, analysis and/or payment purposes. All shipments picked up on or after the effective date will be governed by the DTOD.

2. In accordance with the implementation process the following MTMC rules publications will be amended to remove any reference to existing mileage guides or tables and replace them with DTOD with an effective date of 1 March 1999:

(a) Military Traffic Management Command (MTMC) Freight Tariff Rules Publication No. 1A, Page 9, Item 5, Paragraph 2b.

(b) MTMC Freight Tariff Rules Publication No. 10, Page 12, Item 20 Paragraph 1b, 1f, and 1g.

(c) MTMC Guaranteed Traffic Rules Publication No. 50, Page 1–3, Item 15, Paragraph 1c.

(d) MTMC Freight Rules Publication No. 4A, Page 1–7, Item 50, Paragraph 1b.

(e) MTMC Standard Tender Instructions Publications 364A, Page 12, Item 200.

3. Where rates or other services are based on mileage, the distance or mileage computations shall be those provided in the Defense Table of Official Distances (DTOD). Mileage for freight shipments, except certain hazardous materials (HAZMAT), will be based on DTOD shortest distance. Mileage for munition shipments will be based on the DTOD HAZMAT Module and the mileage for overdimensional/overweight shipments will be based on DTOD practical mileage calculation. DTOD and PC*MILER will produce identical distance calculations. Carriers and other parties who seek more information about PC*MILER may contact ALK Associates, Inc. at telephone 1–800–377–MILE, or via internet at *www.pcmiler.com.*

4. Proposed Implementation Dates: The schedule for use of the DTOD/PC*MILER in distance calculation, payment, pre- and post-payment audits for shipments under the DoD freight movement program will be 1 March 1999.

5. Background. Currently, several sources for highway distance information are being used to support various DoD transportation programs, such as travel, travel entitlement reimbursement, freight and personal property movements. Moreover, separate products are used to calculate overseas distances. The result is a variance in distance computation produced by different products and a high cost to DoD of licensing and maintaining multiple mileage sources.

a. Until 1996, DoD was required by law to maintain an official mileage table for payment of travel and transportation allowances, known as the Official Table

of Distances. The FY96 Defense Authorization Act deleted this requirement, thus providing the opportunity to use a commercial mileage product. MTMC announced a plan to convert to a new automated mileage standard calculation product in a previous **Federal Register** notice (Vol 62, No 218, Page 60692) Wednesday, 12 November 1997. In seeking a single integrated source of automation highway distance calculations, the MTMC contracted with Science Applications International Corporation (SAIC) to perform a market survey of available products (Phase I) and to provide a product that would support DoD transportation programs (Phase II). SAIC, in turn, conducted a commercial competition to identify and acquire commercial-off-the-shelf, point to point distance calculation source that would meet all the DoD requirements. PC*MILER was chosen by SAIC to be that source. PC*MILER, developed specifically to serve the trucking industry, will contain Standard Point Location Codes, military locations and other worldwide locations required by DoD. Updates and version control of DTOD and PC*MILER will be consistent with industry practices.

b. In surveying and evaluating vendors and products, SAIC's criteria considered compatibility with existing and planned automated systems, consistency in calculation, and adaptability to various DoD network applications and transportation programs used. SAIC also compared commercially available distance calculation products to identify viable candidates for the competitive selection process. Following vendor selection, a comparison of the 100 highest volume shipping routes resulted in finding an average variance of 2.0% (+/−) amongst the vendors of evaluated products. Upon written request a copy of this comparison will be provided.

c. The DTOD/PC*MILER product will calculate both "shortest" and "practical" mileage. Currently, the DoD and the general freight carrier industry use "shortest" mileage to calculate the distance used for payment purpose. "Shortest" routes represent distances and routes that a driver would take to minimize total distance traveled while still following a truck-navigable route. DoD will continue to use the "shortest" routes for freight shipments, the HAZMAT module for munitions and radioactive yellow II/III shipments, and practical mileage for overdimensional/overweight shipments.

d. Carriers and/or other parties who choose to use PC*MILER will have opportunities to provide feedback to ALK Associates, Inc., the provider of DTOD software, regarding routings, database suggestions such as distance differences, road preference suggestions, road reclassification, new locations, etc. ALK Associates, Inc., will provide all interested parties the capability to license PC*MILER, to ensure the ability to consistently determine the exact mileage that the DoD uses for payment and auditing.

e. Interested parties are invited to provide comments concerning the use of the DTOD in the DoD Freight Movement Program and the proposed implementation dates to the address above. Comments will be accepted for a period of 60 days from the publication date of this notice.

6. Regulatory Flexibility Act. This change in acquisition policy is related to public contracts and is designed to standardize distance calculations for line-haul transportation. This change is not considered rule making within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

7. Paperwork Reduction Act. The Paperwork Reduction Act, 44 U.S.C. 3051 *et seq.*, does not apply because no information collection requirement or recordkeeping responsibilities are imposed on offerors, contractors, or members of the public.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 98–24728 Filed 9–14–98; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by October 31, 1998. A regular clearance process is also beginning. Interested persons are invited to submit comments on or before November 16, 1998.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer: Department of Education, Office of Management and Budget; 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronically mailed to the internet address PatiSherrill@ed.gov, or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used

in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 8, 1998.

Sally Budd,

Acting Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Elementary and Secondary Education

Type of Review: New.

Title: Dwight D. Eisenhower Professional Development Program Triennial Report.

Abstract: States are required to submit a triennial report to the Department on their progress toward achieving performance indicators for professional development.

Additional Information: Revisions have been made to alleviate unnecessary burden on the respondents. Eisenhower State Coordinators had several opportunities to provide feedback on the practicality of providing this information.

Frequency: Annually.

Affected Public: State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 52.

Burden Hours: 433.

[FR Doc. 98–24450 Filed 9–14–98; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 16, 1998.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the internet address *Pat Sherrill@ed.gov*, or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 10, 1998.

Hazel Fiers,

Acting Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Elementary and Secondary Education

Type of Review: Reinstatement.

Title: Women's Educational Equity Act (WEEA).

Frequency: Annually.

Affected Public: Individuals or households; Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 200.

Burden Hours: 3,200.

Abstract: The WEEA Program promotes gender equity in education, especially for women and girls suffering from multiple forms of discrimination.

[FR Doc. 98–24690 Filed 9–14–98; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 15, 1998.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651, or should be electronically mailed to the internet address Pat__Sherrill@ed.gov, or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested

Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Acting Deputy Chief Information Officer, Office of the Chief Information Officer, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: September 10, 1998.

Hazel Fiers,

Acting Deputy Chief Information Officer, Office of the Chief Information Officer.

Office of Educational Research and Improvement

Type of Review: Revision.
Title: The Blue Ribbon Schools Program.
Frequency: One time.
Affected Public: Not-for-profit institutions; State, local or Tribal Gov't, SEAs or LEAs.
Reporting and Recordkeeping Hour Burden:
Responses: 515.
Burden Hours: 25,750.
Abstract: The Blue Ribbon Schools award is a national school improvement strategy with a threefold purpose: (1) to identify and give public recognition to outstanding public and private schools across the nation; (2) to make available a comprehensive framework of key criteria for school effectiveness that can serve as a basis for participatory self-assessment and planning in schools; and (3) to facilitate communication and sharing of best practices within and among schools based on a common understanding of criteria related to success. The information collected will be used to determine by peer review which schools receive the award and information on their exemplary practices and policies will be made available to other schools.

[FR Doc. 98–24691 Filed 9–14–98; 8:45 am]
BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Assessment Governing Board

National Assessment Governing Board; Meetings

AGENCY: National Assessment Governing Board; Department of Education.

ACTION: Notice of Hearings.

SUMMARY: The National Assessment Governing Board is announcing six public hearings related to proposed voluntary national tests. The purpose of the hearings is to obtain public comment to inform the development by the Governing Board of policies for the inclusion of and accommodations for students with disabilities and students with limited English proficiency in the proposed tests. Interested individuals and organizations are invited to provide written and/or oral testimony to the Governing Board. The Governing Board has contracted with the National Association of State Boards of Education to assist in the conduct and reporting of the public hearings.

Pub. L. 105–78 vests exclusive authority to develop the voluntary national tests in the Governing Board and also prohibits the use of Fiscal Year 1998 funds for pilot testing, field testing, implementation, administration, or distribution of voluntary national tests. If Congress does not prohibit further development of the voluntary national tests after September 30, 1998, the Governing Board intends to begin pilot testing of items (i.e., test questions) in March 1999.

Pub. L. 105–78 also requires the Governing Board to make four determinations about the voluntary national tests, one of which concerns whether the test development process and test items take into account the needs of disadvantaged students, students with limited English proficiency, and students with disabilities. Pub. L. 105–78 authorizes the National Academy of Sciences to conduct a study of appropriate test uses. The study, entitled "High Stakes," contains recommendations related to inclusion and accommodations in educational tests generally of students with disabilities and students with limited English proficiency. The conference report accompanying Pub. L. 105–78 asks the Governing Board to conduct public hearings on the NAS recommendations. Thus, the public hearings are being conducted pursuant to this congressional guidance and are intended to assist the Governing Board with respect to policy development.

The NAS report "High Stakes" is available from the National Academy of Sciences. It is available on the Internet at the following address: http://www.nap.edu/readingroom/enter2.cgi?0309062802.html.

DATES AND LOCATIONS: The dates and locations of the six public hearings have been set as follows:

Cities	Dates	Locations
Washington, DC	October 14, 1998, Register by September 30.	The Charles Sumner School, The Great Hall, 1201 17th Street NW.
Atlanta, GA	October 29, 1998, Register by October 6	The Carter Presidential Center, Cyprus Room, One Copenhill, 453 Freedom Parkway.
New York, NY	October 23, 1998, Register by October 9	New York University, Main Building, Room 401, 31 Washington Place.
Chicago, IL	October 26, 1998, Register by October 12	Curie High School, Auditorium, 4959 South Archer Avenue.
Austin, TX	October 28, 1998, Register by October 14	William B. Travis Building, State Board of Education Room, #1–104, 1701 North Congress Avenue.
Los Angeles, CA	November 2, 1998, Register by October 19	Los Angeles Unified School District, Board Room (H–160), 450 North Grand Avenue.

The hearing schedule for each site will be as follows:

9:00 am–12:00 noon Testimony on students with limited English proficiency

1:00 pm–4:00 pm Testimony on students with disability

Individuals wishing to present oral testimony should register in advance by the registration date indicated above in the schedule for the specific hearings. To register in advance, contact Katherine Fraser at the National Association of State Boards of Education at 1–800–368–5023, Extension 8572. Request to speak will be accommodated until all time slots are filled. Individuals who do not register in advance will be permitted to register and speak at the meeting in order of registration, if time permits. Each speaker is intended to have at least five minutes; the actual time available will be determined in part by the volume of registered speakers. While it is anticipated that all persons who desire will have an opportunity to speak, time limits may not allow this to occur. The National Association of State Boards of Education will make the final determination on advance selection and scheduling of speakers. People who register to give oral testimony will receive additional information, including issues to consider related to the National Academy of Sciences report entitled "High Stakes," which contains recommendations about inclusion and accommodations in testing.

Written testimony is invited and welcomed. All testimony will become part of the public record and will be considered by the Governing Board in developing policy for the voluntary national tests about inclusion and accommodations for students with disabilities and students with limited English proficiency.

Written Statements

Written statements submitted for the public record should be postmarked by November 15, 1998 and mailed to the following address: Mark D. Musick, Chairman, (Attention: Ray Fields), National Assessment Governing Board, 800 North Capitol Street NW, Suite 825, Washington, DC 20002–4233.

Written statements also may be submitted electronically by sending electronic mail (e-mail) to Ray_Fields@ED.GOV by November 15, 1998. Comments sent by e-mail must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Inclusion in the public record cannot be guaranteed for written statements, whether sent by mail or electronically, submitted after November 15, 1998.

One or more members of the Governing Board will preside at each hearing. The proceedings will be recorded for print transcription. The hearings also can be signed for the hearing-impaired, upon advance request.

Additional Information

Additional information will be sent prior to each hearing to individuals who register by the date indicated above for the respective hearings. The information to be sent will include: the procedures for the hearings, the schedule for providing oral testimony at each site, and the issues to address from the relevant National Academy of Sciences recommendations in the report "High Stakes."

Steps After Hearings

A transcript will be prepared for each hearing as well as a written summary of the testimony. After the six hearings have been completed, two syntheses will be prepared of the testimony presented at all of the hearings, one covering issues and recommendations related to inclusion and accommodations in testing pertaining to students with disabilities and one covering issues and recommendations pertaining to students with limited English proficiency. A presentation on the hearings and the synthesis reports will be made at the March 1999 meeting of the Governing Board. The Governing Board will consider this information in formulating policy regarding inclusion and accommodations of students with disabilities and students with limited English proficiency in the proposed voluntary national tests.

Public Record

A record of all Governing Board proceedings with respect to the public hearings will be available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays, in Suite 825, 800 North Capitol Street, NW, Washington, DC, 20002.

Dated: September 10, 1998.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 98–24722 Filed 9–14–98; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Notice of Solicitation for Financial Assistance Number DE-PS07–99ID13676 Aluminum Partnerships Solicitation

AGENCY: Idaho Operations Office, DOE.

SUMMARY: The Department of Energy (DOE), Idaho Operations Office (ID) is seeking applications for cost-shared research and development of technologies which will enhance economic competitiveness, and reduce energy consumption and environmental impacts for the aluminum industry. The research is to address research priorities identified by the aluminum industry in the "Aluminum Industry Technology Roadmap" (May 1997), for the aluminum sector areas of Primary Aluminum Production, Semi-Fabricated Products, and Finished Products. Approximately $2,500,000 in fiscal year 2000 funds is available to totally fund the first year of selected research efforts. DOE anticipates making up to six cooperative agreement awards for projects with duration's of four years or less. A minimum 30% non-federal cost share is required for research and development projects. Collaborations between industry, national laboratory, and university participants are encouraged.

FOR FURTHER INFORMATION CONTACT: T. Wade Hillebrant, Contract Specialist; Procurement Services Division; U.S. DOE, Idaho Operations Office, 850 Energy Drive, MS 1221, Idaho Falls, ID 83401–1563; telephone (208) 526–0547.

SUPPLEMENTARY INFORMATION: The statutory authority for the program is the Federal Non-Nuclear Energy Research and Development Act of 1974 (Pub. L. 93–577). The Catalog of Federal Domestic Assistance (CFDA) Number for this program is 81.086. The solicitation text is expected to be posted on the ID Procurement Services Division home page on or about September 3, 1998, and may be accessed using Universal Resource Locator address http://www.id.doe.gov/doeid/solicit.html. Application package forms are available at http://www.id.doe.gov/doeid/application.html or may be requested from the contract specialist. Requests for application packages must be written. Those intending to propose must notify Mr. Hillebrant via fax, letter or e-mail. Include company name, mailing address, point of contact, telephone number, e-mail address and fax number. Write to the contract specialist at the address above, via fax number (208) 526–5548, or via email to hillebtw@inel.gov.

Issued in Idaho Falls, Idaho, on September 2, 1998.

R. Jeffrey Hoyles,

Director Procurement Services Division.

[FR Doc. 98–24698 Filed 9–14–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Advisory Board Meeting

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770), notice is hereby given of the following Advisory Committee meeting:

NAME: Environmental Management Advisory Board.

DATE AND TIMES: Thursday, October 8, 1998, 8:30 a.m.–3:30 p.m.

PLACE: U.S. Department of Energy/ Forrestal Building, 1000 Independence Avenue, S.W.; Room 1E–245, Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: James T. Melillo, Special Assistant to the Assistant Secretary for Envionmental Management; Environmental Management Advisory Board (EMAB), EM–22, 1000 Independence Avenue, S.W., Washington, DC 20585, (202) 586–4400. The Internet address is: James.Melillo@em.doe.gov.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to provide the Assistant Secre tary for Environmental Management (EM) with advice and recommendations on issues confronting the Environmental Management program from the perspectives of affected groups and state, local, and tribal governments. The Board will help to improve the Environmental Management Program by assisting in the process of securing consensus recommendations, and providing the Department's numerous publics with opportunities to express their opinions regarding the Environmental Management Program.

Tentative Agenda

Thursday, October 8, 1998

Chairmen Open Public Meeting
Opening Remarks
Technology Development and Transfer Committee Report
Science Committee Report
Privatization Committee Report
Long Term Stewardship Committee Report
Accelerating Closure Committee Report
Public Comment Period
Working Lunch/Worker Health and Safety Committee
Native American Cultural Awareness
Board Business
Public Comment Period
Meeting Adjourns

A final agenda will be available at the meeting.

Public Participation

The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should either contact James T. Melillo at the address or telephone number listed above, or call 1–(800) 736–3282, the Center for Environmental Management Information and register to speak during the public comment session of the meeting. Individuals may also register on October 8, 1998 at the meeting site. Every effort will be made to hear all those wishing to speak to the Board, on a first come, first serve basis. Those who call in and reserve time will be given the opportunity to speak first. The Board Chair is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts and Minutes

A meeting transcript and minutes will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on September 10, 1998.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–24699 Filed 9–14–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–764–000]

ANR Pipeline Company; Notice of Request Under Blanket Authorization

September 10, 1998.

Take notice that on September 4, 1998, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP98–764–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to operate under the provisions of Section 7(c) of the Natural Gas Act (NGA) an existing interconnection in Texas County, Oklahoma, that has been constructed pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA), all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Pursuant to Section 311 of the NGPA, ANR constructed an interconnection to the facilities of Hitch Enterprises, Inc., facilities consisted of a 2-inch turbine meter, a 2-inch insulating flange, a 4-inch tap valve, and an electronic measurement system. The cost of the facilities was approximately $64,000, which was fully reimbursed by Hitch. ANR delivers natural gas at this interconnection under rate Schedule ITS of its FERC Gas Tariff, Second Revised Volume No. 1.

ANR states that the construction of the proposed interconnection facilities will have no effect on its peak day and annual deliveries, that its existing tariff does not prohibit additional interconnections, that deliveries will be accomplished without detriment or disadvantage to its other customers and that the total volumes delivered will not exceed total volumes authorized prior to this request.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 98–24684 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–758–000]

Columbia Gas Transmission Corporation; Notice of Request Under Blanket Authorization

September 9, 1998.

Take notice that on September 2, 1998, Columbia Gas Transmission Corporation (Columbia Gas), 12801 Fair Lakes Parkway, Fairfax, Virginia 22030–1046, filed in Docket No. CP98–758–000 a request pursuant to Sections 157.205 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.216) for authorization to abandon approximately 0.01 mile of 2-inch transmission Line 10038 and appurtenances, and one point of delivery to Columbia Gas of Pennsylvania, Inc. (CPA), all located in Washington County, Pennsylvania. Columbia Gas makes such request under its blanket certificate issued in Docket No. CP83–776–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission on open to public inspection.

Columbia Gas states that it was authorized to own and operate the facilities proposed to the abandoned in this proceeding in Docket No. CP71–132–000. It is indicated that the subject facilities have not been used to provide service to CPA for more than ten years. By letter dated August 10, 1998, CPA advised Columbia Gas it no longer has use for Columbia Gas' Bethlehem Mines, Moore Shaft Measuring Station No. 601046, located in Marianna, Pennsylvania. Columbia Gas is therefore, proposing to abandon the subject facilities herein.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of the intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 98–24671 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–757–000]

Destin Pipeline Company, L.L.C.; Notice of Request Under Blanket Authorization

September 10, 1998.

Take notice that on September 2, 1998, Destin Pipeline Company, L.L.C. (Applicant), Post Office Box 2563, Birmingham, Alabama, 35202–2563, filed in Docket No. CP98–757–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for approval to construct, own, and operate certain facilities located in Jackson County, Mississippi, for the delivery of natural gas to Chevron Products Company (Chevron Products) under Applicant's blanket certificate issued in Docket No. CP96–657–000 and CP96–657–001, pursuant to Section 7(C) of the Natural Gas Act (NGA), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a meter station consisting of three ten-inch orifice meters and appurtenant facilities, including 3.38 miles of sixteen-inch pipeline extending from a point at or near Mile Post 79.8 on Applicant's thirty-six-inch mainline to an interconnection with the proposed meter station, electronic custody transfer equipment, pressure control regulation equipment, and other rappurtenant facilities. Applicant sates that it will own and operate the proposed facilities as part of its pipeline system. It is further stated that the total estimated cost of the facilities proposed herein is $3.5 Million, which cost will be 100 percent borne by Applicant. Applicant asserts that it will provide transportation service of 10,000 Mcf per Day to Chevron Products under Applicant's Rate Schedule FT–1 and that additional volumes of natural gas may be transported to the proposed new delivery point from time to time on behalf of Chevron Products on an interruptible basis pursuant to Applicant's Rate Schedule IT. Applicant further asserts that the performance of the transportation services for Chevron Products will have no adverse impact on Applicant's peak day capabilities and annual deliveries.

Any person or the Commission's Staff may, within 45 days of the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214), a motion to intervene and pursuant to Section 157.205 of the regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activities shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 98–24682 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–756–000]

El Paso Natural Gas Company; Notice of Request Under Blanket Authorization

September 9, 1998.

Take notice that on September 1, 1998, El Paso Natural Gas Company (El Paso), a Delaware corporation, whose mailing address is P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP98–756–000 a request pursuant to Sections 157.205 and 157.212 of Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to construct and operate a delivery point in Greenlee County, Arizona, to permit the firm transportation and delivery and natural gas to Phelps Dodge Morenci, Inc., a partially-owned subsidiary of Phelps Dodge Corporation (Phelps Dodge Morenci), under El Paso's blanket certificate issued in Docket No. CP82–435–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

El Paso states that it provides firm transportation service to Phelps Dodge Morenci pursuant to the terms and conditions of an existing Transportation Service Agreement (TSA) dated August

16, 1991, as amended and restated, between El Paso and Phelps Dodge Corporation. The TSA provides for the firm transportation of Phelps Dodge Corporation's full requirements of natural gas to delivery points located in Arizona and New Mexico, including two existing delivery points to Phelps Dodge Morenci in the Morenci. Arizona Area.

El Paso states that Phelps Dodge Morenci has informed El Paso that it will be installing two new boilers at the Morenci location which will require additional gas volumes to be delivered to Phelps Dodge Morenci. To facilitate the delivery of the gas to Phelps Dodge Morenci, El Paso and Phelps Dodge Morenci have agreed, pursuant to a Letter Agreement date June 4, 1998, that El Paso would install a new delivery point on El Paso's 8⅝" O.D. Morenci Second Loop Line (Line No. 2083) in Greenlee County, Arizona, hereinafter referred to as the "Phelps Dodge Morenci, Inc. Delivery Point."

El Paso states that the total estimated cost of the proposed tap and valve assembly, including respective overhead and contingency fees, is $28,600. Phelps Dodge Morenci will reimburse El Paso for the costs related to construction of the proposed delivery point. El Paso will construct, own, operate and maintain the tap and valve facilities.

El Paso states that construction and operation of the Phelps Dodge Morenci, Inc. Delivery Point is not prohibited by El Paso's existing Volume No. 1–A Tariff and that El Paso has sufficient capacity to accomplish deliveries of the requested gas volumes without detriment or disadvantage to its other customers.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 98–24672 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC98–59–000]

EnerZ Corporation; Notice of Filing

September 10, 1998.

On September 2, 1998, EnerZ Corporation (Applicant), filed with the Federal Energy Regulatory Commission an Application for Order Authorizing Disposition and Transfer of Control Over a Power Marketing Entity and Request for Expedited Consideration Pursuant to Section 203 of the Federal Power Act and Part 33 of the Commission's regulations.

Applicant is a corporation organized under the laws of the State of Delaware. Applicant is a power marketing entity formed to engage in the wholesale and retail electric power markets as a broker and marketer. The proposed transaction involves the acquisition of all of the outstanding common stock of the Applicant by a party to be named at a subsequent date.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before October 9, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Secretary.

[FR Doc. 98–24680 Filed 09–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–752–000]

Florida Gas Transmission Company and Southern Natural Gas Company; Notice of Application

September 9, 1998.

Take notice that on August 28, 1998, Florida Gas Transmission Company (FGT), 1400 Smith Street, Houston, Texas 77002, and Southern Natural Gas Company (Southern) 1900 Fifth Avenue North, Birmingham, Alabama 35303, (jointly referred to as Applicants) filed in Docket No. CP98–752–000 a joint application with the Commission, pursuant to Section 7(b) of the Regulations for permission and approval to abandon an exchange service and to abandon and remove a measurement station, all as more fully set forth in the petition to amend which is open to public inspection.

Applicants state that they exchange gas at existing points of interconnection between their facilities in Escambia County, Alabama and Washington Parish, Louisiana. The exchange was a "no fee" exchange and gas deliveries were made on an equivalent Btu gas for gas exchange.

Applicants state that their jointly owned 3.2-mile line in Escambia County, Alabama, which has gas flowing, has such gas measured at the discharge side of Exxon Corporation's gas treatment plant and at a station located on FGT's 30-inch line. Because of costly repairs, Applicants agreed that such stations are not required (in view of the three miles which separates them) and therefore propose to abandon such.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 30, 1998, file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion

for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

David P. Boergers,

Secretary.

[FR Doc. 98–24669 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–396–000]

Florida Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

September 9, 1998.

Take notice that on September 3, 1998, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, effective September 17, 1998, the following tariff sheets:

Second Revised Sheet No. 127A
Fourth Revised Sheet No. 128
Third Revised Sheet No. 129
Second Revised Sheet No. 129A

FGT states that it is filing to modify Section 13.D of the General Terms and Conditions of its Tariff to provide that each time FGT invokes an Alert Day, it will post the Tolerance Percentage which would apply prior to recording volumes in the Alert Day Account. Such Tolerance Percentage will not be less than the greater of 2 percent of scheduled deliveries or 100 MMBtu, the tolerance levels currently in effect.

FGT states that, because it believes the proposed changes will benefit all shippers on the system during a time of reduced flexibility due to a force majeure event at FGT's Compressor Station 15 on August 14, 1998, it is requesting waiver of the thirty day notice provisions to allow the changes to become effective on September 17, 1998.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–24679 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Maritimes and Northeast Pipeline, L.L.C.; Notice of Filing

[Docket No. MG98–15–000]

September 9, 1998.

Take notice that on September 1, 1998, Maritimes and Northeast Pipeline, L.L.C., (Maritimes) filed standards of conduct under Order Nos. 497 *et seq.*[1] and Order Nos. 566 *et seq.*[2]

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 C.F.R. 385.211 or 385.214). All such motions to intervene or protest should be filed on or before September 24, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Secretary.

[FR Doc. 98–24675 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

[1] Order No. 497, 53 FR 22139 (June 14, 1988), FERC Stats. & Regs. 1986–1990 ¶ 30,820 (1988); Order No. 497–A, *order on rehearing*, 54 FR 52781 (December 22, 1989), FERC Stats. & Regs. 1986–1990 ¶ 30,868 (1989); Order No. 497–B, *order extending sunset date*, 55 FR 53291 (December 28, 1990), FERC Stats. & Regs. 1986–1990 ¶ 30,908 (1990); Order No. 497–C, *order extending sunset date*, 57 FR 9 (January 2, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,934 (1991), *rehearing denied*, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F.2d 1187 (D.C. Cir. 1992); Order No. 497–D, *order on remand and extending sunset date*, 57 FR 58978 (December 14, 1992), FERC Stats. & Regs. 1991–1996 ¶ 30,958 (December 4, 1992); Order No. 497–E, *order on rehearing and extending sunset date*, 59 FR 243 (January 4, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,958 (December 23, 1993); Order No. 497–F, *order denying rehearing and granting clarification*, 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24, 1994); and Order No. 497–G, *order extending sunset date*, 59 FR 32884 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), FERC Stats. & Regs. 1991–1996 ¶ 30,997 (June 17, 1994); Order No. 566–A, *order on rehearing*, 59 FR 52896 (October 20, 1994), 69 FERC ¶ 61,044 (October 14, 1994); order No. 566–B, *order on rehearing*, 59 FR 65707 (December 21, 1994), 69 FERC ¶ 61,334 (December 14, 1994).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–760–000]

National Fuel Gas Supply; Notice of Request Under Blanket Authorization

September 10, 1998.

Take notice that on September 2, 1998, National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP98–760–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to relocate sales tap facilities in Jefferson County, Pennsylvania, under National Fuel's blanket certificate issued in Docket No. CP83–4–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

National Fuel proposes to relocate an existing sales tap, Station T–No. 1330, utilized for rendering transportation service to National Fuel Gas Distribution Corporation (Distribution). National Fuel states it is necessary to relocate Station T–No. 1330 because the line it is currently located on, Line F–97(S), is in a deteriorated condition and is scheduled for abandonment. Station T–No. 1330 will be moved from Line F–97(S) and tapped onto parallel Line F–M100. The new sales tap will be constructed within the existing station site and all facilities will be moved in their entirety. Station T–No. 1330 will be renamed Station T–No. 2961. Estimated cost of relocating this station is $100,000.

National Fuel states the quantity of gas to be delivered through the proposed facility is approximately 120 Mcf/hour with a maximum capacity of

approximately 183 Mcf/hour. National Fuel states that the proposed service will have a minimal impact on its peak day and annual deliveries and that National Fuel's FERC Gas Tariff does not prohibit the addition of new sales taps or delivery points. The volumes to be delivered at the proposed station will be within the certificated entitlements of National Fuel's customer, Distribution.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 98–24683 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–202–002]

Natural Gas Pipeline Company of America; Notice of Compliance Filing

September 9, 1998.

Take notice that on September 4, 1998, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1 Substitute Eighth Revised Sheet No. 319 and Original Sheet No. 319A, to be effective September 1, 1998.

Natural states that the purpose of this filing is to comply with Ordering Paragraph (B) of the Commission's order issued August 31, 1998 in Docket Nos. RP98–202–001 (Order). The Order accepted Eighth Revised Sheet No. 319 filed July 24, 1998 in Docket No. RP98–202–001 subject to the condition that Natural modify its proposed tariff language such that: 1) the net cumulative amount of any future Production Zone adjustments reallocated to the Midwest Zone cannot exceed $25,000, after allowances for any Production Zone amounts credited to the Midwest Zone and 2) natural will reinstate its Production Zone Account No. 858 surcharge, with respect to the excess, if the net cumulative reallocation amount exceeds $25,000. Natural states that the instant filing was made to reflect the required modifications.

Natural requests waiver of the Commission's Regulations to the extent necessary to permit Substitute Eighth Revised Sheet No. 319 and Original Sheet No. 319A to become effective September 1, 1998 consistent with the Order.

Natural states that copies of the filing have been mailed to Natural's customers, interested state regulatory agencies and all parties set out on the official service list in Docket No. RP98–202.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–24677 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–4052–000]

Niagara Mohawk Power Corporation; Notice of Filing

September 10, 1998.

Take notice that on August 24, 1998, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Network Integration Transmission Service Agreement and an executed Network Operating Agreement between NMPC and Green Island Power Authority. The Network Integration Transmission Service Agreement and Network Operating Agreement specifies that Green Island Power Authority has signed on to and has agreed to the terms and conditions of NMPC's Open Access Transmission Tariff as filed in Docket No. 0A96–194–000. This Tariff, filed with FERC on July 9, 1996, will allow NMPC and Green Island Power Authority to enter into separately scheduled transactions under which NMPC will provide network integration transmission service for Green Island Power Authority.

NMPC requests an effective date of July 1, 1998. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and Green Island Power Authority.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules and Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions and protests should be filed on or before September 18, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Secretary.

[FR Doc. 98–24686 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER98–4050–000]

Niagara Mohawk Power Corporation; Notice of Filing

September 10, 1998.

Take notice that on August 24, 1998, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Network Integration Transmission Service Agreement and an executed Network Operating Agreement between NMPC and Village of Richmondville. The Network Integration Transmission Service Agreement and Network Operating Agreement specifies that Village of Richmondville has signed on to and has agreed to the terms and conditions of NMPC's Open Access Transmission Tariff as filed in Docket No. OA96–194–000. This Tariff, filed

with FERC on July 9, 1996, will allow NMPC and Village of Richmondville to enter into separately scheduled transactions under which NMPC will provide network integration transmission service for Village of Richmondville.

NMPC requests an effective date of July 1, 1998. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon New York State Public Service Commission and Village Richmondville.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions and protests should be filed on or before September 18, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Secretary.

[FR Doc. 98–24687 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–759–000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization

September 9, 1998.

Take notice that on September 2, 1998, Northern Natural Gas Company, (Northern), 1111 South 103rd Street, Omaha, Nebraska 68103, filed in Docket No. CP98–753–000 a request pursuant to Sections 157.205 and 157.216 (b) of the Commission's Regulations and Northern's blanket certificate issued at Docket No. CP82–401–000 for authorization to construct and operate a new delivery point in Freeborn County, Minnesota for deliveries to Agri Resources D/B/A Exol (Exol), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Nothern states that it requests to construct and operate a new delivery point for firm service to Exol under currently effective throughput agreements. It is also stated that Exol would provide firm service to a new facility in Albert Lea, Minnesota. The proposed volumes to be delivered to Exol are 1,600 MMBtu on peak days and 584,000 MMBtu on an annual basis. It is further stated that the total cost of the facility will be $198,000.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 835.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 98–24670 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–753–000]

Northern Natural Gas Company; Notice of Request Under Blanket Authorization

September 9, 1998.

Take notice that on August 28, 1998, Northern Natural Gas Company, (Northern), 1111 South 103rd Street, Omaha, Nebraska 68103, filed in Docket No. CP98–753–000 a request pursuant to Sections 157.205 and 157.216 (b) of the Commission's Regulations and Northern's blanket certificate issued at Docket No. CP82–401–000 for authorization to construct and operate a new delivery point in Beadle County, South Dakota for deliveries to Northwestern Public Service Company (NWPS), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern states that it requests to construct and operate a new delivery point to NWPS under currently effective throughput agreements. It is also stated that Northern would provide 2,450 MMBtu on peak days and 299,000 MMBtu on an annual basis to NWPS. NWPS has requested the facility to provide gas volumes to residential and commercial users. It is further stated that the total cost of the facility will be $70,000 and will be reimbursed by NWPS.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,

Secretary.

[FR Doc. 98–24673 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1981–010 Wisconsin]

Oconto Electric Cooperative; Notice of Intent to Conduct Scoping Meetings and Site Visit

September 10, 1998.

Oconto Electric Cooperative (OEC) filed with the Federal Energy Regulatory Commission (Commission) an application on February 25, 1998, for a new minor license for the existing Stiles Project (P–1981). The 1,000 kilowatt project is located in the township of Stiles, Oconto County, Wisconsin, on the Oconto River.

Scoping Meetings

The Commission staff will conduct two scoping meetings on September 21 and 22, 1998, for the preparation of an environmental assessment (EA), pursuant to the National Environmental Policy Act of 1969, as amended (42 U.S.C. Section 4321 *et seq.*).

Federal and state resource agencies, nongovernmental organizations, and other interested parties are invited to attend one or both of the meetings, and to assist the Commission staff in identifying the scope of environment

issues that should be analyzed in the EA. The times and locations of these meetings are as follows:

Evening Scoping Meeting

Date: September 21, 1998
Time: From 7:00 p.m. to 10:00 p.m.
Location: OEC office
Address: 7479 REA Road, Oconto Falls, Wisconsin

Morning Scoping Meeting

Date: September 22, 1998
Time: From 9:00 a.m. to 12:00 p.m.
Location: OEC office
Address: 7479 REA Road, Oconto Falls, Wisconsin

Scoping Document 1 (SD1), which outlines the proposed project, alternatives, environmental issues, EA outline and schedule, and a request for information, will be mailed to the parties on the Commission's mailing list for the project. Copies of SD1 will also be available at the scoping meetings.

Site Visit

On Monday, September 21, 1998, OEC and the Commission staff will conduct a project site visit beginning at 1:00 p.m. All interested parties are invited to attend. All participants should meet at OEC's office, located at 7479 REA Road, Oconto Falls, Wisconsin. All participants are responsible for their own transportation to the site. Questions about the site visit can be directed to Mr. Tony Anderson, of OEC, at (920) 846–2816.

Objectives

The objectives of the scoping meetings are to: (1) summarize the environmental issues tentatively identified for analysis in the EA; (2) solicit from the meeting participants all available information, especially quantified data, on the resources at issues; and (3) encourage statements from experts and the public on issues that should be analyzed in the EA.

Meeting Procedures

The meetings will be recorded by a stenographer and will become part of the formal record of the Commission proceedings on the Stiles Project. Individuals presenting statements at the meetings will be asked to identify themselves for the record. Speaking time allowed for individuals will be determined before each meeting, based on the number of persons wishing to speak and the approximate amount of time available for the session, but all speakers will be provided at least five minutes to present their views.

Persons choosing not to speak at the meetings, but who have views on the issues, may submit written statements for inclusion in the public record at the meetings. In addition, written scoping comments may be filed with the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, until October 22, 1998. All filings should contain an original and eight copies, and must clearly show at the top of the first page, "Stiles Hydroelectric Project, FERC No. 1981–010".

For further information, please contact either Mr. Tony Anderson at (920) 846–2816 or Ms. Patti Leppert-Slack at (202) 219–2767.

David P. Boergers,

Secretary.

[FR Doc. 98–24685 Filed 9–14–98; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC98–60–000]

PG&E Energy Services, Energy Trading Corporation; PG&E Energy Services Corporation; Notice of Filing

September 10, 1998.

Take notice that on September 4, 1998, PG&E Energy Services, Energy Trading Corporation and PG&E Energy Services Corporation submitted an application pursuant to Section 203 of the Federal Power Act for authority to merge PG&E Energy Services, Energy Trading Corporation into PG&E Energy Services Corporation and to transfer any jurisdictional facilities. The proposed transaction is described more fully in the application, which is on file with the Commission and open to public inspection.

The application states that at the conclusion of the merger, PG&E Energy Services, Energy Trading Corporation, a wholly owned subsidiary of PG&E Energy Corporation, a wholly owned subsidiary of PG&E Energy Services Corporation would cease to exist. Thereafter, PG&E Energy Services Corporation would perform the power marketing functions currently performed by PG&E Energy Services, Energy Trading Corporation. The application declares that the proposed transaction will not affect jurisdictional facilities, rates or services.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before October 9, 1998. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

David P. Boergers,

Secretary.

[FR Doc. 98–24681 Filed 9–14–98; 8:45 am]
BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR98–24–000]

Tesoro Alaska Petroleum Company v. Amerada Hess Pipeline Corporation, ARCO Transportation Alaska, Inc., BP Pipelines (Alaska) Inc., Exxon Pipeline Company, Mobil Alaska Pipeline Company, Phillips Alaska Pipeline Corporation, and Unocal Pipeline Company; Notice of Complaint

September 9, 1998.

Take notice that on August 20, 1998, pursuant to sections 1(5), 3(1), 9, 13(1) and 15(1) of the Interstate Commerce Act (ICA), 49 U.S.C. App. §§ 1(5), 3(1), 9, 13(1) and 15(1), Sections 42.06.370, 42.06.380, and 42.06.410 of the Alaska Pipeline Act the regulations of the Commission under 18 CFR part 343, and the regulations of the Alaska Public Utilities Commission (APUC), 3 AAC §§ 48.100, 48.130, Tesoro Alaska Petroleum Company (Tesoro) tendered for filing a complaint and request for investigation concerning the current Trans Alaska Pipeline System (TAPS) Quality Bank methodology and, in particular, the lawfulness of the values prescribed for naphtha and vacuum gas oil under such methodology.

Tesoro requests initiation of formal proceedings, including concurrent trail type hearings before the FERC and APUC, to investigate the lawfulness of the values assigned to the naphtha and VGO cuts under the current methodology.

Tesoro states that it is a shipper on TAPS and owns and operates a refinery in Kenai, Alaska. Tesoro competes with other TAPS shippers, particularly MAPCO and Petro Star, in the marketing and sale of refined products within Alaska and elsewhere. To the extent, therefore, the Quality Bank payments for the refinery return streams and other

heavy streams are artificially suppressed, Tesoro asserts that MAPCO, Petro Star and other shippers are subsidized and Tesoro is competitively disadvantaged. For these reasons, Tesoro states that it has since 1988 actively participated in the Quality Bank proceedings, including those in Docket No. OR96–14, to ensure that the various TAPS streams, including the refinery return streams, are accurately valued. On May 29, 1998, the presiding judge issued an initial decision in Docket No. OR96–14 (83 FERC ¶ 63,011) dismissing the Exxon Company, U.S.A. complaint at issue there, and held that Tesoro's issues were thereby rendered moot, but that Tesoro was free to file its own complaint.

Based upon the testimony and exhibits of Tesoro's witness in Docket No. OR96–14, Tesoro now seeks to modify the valuation procedure for naphtha by: (i) eliminating single market pricing in favor of using both West Coast prices; (ii) valuing West Coast naphtha as a function of the price of gasoline on the West Coast in recognition of the primary use of naphtha on the West Coast; and (iii) adjusting the values of the naphtha cuts of the various TAPS streams to account for differences in N + A content. Tesoro further proposes that the value of VGO by market-appropriate and, to that end, requests adoption of the OPIS quote for West Coast high-sulfur VGO for West Cost VGO.

Finally, Tesoro suggests that the Commission reinstate the procedural schedule in Docket No. OR96–14, as such schedule existed when the presiding judge terminated that proceeding and invited Tesoro to file its own compliant. Tesoro states that the answering evidence filed in Docket No. OR96–14 could be incorporated as part of the record in this complaint proceeding, and a new date set for the filing of rebuttal evidence, with a hearing date no later than 45 days thereafter. Tesoro asserts this avoids having to start from "square one".

Any person desiring to be heard or to protest said complaint should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.W., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214, 385.211. All such motions or protests should be filed on or before September 21, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Answers to this complaint shall be due on or before September 21, 1998.

David P. Boergers,

Secretary.

[FR Doc. 98–24676 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. 2299–040 and –042]

Turlock and Modesto Irrigation Districts; Notice of Application to Amend License

September 9, 1998.

By letter dated March 6, 1998, the U.S. Army Corps of Engineers (Corps) requested the Commission modify article 38 of the license for the Don Pedro Project, No. 2299. Consultation among the Turlock and Modesto Irrigation Districts (licensees) and the Corps resulted in a joint request, filed on August 14, 1998, to amend subparagraph (a) of article 38. The licensee requests the paragraph be amended to read:

Article 38(a). Flows below La Grange bridge may be altered by the licensees at any time in connection with the operation of the project for flood control purposes or other emergencies provided that, if such flood control operations are required, flows shall be made to meet the requirements of the U.S. Army Corps of Engineer's approved Water Control Plan, Water (Flood) Control Diagram, and Emergency Spillway Release Diagram or an approved deviation from these documents. The licensees shall take reasonable measures to insure that releases from the project do not cause the flow in the Tuolumne River at the Modesto gage to below Dry Creek to exceed 9,000 cfs unless otherwise agreed to by the Corps of Engineers. After flood control criteria within the reservoir have been met, the licensees shall reduce the releases from the project as soon as it is reasonably practicable.

Please submit any comments on the request within 30 days from the date of this notice. Any comments, conclusions, or recommendations that draw upon studies, reports, or other working papers of substance should be supported by appropriate documentation. Please affix Project No. 2299–042 on all filings.

Comments, protests and requests to intervene may be made in accordance with the following paragraphs.

Comments, Protests, or Motions to Intervente—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENT", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 98–24668 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–397–000]

Williston Basin Interstate Pipeline Company; Notice of Request for Waiver

September 9, 1998.

Take notice that on September 3, 1998, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing a request for a one-time waiver of Section 7 of its FERC Gas Tariff, Second Revised Volume No. 1 and footnote A to the Notices of Currently Effective Rates for Rate Schedule FS–1.

Williston Basin states that it is seeking the requested waiver so that it can rescind a $61,905.32 fuel reimbursement bill sent to Montana-Dakota Utilities Co., which resulted from Montana-Dakota's failure to cycle contractually required quantities of its storage gas. The under-cycling was due to the extremely warm weather experience during the 1997–98 winter heating season.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 16, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–24674 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–395–000]

Young Gas Storage Company, Ltd.; Notice of Tariff Filing

September 9, 1998.

Take notice that on September 2, 1998, Young Gas Storage Company, Ltd. (Young), tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed in attached Appendix A to the filing, to be effective October 5, 1998.

Young states the Commission authorized it to develop, construct and operate an underground storage facility to provide open access storage service in an order that was issued June 22, 1994 in Docket No. CP93–541–000 and 001. As the field approaches full development, Young states it is proposing changes to its Original Volume No. 1 Tariff to more accurately match the field's actual capabilities. Young states it is proposing to add a Reservoir Integrity Inventory Limit that defines the upper safe limit, such that the field may be operated to its design maximum inventory while maintaining control over the expansion of the gas bubble.

Young also states it is proposing to adjust the original design parameters for the Maximum Daily Withdrawal Quantity and the Available Daily Withdrawal Quantity, such that they will more accurately match the field capabilities.

Young states it is also proposing to (i) revise the definition of Maximum Daily Withdrawal Quantity to allow Young to shut-in the field at or about the end of the injection cycle in order to perform reservoir management, measurement, and assessment functions; (ii) remove rates that were effective during years 1 through 3 of development; (iii) allowing customers more flexibility to maintain a higher level of gas in storage at the end of the withdrawal season; (iv) and change the assumed Btu per cubic foot in the definition of Average Thermal content of gas in storage.

Young states that copies of the filing have been mailed to all affected customers and state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

David P. Boergers,

Secretary.

[FR Doc. 98–24678 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL98–72–000, et al.]

Clarksdale Public Utilities Commission v. Entergy Services, Inc., et al.; Electric Rate and Corporate Regulation Filings

September 8, 1998.

Take notice that the following filings have been made with the Commission:

1. Clarksdale Public Utilities Commission v. Entergy Services, Inc., as agent for Entergy Arkansas, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., Entergy New Orleans, Inc., and Entergy Gulf States, Inc.

[Docket No. EL98–72–000]

Take notice that on August 25, 1998, the Clarksdale Public Utilities Commission of the City of Clarksdale, Mississippi tendered for filing a complaint against Entergy Services, Inc. as agent for Entergy Arkansas, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., Entergy New Orleans, Inc., and Entergy Gulf States, Inc. for violations of the Federal Power.

Comment date: October 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

2. Clarksdale Public Utilities Commission v. Entergy Services, Inc., as agent for, Entergy Arkansas, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., Entergy New Orleans, Inc., and Entergy Gulf States, Inc.

[Docket No. EL98–73–000]

Take notice that on August 25, 1998, the Clarksdale Public Utilities Commission of the City of Clarksdale, Mississippi tendered for filing a complaint and request for investigation against Entergy Services, Inc. as agent for Entergy Arkansas, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., Entergy New Orleans, Inc., and Entergy Gulf States, Inc. for violations of the Federal Power.

Comment date: October 8, 1998, in accordance with Standard Paragraph E at the end of this notice.

3. Duke Power Company

[Docket No. ER97–2398–003]

Take notice that on September 2, 1998, Duke Energy Corporation tendered for filing its compliance filing in the above-reference docket.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

4. EnerZ Corporation

[Docket No. ER96–3064–009]

On September 2, 1998, EnerZ Corporation (EnerZ), filed with the Federal Energy Regulatory Commission, a notice of a change in circumstances described in the original application of EnerZ for blanket authorizations and approvals to make sales of electric energy and capacity at market-based rates.

EnerZ is a corporation organized under the laws of the State of Delaware. EnerZ is a power marketing entity formed to engage in the wholesale and

retail electric power markets as a broker and marketer.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

5. The Detroit Edison Company

[Docket No. ER97–4215–001]

Take notice that on September 2, 1998, The Detroit Edison Company filed an amended refund report in the above-referenced docket.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

6. The Detroit Edison Company

[Docket Nos. ER97–4410–001 and ER97–4411–001]

Take notice that on September 2, 1998, The Detroit Edison Company filed an amended refund report in the above-referenced dockets.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

7. The Detroit Edison Company

[Docket Nos. ER98–201–001 and ER98–202–001]

Take notice that on September 2, 1998, The Detroit Edison Company filed amended refund reports in the above-referenced dockets.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

8. El Segundo Power, LLC and Long Beach Generation, LLC

[Docket Nos. ER98–2971–003 and ER98–2972–003]

Take notice that the following informational filings have been made with the Commission and are on file and available for public inspection and copying in the Commission's Public Reference Room:

On August 11, 1998 El Segundo Power, LLC filed certain information as required by the Commission's July 10, 1998, order in Docket No. ER98–2971–000.

On August 11, 1998, Long Beach Generation, LLC filed certain information as required by the Commission's July 10, 1998, order in Docket No. ER98–2972–000.

9. Carolina Power & Light Company

[Docket No. ER98–3220–001]

Take notice that on September 2, 1998, Carolina Power & Light Company filed a refund report as Ordered by the Commission in Docket No. ER98–3220–000.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

10. Union Electric Company

[Docket No. ER98–4440–000]

Take notice that on September 2, 1998, Ameren Services Company (Ameren), tendered for filing Service Agreements for Market Based Rate Power Sales between Ameren and Arkansas Electric Cooperative Corporation, Central Illinois Light Company, Dayton Power & Light Company, Duke/Louis Dreyfus, L.L.C., Duke Power Company, Kansas City Power & Light Company, Louisville Gas & Electric Company, Missouri Public Service Company, Oklahoma Gas & Electric Company, Oklahoma Municipal Power Authority, PP&L, Inc., City of Sikeston, Board of Municipal Utilities, and Wisconsin Power & Light Company. Ameren asserts that the purpose of the Agreements is to permit Ameren to make sales of capacity and energy at market based rates to the parties pursuant to Ameren's Market Based Rate Power Sales Tariff filed in Docket No. ER 98–3285.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

11. Kansas City Power & Light Co.

[Docket No. ER98–4454–000]

Take notice that on September 2, 1998, Kansas City Power & Light Company (KCPL), tendered for filing an executed Non-Firm Point-To-Point Transmission Service Agreement dated August 6, 1998, between KCPL and PG&E Energy Trading.

KCPL proposes an effective date of August 18, 1998, and requests waiver of the Commission's notice requirement. This Agreement provides for the rates and charges for Non-Firm Transmission Service.

In its filing, KCPL states that the rates included in the above-mentioned Service Agreement are KCPL's rates and charges in the compliance filing to FERC Order 888–A in Docket No. OA97–636.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

12. Kansas City Power & Light Co.

[Docket No. ER98–4455–000]

Take notice that on September 2, 1998, Kansas City Power & Light Company (KCPL), tendered for filing an executed Short-Term Firm Point-To-Point Transmission Service Agreement dated August 6, 1998, between KCPL and PG&E Energy Trading.

KCPL proposes an effective date of August 18, 1998 and requests a waiver of the Commission's notice requirement to allow the requested effective date. This Agreement provides for the rates and charges for Short-term Firm Transmission Service.

In its filing, KCPL states that the rates included in the above-mentioned Service Agreement are KCPL's rates and charges in the compliance filing to FERC Order 888-A in Docket No. OA97–636-000.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

13. Ameren Services Company

[Docket No. ER98–4456–000]

Take notice that on September 2, 1998, Ameren Services Company (ASC), tendered for filing a Service Agreement for Market Based Rate Power Sales between ASC and Electric Clearinghouse, Inc. (ECI). ASC asserts that the purpose of the Agreement is to permit ASC to make sales of capacity and energy at market based rates to ECI pursuant to Ameren's Market Based Rate Power Sales Tariff filed in Docket No. ER 98–3285.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

14. Cinergy Services, Inc.

[Docket No. ER98–4457–000]

Take notice that on September 2, 1998, Cinergy Services, Inc. (Cinergy), tendered for filing an executed Firm Point-To-Point Transmission Service agreement, under Cinergy's Open Access Transmission Service Tariff (the Tariff), entered into between Cinergy and Duke/Louis Dreyfus L.L.C. (DLD).

Cinergy is requesting an effective date of August 15, 1998.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

15. Florida Power & Light Company

[Docket No. ER98–4458–000]

Take notice that on September 2, 1998, Florida Power & Light Company (FPL), tendered for filing an executed service agreement with Aquila Power Corporation for Short-Term Firm Point-To-Point Transmission Service under FPL's Open Access Transmission Tariff.

FPL requests an effective date of July 1, 1998.

FPL states that this filing is in accordance with Section 35 of the Commission's regulations.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

16. El Paso Energy Marketing Co.

[Docket No. ER98–4459–000]

Take notice that on September 2, 1998, El Paso Energy Marketing Company, tendered for filing a Notice of Succession of Electric Rate Schedule No. 1, with a proposed effective date of October 1, 1998.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

17. El Paso Marketing Services Co.

[Docket No. ER98–4460–000]

Take notice that on September 2, 1998, El Paso Marketing Services Company, tendered for filing a Notice of Termination of Electric Rate Schedule No. 1, with a proposed effective date of September 1, 1998.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

18. Commonwealth Edison Company

[Docket No. ER98–4461–000]

Take notice that on September 2, 1998, Commonwealth Edison Company (ComEd), submitted for filing an executed Short-Term Firm Service Agreement with Virginia Power (VAP), and an executed Non-Firm Service Agreements with Elwood Energy LLC (EE), and GEN-SYS Energy (GSE), under the terms of ComEds Open Access Transmission Tariff (OATT).

ComEd requests an effective date of August 10, 1998 for the service agreements and, accordingly, seeks waiver of the Commission's notice requirements.

Copies of this filing were served on VAP, EE, GSE and the Illinois Commerce Commission.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

19. Duke Electric Transmission, a division of Duke Energy Corporation

[Docket No. ER98–4462–000]

Take notice that on September 2, 1998, Duke Electric Transmission, a division of Duke Energy Corporation (Duke), tendered for filing an executed Transmission Service Agreement between Duke and Public Service Electric and Gas Company (PSE&G), dated as of July 14, 1998.

Duke requests an effective date of August 24, 1998.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

20. Duke Energy Corporation

[Docket No. ER98–4463–000]

Take notice that on September 2, 1998, Duke Energy Corporation (Duke Energy), filed a Notice of Cancellation of Duke Energy Corporation FERC Electric Rate Schedule No. 284 and Duke Energy Corporation FERC Electric Rate Schedule No. 289; a Notice of Cancellation of Nantahala Power and Light Company FERC Electric Rate Schedule No. 5; and a Notice of Succession of Duke Energy to the rate schedules of Nantahala Power and Light Company.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

21. Virginia Electric and Power Co.

[Docket No. ER98–4468–000]

Take notice that on September 2, 1998, Virginia Electric and Power Company (Virginia Power), tendered for filing the Service Agreement between Virginia Electric and Power Company and Constellation Energy Source under the FERC Electric Tariff (Second Revised Volume No. 4), which was accepted by order of the Commission dated August 13, 1998 in Docket No. ER98–3771–000. Under the tendered Service Agreement, Virginia Power will provide services to Constellation Energy Source under the rates, terms and conditions of the applicable Service Schedules included in the Tariff.

Virginia Power requests an effective date of September 2, 1998.

Copies of the filing were served upon Constellation Energy Source, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

22. Virginia Electric and Power Co.

[Docket No. ER98–4471–000]

Take notice that on September 2, 1998, Virginia Electric and Power Company (Virginia Power), tendered for filing an executed Service Agreement for Non-Firm Point-to-Point Transmission Service with Commonwealth Edison Company under the Open Access Transmission Tariff to Eligible Purchasers dated July 14, 1997. Under the tendered Service Agreement, Virginia Power will provide non-firm point-to-point service to the Transmission Customers under the rates, terms and conditions of the Open Access Transmission Tariff.

Virginia Power requests an effective date of September 2, 1998.

Copies of the filing were served upon Commonwealth Edison Company, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

23. Upper Peninsula Power Company

[Docket No. ES98–47–000]

Take notice that on August 31, 1998, Upper Peninsula Power Company filed an application under FPA Sec. 204 for authority to issue up to $18 million of unsecured promissory short-notes outstanding at any one time, to be issued on or before October 1, 2000.

Comment date: September 28, 1998, in accordance with Standard Paragraph E at the end of this notice.

24. Southern Company Services, Inc.

[Docket No. OA96–27–002]

Take notice that on August 15, 1997, Southern Company Services, Inc. tendered for filing its compliance filing in the above-referenced docket.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

25. Northern Indiana Public Service Company

[Docket No. OA96–47–001]

Take notice that on August 12, 1997, Northern Indiana Public Service Company tendered for filing its compliance filing in the above-referenced docket.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

26. South Carolina Electric & Gas Company

[Docket No. OA96–49–002]

Take notice that on August 15, 1997, South Carolina Electric & Gas Company tendered for filing its compliance filing in the above-referenced docket.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

27. Kentucky Utilities Company

[Docket No. OA96–193–002]

Take notice that on August 15, 1997, Kentucky Utilities Company tendered for filing its compliance filing in the above-referenced docket.

Comment date: September 22, 1998, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a

motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

David P. Boergers,

Secretary.

[FR Doc. 98–24636 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Performance Review Board Member

September 9, 1998.

Section 4314(c) of Title 5, United States Code requires that notices of appointment of Performance Review Board members be published in the **Federal Register.** The following persons have been appointed to serve on the Performance Review Board standing register for the Federal Energy Regulatory Commission:

Shelton M. Cannon
Kevin P. Madden
Christie L. McGue
Rebecca F. Schaffer
Douglas W. Smith

David P. Boergers,

Secretary.

[FR Doc. 98–24667 Filed 9–14–98; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–140272; FRL–6028–9]

Access to Confidential Business Information by Solutions By Design, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has authorized Solutions By Design, Incorporated (SBD), of Vienna, Virginia, access to information which has been submitted to EPA under all sections of the Toxic Substances Control Act (TSCA). Some of the information may be claimed or determined to be confidential business information (CBI).

DATES: Access to confidential data submitted to EPA occurred as a result of an approved interim waiver dated July 6, 1998, which requested granting Solutions By Design, Incorporated immediate access to TSCA CBI. This interim waiver was necessary to allow SBD to provide professional, non-personal support in the area of technical assistance for workflow analysis among the applications designated for Lotus Notes development, and application development.

FOR FURTHER INFORMATION CONTACT: Susan Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Under contract number GS–35F–4717G, contractor SBD, 8603 Westwood Center Drive, Suite 300, Vienna, VA, will assist the Office of Pollution Prevention and Toxics in designing and developing Lotus Notes applications; provide documentation for workflow analysis among the applications designated for Lotus Notes; and applications development.

In accordance with 40 CFR 2.306(j), EPA has determined that under EPA contract number GS–35F–4717G, SBD will require access to CBI submitted to EPA under all sections of TSCA to perform successfully the duties specified under the contract. Contractor personnel will be given access to information submitted to EPA under all sections of TSCA. Some of the information may be claimed or determined to be CBI.

EPA is issuing this notice to inform all submitters of information under all sections of TSCA that EPA may provide SBD access to these CBI materials on a need-to-know basis only. All access to TSCA CBI under this contract will take place at EPA Headquarters.

SBD will be authorized access to TSCA CBI at EPA Headquarters only, under the EPA *TSCA Confidential Business Information Security Manual.*

Clearance for access to TSCA CBI under this contract may continue until September 30, 2001.

SBD personnel have signed nondisclosure agreements and have been briefed on appropriate security procedures before they were permitted access to TSCA CBI.

List of Subjects

Environmental protection, Access to confidential business information.

Dated: September 1, 1998.

Allan S. Abramson,

Director, Information Management Division, Office of Pollution and Prevention and Toxics.

[FR Doc. 98–24737 Filed 9–14–98; 8:45 am]

BILLING CODE 6560–50–F

FARM CREDIT ADMINISTRATION

Sunshine Act Meeting; Farm Credit Administration Board; Special Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on September 17, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. *Approval of Minutes*
—August 11, 1998 (Open and Closed)
B. *Report*
—Farm Credit System Building Association Quarterly Report
C. *New Business*
—Regulation
—Leasing Authorities [12 CFR Parts 614, 616, 618, and 621] (Reproposed Rule)

Closed Session *

D. *Report*
1. OSMO Report

* Session closed—exempt pursuant to 5 U.S.C. 552b(c)(8), (9), and (10).

2. OGC Litigation Update

Dated: September 11, 1998.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 98–24811 Filed 9–11–98; 8:45 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval.

September 9, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated information techniques or other forms of information technology.

DATES: Written comments should be submitted on or before October 15, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at 202–418–0217 or via internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0470.

Title: 47 CFR Sections 64.901–64.903, "Allocation of Cost," "Cost Allocation Manual," "RAO Letters 19 and 26" (Formerly titled, "Computer III Remand Proceedings: Bell Operating Company Safeguards; and Tier 1 LEC Safeguards") CC Docket No. 90–623.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business and other for-profit entities.

Number of Respondents: 18.

Estimated Time Per Response: 300 hours/filing (approximately 2 filings annually).

Frequency of Response: Annually and on occasion reporting requirements.

Total Annual Burden: 10,800 hours.

Cost to Respondents: $0.

Needs and Uses: Section 64.903 (a) requires Local Exchange Carriers (LECs) with annual operating revenues equal to or above the indexed revenue threshold as defined in 47 CFR 32.9000 to file a cost allocation manual containing the information specified in Section 64.903 (a) (1)–(6). Section 64.903 (b) requires that carriers update their cost allocation manuals annually, except that changes to the cost apportionment table and to the description of time reporting procedures must be filed at least 15 days before the carrier plans to implement the changes. The cost allocation manual is reviewed by the FCC to ensure that all costs are properly classified between regulated and nonregulated activity. Uniformity in the CAMs will help improve the joint cost allocation process. In addition, this uniformity will give the Commission greater reliability in financial data submitted by the carriers through the Automated Reporting Management Information System (ARMIS).

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–24662 Filed 9–14–98; 8:45 am]

BILLING CODE 6712–10–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting; Open Commission Meeting Thursday, September 17, 1998

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, September 17, 1998, which is scheduled to commence at 9:30 a.m. in Room 856, at 1919 M Street, NW., Washington, DC.

Item No., Bureau, Subject

1—Common Carrier—Title: Truth-in-Billing and Billing Format. Summary: The Commission will consider action concerning truth-in-billing for telecommunications carriers.

2—Common Carrier—Title: 1998 Biennial Regulatory Review -- Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms. Summary: The Commission will consider action concerning consolidation of the forms used to collect data from common carriers.

3—Mass Media—Title: Amendment of Parts 1, 21 and 74 to Enable Multipoint Distribution Service and Instructional Television Fixed Service Licensees to Engage in Fixed Two-Way Transmissions (MM Docket No. 97–217, RM–9060). Summary: The Commission will consider action to permit MDS and ITFS licensees increased flexibility to provide enhanced services including two-way digital technology; streamline the application process for those services; and the service requirements for ITFS licensees in a digital environment.

4—Wireless Telecommunications—Title: Biennial Regulatory Review -- Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97, and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services (WT Docket No. 98–20); and Amendment of the Amateur Service Rules to Authorize Visiting Foreign Amateur Operators to Operate Stations in the United States (WT Docket No. 96–188). Summary: The Commission will consider consolidating, revising and streamlining its rules governing application procedures for radio services licensed by the Wireless Telecommunications Bureau.

5—International—Title: Redesignation of the 17.7–19.7 GHz Frequency Band, Blanket Licensing of Satellite Earth Stations in the 17.7–20.2 GHz and 27.5–30.0 GHz Frequency Bands, and the Allocation of Additional Spectrum in the 17.3–17.8 GHz and 24.75–25.25 GHz Frequency Bands for Broadcast Satellite-Service Use (RM's – 9005 and 9118). Summary: The Commission will consider proposals to: 1) redesignate portions of the 17.7–19.7 GHz band; 2) blanket license

certain satellite earth stations in the 17.7–20.2 GHz and 27.5–30.0 GHz bands; and 3) allocate additional spectrum in the 17.3–17.8 GHz and 24.75–25.25 GHz frequency bands for broadcast Satellite Service (BSS) use.

6—Cable Services—Title: Closed Captioning and Video Description of Video Programming; and Implementation of Section 305 of the Telecommunications Act of 1996 and Video Programming Accessibility (MM Docket No. 95–176). Summary: The Commission will consider action concerning closed captioning requirements for video programming.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Public Affairs, telephone number (202) 418–0500; TTY (202) 418–2555.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. (ITS, Inc.) at (202) 857–3800; fax (202) 857–3805 and 857–3184; or TTY (202) 293–8810. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio tape. ITS may be reached by e-mail: its—inc@ix.netcom.com. Their Internet address is http://www.itsi.com.

This meeting can be viewed over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. For information on these services call (703) 993–3100. The audio portion of the meeting will be broadcast live on the Internet via the FCC's Internet audio broadcast page at <http://www.fcc.gov/realaudio/>. The meeting can also be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966–2211 or fax (202) 966–1770. Audio and video tapes of this meeting can be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170, telephone (703) 834–0100; fax (703) 834–0111.

Dated September 10, 1998.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–24779 Filed 9–11–98; 11:08 am]

BILLING CODE 6712–01–F

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

September 8, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0411.

Expiration Date: 02/28/99.

Title: Procedures for Formal Complaints Filed Against Common Carriers.

Form No.: FCC Form 485.

Respondents: Business or other for-profit entities, including small business; not-for-profit institutions; state, local or tribal government, individuals or households.

Estimated Annual Burden: 5645 respondents; 2.95 hours per response (avg.); 16,677 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $63,000.

Frequency of Response: On occasion, third party disclosure, recordkeeping.

Description: Sections 206 to 209 of the Communications Act of 1934, as amended provide the statutory framework for our current rules for resolving formal complaints filed against common carriers. Section 208(a) authorizes complaints by any person "complaining of anything done or omitted to be done by any common carrier" subject to the provisions of the Act. Section 208(a) specifically states that "it should be the duty of the Commission to investigate the matters complained of in such manner and by such means as it shall deem proper." In the Second Report and Order issued in CC Docket No. 96–238, the Commission makes certain changes in the rules for formal complaints filed against common carriers to make them move more quickly. Information filed pursuant to 47 CFR 1.720 *et seq.* is provided either with or in response to a formal complaint to determine whether or not there has been a violation of the Communications Act of 1934, as amended, or the Commission's Rules or Orders. Affected respondents are complainants and potential defendant common carriers. Obligations to respond: required to obtain or retain benefits. Following is a listing of new or modified collections contained in the Second Report and Order:

Title	No. of respondents	In hours	
		Est. time per respondent	Total annual burden
a. Requests for inclusion on accelerated docket	300	0.5	150
b. Pleadings	80	4	320
c. Automatic document production requirements	80	20	1,600
d. Discovery	80	20	1,600
e. Status conference	80	3	240
f. Proposed findings of fact and conclusions of law	80	5	400
g. Minitrial submissions	80	3	240
h. Minitrial transcript	80	10	800
i. Applications for review of staff decisions	20	15	300

Total Annual Burden: 5650 (for new and/or modified collections only). Total annual burden for all collections approved under this control number: 16,677 hours.

Public reporting burden for the collections of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, D.C. 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–24666 Filed 9–14–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1240–DR]

North Carolina; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North

Carolina (FEMA–1240–DR), dated August 27, 1998, and related determinations.

EFFECTIVE DATE: September 1, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective September 1, 1998.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–24701 Filed 9–14–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1240–DR]

North Carolina; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Carolina, (FEMA–1240–DR), dated August 27, 1998, and related determinations.

EFFECTIVE DATE: September 2, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of North Carolina, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 27, 1998:

Bertie, Bladen, Camden, Chowan, Columbus, Craven, Cumberland, Duplin, Greene, Jones, Lenoir, Martin, Pasquotank, Perquimans, Pitt, Robeson, Sampson, Tyrrell, Washington and Wayne Counties for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–24702 Filed 9–14–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1239–DR]

Texas; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas (FEMA–1239–DR), dated August 26, 1998, and related determinations.

EFFECTIVE DATE: August 31, 1998.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3260.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective August 31, 1998.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 98–24700 Filed 9–14–98; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 9, 1998.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. Peoples Heritage Financial Group, Inc., Portland, Maine; to merge with SIS Bancorp, Inc., Springfield, Massachusetts, and thereby indirectly acquire Springfield Institution for Savings, Springfield, Massachusetts, and Glastonbury Bank & Trust Company, Glastonbury, Connecticut.

B. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. London Financial Corporation, London, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of The Citizens Loan & Savings Company, London, Ohio, which will convert to a commercial bank and operate as The Citizens Bank of London, London, Ohio.

C. Federal Reserve Bank of Chicago (Philip Jackson, Applications Officer)

230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Century Bancshares, Inc., Schaller, Iowa; to become a bank holding company by acquiring 80 percent of the voting shares of State Bank of Schaller, Schaller, Iowa.

Board of Governors of the Federal Reserve System, September 10, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–24718 Filed 9–14–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 98-23792) published on pages 47499 and 47500 of the issue for Tuesday, September 8, 1998.

Under the Federal Reserve Bank of Atlanta heading, the entry for SunTrust Banks, Inc., Atlanta, Georgia, is revised to read as follows:

A. Federal Reserve Bank of Atlanta (Lois Berthaume, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303-2713:

1. SunTrust Banks, Inc., Atlanta, Georgia; to acquire 100 percent of the voting shares of Crestar Financial Corporation, Richmond, Virginia, and thereby indirectly acquire Crestar Bank, Richmond, Virginia. In addition, Applicant seeks approval to acquire an option to purchase 19.9 percent of the voting shares of Crestar. The option would expire upon consummation of the acquisition.

In connection with this application, Applicant also has applied to acquire the nonbanking subsidiaries of Crestar, including Crestar Securities Corporation, Richmond, Virginia, and thereby engage in the following nonbanking activities: extending credit and servicing loans, pursuant to § 225.28(b)(1) of Regulation Y, providing leasing services, pursuant to § 225.28(b)(3) of Regulation Y, in providing financial and investment advisory services, pursuant to § 225.28(b)(6) of Regulation Y, providing agency transactional services for customer investments, pursuant to § 225.28(b)(7) of Regulation Y, underwriting and dealing in certain government obligations and money market instruments, pursuant to § 225.28(b)(8) of Regulation Y, engaging in sales of fixed rate and variable annuities and life insurance on an agency basis, pursuant to §§ 225.28(b)(11)(iv) and 225.28(b)(11)(vii) of Regulation Y, and underwriting and dealing in, to a limited extent, certain municipal revenue bonds, 1-4 family mortgage-related securities, consumer receivable-related securities, and commercial paper, pursuant to *Crestar Financial Corporation*, 83 Federal Reserve Bulletin 512 (1997), and other Board Orders.

In addition, Notificant proposes to engage through Crestar Insurance Agency, Richmond, Virginia, in the activity of acting as an insurance agency that provides life and property/casualty insurance coverage as agent for both individuals and businesses, pursuant to §§ 225.28(b)(11)(iv) and 225.28(b)(11)(vii) of Regulation Y; to engage through Crestar Community Development Corporation, Richmond, Virginia, in community development activities, pursuant to § 225.28(b)(12)of Regulation Y; to operate an electronic funds transfer network and engage in data processing and management consulting activities by acquiring 5.7 percent of Honor Technologies, Inc., Maitland, Florida, pursuant to §§ 225.28(b)(9) and 225.28(b)(14) of Regulation Y, respectively.

The comment period regarding this application has been extended to October 6, 1998.

Board of Governors of the Federal Reserve System, September 10, 1998

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–24720 Filed 9–14–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than September 30, 1998.

A. Federal Reserve Bank of Boston (Richard Walker, Community Affairs Officer) 600 Atlantic Avenue, Boston, Massachusetts 02106-2204:

1. State Street Corporation, Boston, Massachusetts; to acquire ADP Financial Information Services, Inc., Jersey City, New Jersey, and thereby engage in financial data processing activities, pursuant to § 225.28(b)(14) of Regulation Y.

B. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervisor) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. Second Bancorp Incorporated, Warren, Ohio; to acquire The Trumbull Savings and Loan Company, Warren, Ohio, and thereby engage in operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, September 10, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–24719 Filed 9–14–98; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE. 11:00 a.m., Monday, September 21, 1998.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded

announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: September 11, 1998.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 98–24856 Filed 9–11–98; 3:49 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Diseases Transmitted Through the Food Supply

AGENCY: Centers for Disease Control and Prevention (CDC), HHS.

ACTION: Notice of annual update of list of infectious and communicable diseases that are transmitted through handling the food supply and the methods by which such diseases are transmitted.

SUMMARY: Section 103(d) of the Americans with Disabilities Act of 1990, Public Law 101–336, requires the Secretary to publish a list of infectious and communicable diseases that are transmitted through handling the food supply and to review and update the list annually. The Centers for Disease Control and Prevention (CDC) published a final list on August 16, 1991 (56 FR 40897) and updates on September 8, 1992 (57 FR 40917); January 13, 1994 (59 FR 1949); August 15, 1996 (61 FR 42426); and September 22, 1997 (62 FR 49518–9). The final list has been reviewed in light of new information and has been revised as set forth below.

EFFECTIVE DATE: September 15, 1998.

FOR FURTHER INFORMATION CONTACT: Dr. Morris E. Potter, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop A–38, Atlanta, Georgia 30333, telephone (404) 639–2206.

SUPPLEMENTARY INFORMATION: Section 103(d) of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12113(d), requires the Secretary of Health and Human Services to:

1. Review all infectious and communicable diseases which may be transmitted through handling the food supply;
2. Publish a list of infectious and communicable diseases which are transmitted through handling the food supply;
3. Publish the methods by which such diseases are transmitted; and,
4. Widely disseminate such information regarding the list of diseases and their modes of transmissibility to the general public.

Additionally, the list is to be updated annually. Since the last publication of the list on September 22, 1997 (62 FR 49518), new information has been reviewed. Two reports on probable transmission of *Cryptosporidium parvum* by infected food workers form the basis for adding it to the list of infectious and communicable diseases. As is true for two other parasitic foodborne pathogens, *Giardia lamblia* and *Taenia solium*, transmission of *Cryptosporidium parvum* from infected food workers through contamination of food is believed to be uncommon; therefore, *Cryptosporidium parvum* is being added to Part II. In addition, Norwalk and Norwalk-like viruses, previously listed in Part I, are now identified as Caliciviruses.

I. Pathogens Often Transmitted by Food Contaminated by Infected Persons Who Handle Food, and Modes of Transmission of Such Pathogens

The contamination of raw ingredients from infected food-producing animals and cross-contamination during processing are more prevalent causes of foodborne disease than is contamination of foods by persons with infectious or contagious diseases. However, some pathogens are frequently transmitted by food contaminated by infected persons. The presence of any one of the following signs or symptoms in persons who handle food may indicate infection by a pathogen that could be transmitted to others through handling the food supply: diarrhea, vomiting, open skin sores, boils, fever, dark urine, or jaundice. The failure of food-handlers to wash hands (in situations such as after using the toilet, handling raw meat, cleaning spills, or carrying garbage, for example), wear clean gloves, or use clean utensils is responsible for the foodborne transmission of these pathogens. Non-foodborne routes of transmission, such as from one person to another, are also major contributors in the spread of these pathogens.

Pathogens that can cause diseases after an infected person handles food are the following:

Caliciviruses (Norwalk and Norwalk-like viruses)
Hepatitis A virus
Salmonella typhi
Shigella species
Staphylococcus aureus
Streptococcus pyogenes

II. Pathogens Occasionally Transmitted by Food Contaminated by Infected Persons Who Handle Food, But Usually Transmitted by Contamination at the Source or in Food Processing or by Non-foodborne Routes

Other pathogens are occasionally transmitted by infected persons who handle food, but usually cause disease when food is intrinsically contaminated or cross-contaminated during processing or preparation. Bacterial pathogens in this category often require a period of temperature abuse to permit their multiplication to an infectious dose before they will cause disease in consumers. Preventing food contact by persons who have an acute diarrheal illness will decrease the risk of transmitting the following pathogens:

Campylobacter jejuni
Cryptosporidium parvum
Entamoeba histolytica
Enterohemorrhagic *Escherichia coli*
Enterotoxigenic *Escherichia coli*
Giardia lamblia
Nontyphoidal *Salmonella*
Rotavirus
Taenia solium
Vibrio cholerae 01
Yersinia enterocolitica

References

1. *World Health Organization.* Health surveillance and management procedures for food-handling personnel: report of a WHO consultation. World Health Organization technical report series; 785. Geneva: World Health Organization, 1989.

2. *Frank JF, Barnhart HM.* Food and dairy sanitation. In: Last JM, ed. Maxcy-Rosenau public health and preventive medicine, 12th edition. New York Appleton-Century-Crofts, 1986:765–806.

3. *Bennett JV, Holmberg SD, Rogers MF, Solomon SL.* Infectious and parasitic diseases. In: Amler RW, Dull HB, eds. Closing the gap: the burden of unnecessary illness. New York: Oxford University Press, 1987:102–114.

4. *Centers for Disease Control and Prevention.* Locally acquired neurocysticercosis—North Carolina, Massachusetts, and South Carolina, 1989–1991. MMWR 1992; 41:1–4.

5. *Centers for Disease Control and Prevention.* Foodborne Outbreak of Cryptosporidiosis-Spokane, Washington, 1997. MMWR 1998; 47:27.

Dated: September 9, 1998.

Thena M. Durham,

Acting Associate Director for Management and Operations Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–24660 Filed 9–14–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98F–0749]

Rohm and Haas Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Rohm and Haas Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of the ion exchange resin, methylacrylate-divinyl benzene diethylene glycol divinyl ether terpolymer to treat water and aqueous foods without limits on the conditions of use, and with a specification for dimethylaminopropylamine, an impurity in the ion exchange resin.

FOR FURTHER INFORMATION CONTACT: James C. Wallwork, Center for Food Safety and Applied Nutrition (HFS–215),Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3078.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 8A4609) has been filed by Rohm and Haas Co., 100 Independence Mall West, Philadelphia, PA 19106–2399. The petition proposes to amend the food additive regulations in § 173.25 *Ion exchange resins* (21 CFR 173.25) to provide for the safe use of the ion exchange resin, methylacrylate-divinyl benzene diethylene glycol divinyl ether terpolymer, identified in § 173.25(a)(16), to treat water and aqueous foods as described in § 173.25(b)(2), without limits on the conditions of use, and with a specification for dimethylaminopropylamine, an impurity in the ion exchange resin.

The agency has determined under 21 CFR 25.32(j) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: August 31, 1998.

Laura M. Tarantino,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 98–24626 Filed 9–14–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute: Opportunities for Cooperative Research and Development Agreements (CRADAs) for the Development and Evaluation of Chemokine or Chemokine Receptor Neutralizing Antibodies for Their Anti-Angiogenic Effects and Potential as Treatments for Cancer

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice of opportunities for cooperative research and development agreements.

SUMMARY: Pursuant to the Federal Technology Transfer Act of 1986 (FTTA, 15 U.S.C. § 3710; Executive Order 12591 of April 10, 1987 as amended by the National Technology Transfer and Advancement Act of 1995), the National Cancer Institutes (NCI) of the National Institutes of Health (NIH) of the Public Health Service (PHS) of the Department of Health and Human Services (DHHS) seeks Cooperative Research and Development Agreements (CRADAs) with pharmaceutical or biotechnology companies.

Any CRADA for the biomedical use of this technology will be considered. The CRADAs would have an expected duration of one (1) to five (5) years. The goals of the CRADAs include the rapid publication of research results and timely commercialization of products, diagnostics and treatments that result from the research. The CRADA Collaborators will have an option to negotiate the terms of an exclusive or nonexclusive commercialization license to subject inventions arising under the CRADAs.

ADDRESSES: Proposals and questions about this CRADA opportunity may be addressed to Dr. Thomas M. Stackhouse, Technology Development & Commercialization Branch, National Cancer Institute-Frederick Cancer Research and Development Center, P.O. Box B, Frederick, MD 21702–1201, Telephone: (301) 846–5465, Facsimile: (301) 846–6820.

EFFECTIVE DATE: Organizations must submit a confidential proposal summary preferably one page or less, to NCI on or before September 29, 1998. Guidelines for preparing full CRADA proposals will be communicated shortly thereafter to all respondents with whom initial confidential discussions will have established sufficient mutual interest.

SUPPLEMENTARY INFORMATION:

Technology Available

Recent publications show inhibition of angiogenic factors such as Interleukin-8 (IL–8) and another chemotactic cytokine GRO, reduce the growth of melanomas by interfering with the angiogenic effects of these tumors. DHHS scientists are working toward the identification and evaluation of other chemokines with angiogenic effects such as SDF-1alpha. DHHS would like to test the effect of neutralizing antibodies to these chemokines and chemokine receptors on the growth, in animal models, of human tumors such as breast, prostate or lung. Publications outlining these developments are available on request, and descriptions of other (unpublished) advances can be obtained under a Confidential Disclosure Agreement.

DHHS now seeks collaborative arrangements to test and develop such potential therapeutic antibodies. The successful CRADA collaborator will provide expertise and experience in the preparation of totally humanized anti-chemokine or anti-chemokine receptor antibodies, and will provide sufficient quantities of the humanized antibodies to complete the studies to be outlined under the Research Plan of the CRADA. NCI and the CRADA collaborator will perform tests using these humanized antibodies in various combinations, including combinations with other anti-tumor biologicals, such as humanized antibodies to epidermal growth factor receptors, which are known to have some anti-tumor activity. The Cooperative Research and Development Agreement (CRADA) will provide for distribution of intellectual property rights developed under the Agreement. CRADA aims will include rapid publication of research results as well as timely exploitation of any commercial opportunities.

The role of the National Cancer Institute in this CRADA will include, but not be limited to:

1. Providing intellectual, scientific, and technical expertise and experience related to chemokines and chemokine receptors to the research project.

2. Planning and conducting some of the research studies in cell lines and

animal models and interpreting research results.

3. Publishing research results.

The role of the CRADA Collaborator may include, but not be limited to:

1. Providing significant intellectual, scientific, and technical expertise or experience to the research project.

2. Planning research studies and interpreting research results.

3. Providing samples of the subject compounds to test, optimize and develop for their anti-angiogenic and anti-tumor potential.

4. Providing technical and/or financial support to facilitate scientific goals and for further design of applications of the technology outlined in the agreement.

5. Publishing research results.

Selection criteria for choosing the CRADA Collaborator may include, but not be limited to:

1. The ability to collaborate with NCI on the research and development of this technology. This ability can be demonstrated through experience and expertise in this or related areas of technology indicating the ability to contribute intellectually to ongoing research and development.

2. The demonstration of adequate resources to perform the research and development of this technology (e.g. facilities, personnel and expertise) and accomplish objectives according to an appropriate timetable to be outlined in the CRADA Collaborator's proposal.

3. the willingness to commit best effort and demonstrated resources to the research and development of this technology, as outlined in the CRADA Collaborator's proposal.

4. The demonstration of expertise in the commercial development and production of products related to this area of technology.

5. The level of financial support the CRADA Collaborator will provide for CRADA-related Government activities.

6. The willingness to cooperate with the National Cancer Institute in the timely publication of research results.

7. The agreement to be bound by the appropriate DHHS regulations relating to human subjects, and all PHS policies relating to the use and care of laboratory animals.

8. The willingness to accept the legal provisions and language of the CRADA with only minor modifications, if any. These provisions govern the distribution of patent rights to CRADA inventions. Generally, the rights of ownership are retained by the organization that is the employer of the inventor, with (1) the grant of a license for research and other Government purposes to the Government when the CRADA Collaborator's employee is the sole inventor, or (2) the grant of an option to elect an exclusive or nonexclusive license to the CRADA Collaborator when the Government employee is the sole inventor.

Dated: September 4, 1998.

Kathleen Sybert,

Acting Director, Office of Technology Development, National Cancer Institute, National Institutes of Health.

[FR Doc. 98–24810 Filed 9–11–98; 3:08 pm]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of Alternative Medicine, Office of the Director; Notice of Meeting

Pursuant to Pub. L.92–463, notice is hereby given of the meeting of the Alternative Medicine Program Advisory Council on September 24–25, 1998 at the Doubletree Hotel, 1750 Rockville Pike, Rockville, Maryland.

The two-day meeting will be open to the public from 8:30 to 4:30 p.m. on September 24 and 8:30 a.m. to adjournment on September 25, 1998. Attendance by the public will be limited to space available. The purpose of the meeting will be to update and review the progress of the Office of Alternative Medicine and obtain Council's advice on research activities. Additional agenda items include: (1) a report on current AM initiatives; (2) future AM initiatives; (3) AM Cancer trials; and (4) other business of the Council.

A public comment session is scheduled for September 25 from 10:15 a.m. to 11:15 a.m. Only one representative of an organization may present oral comments. Each speaker will be permitted 5 minutes for their presentation. Interested indivdulas and representatives of organizations must submit a letter of intent to present comments and three (3) typewritten copies of the presentation, along with a brief description of the organization represented, to the attention of Dr. Geoffrey Cheung, Office of Alternative Medicine, NIH, 31 Center Drive, MSC 2182, Building 31, Room 5B37, Bethesda, MD 20892, (301) 594–2013, FAX: (301) 594–6757. Letters of intent and copies of presentations must be received no later than 5:00 p.m. on Friday September 18.

Any person attending the meeting who does not request an opportunity to speak in advance of the meeting may be considered for oral presentation, if time permits, and at the discretion of the Chairperson.

Ms. Odessa Colvin, Program Assistant, Office of Alternative Medicine, 31 Center Drive, MSC 2182, Building 31, Room 5B37, Bethesda, MD 20892, (301) 594–2013, will provide a summary of the meeting and a roster of Council members as well as substantive program information. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Colvin no later than September 17, 1998.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meeting timing limitations imposed by the review and funding cycle.

Dated: September 4, 1998.

Ms. Anna Snouffer,

Acting Committee Management Officer, NIH.

[FR Doc. 98–24649 Filed 9–14–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(a)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel General Clinical Research Centers Committee

Date: November 16–18. 1998

Time: November 16, 1998, 2:00 PM to Adjournment

Agenda: To review and evaluate grant applications

Place: Johns Hopkins University, Ross Building, Room G007, 720 Rutland Avenue, Baltimore, MD 21205

Contact Person: John J. Ryan, PhD, Scientific Review Administrator, Office of Review, National Center For Research Resources, 6705 Rockledge Drive, MSC 7965,

Room 6018, Bethesda, MD 20892–7965, 301–435–0818

Name of Committee: National Center for Research Resources Special Emphasis Panel General Clinical Research Centers Committee

Date: December 1, 1998

Time: 8:00 AM to Adjournment

Agenda: To review and evaluate grant applications

Place: Georgetown University, Martin-Marietta Conference Room, 3900 Reservior Road, NW, Washington, DC 20007

Contact Person: John J. Ryan, PhD, Scientific Review Administrator, Office of Review, National Center For Research Resources, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, 301–435–0818

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: September 8, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–24650 Filed 9–14–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisiosn set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Research Resources Special Emphasis Panel Clinical Research

Date: October 19, 1998

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815

Contact Person: Grace S. Ault, PhD, Scientific Review Administrator, Office of Review, National Center for Research Resources, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, 301–435–0822

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: September 8, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–24653 Filed 9–14–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Disease; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Allergy, Immunology, and Transplantation Research Committee

Date: October 14, 1998

Open: 8:30 AM to 10:00 AM

Agenda: The meeting will be open to discuss administrative details relating to committee business and program review, and for a report from the Director, Division of Extramural Activities, which will include a discussion of budgetary matters.

Place: Sheraton Suites, 801 N. Saint Asaph Street, Alexandria, VA 22314

Closed: 10:00 AM to adjournment

Agenda: To review and evaluate grant applications

Place: Sheraton Suites, 801 N. Saint Asaph Street, Alexandria, VA 22314

Contact Person: Kevin M. Callahan, PhD, Scientific Review Administrator, DEA/SRP, NIAID, Solar Building, Room 4C12, 6003 Executive Blvd. Bethesda, MD 20892, 301 496–8424, kc92t@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.856, Microbiology and Infectious Diseases Research; 93.855, Allergy, Immunology, and Transplantation Research, National Institutes of Health, HHS)

Dated: September 08, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–24651 Filed 9–14–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Clinical Sciences Special Emphasis Panel

Date: September 22, 1998

Time: 1:00 PM to 2:00 PM

Agenda: To review and evaluate grant applications

Place: NIH, Rockledge 2, Bethesda, MD 20892

Contact Person: Jeanne N. Ketley, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4130, MSC 7814, Bethesda, MD 20892, (301) 435–1789

This notice is being published less than 15 days prior to the meeting to be timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel ZRG1–SSS–8(51)

Date: October 4–6, 1998

Time: 7:00 PM to 11:00AM

Agenda: To provide concept review of proposed grant applications

Place: Edmond Meany Hotel, 4507 Brooklyn NE, Seattle, WA 98105

Contact Person: Nadarajen Vydelingum, PhD, Scientific Review Administrator, Special Study Section –8, Center for Scientific Review, Rm., National Institutes of Health, 6701 Rockledge Drive, MSC 7854, Rm. 5122, Bethesda, MD 20892, (301) 435–1176

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, comparative Medicine,

93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 8, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–24652 Filed 9–14–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel ZRG1–DMG (01)
Date: October 11–12, 1998
Time: 8:30 AM to 7:00 PM
Agenda: To review and evaluate grant applications
Place: Holiday Inn, 5520 Wisconsin Ave, Chevy Chase, MD 20815
Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171

Name of Committee: Center for Scientific Review Special Emphasis Panel ZRG1–DMG (07)
Date: October 12, 1998
Time: 8:00 AM to 8:30 AM
Agenda: To review and evaluate grant applications
Place: Holiday Inn, 5520 Wisconsin Ave, Chevy Chase, MD 20815
Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171

Name of Committee: Center for Scientific Review Special Emphasis Panel ZRG1–DMG (06)
Date: October 12, 1998
Time: 7:00 PM to 9:00 PM
Agenda: To review and evaluate grant applications
Place: Holiday Inn, 5520 Wisconsin Ave, Chevy Chase, MD 20815
Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171

Name of Committee: Infectious Diseases and Microbiology Initial Review Group Bacteriology and Mycology Subcommittee 2
Date: October 14–15, 1998
Time: 8:00 AM to 5:00 PM
Agenda: To review and evaluate grant applications
Place: Holiday Inn, 5520 Wisconsin Ave, Chevy Chase, MD 20815
Contact Person: William C. Branche, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4182, MSC 7808, Bethesda, MD 20892, (301) 435–1148

Name of Committee: Pathophysiological Sciences Initial Review Group Lung Biology and Pathology Study Section
Date: October 14–15, 1998
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications
Place: St. James Preferred Residence, 950 24th Street, NW, Washington, DC 20037
Contact Person: Andrea L. Harabin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4122, USC 7818, Bethesda, MD 20892, (301) 435–1779, harabina@drg.nih.gov

Name of Committee: Biophysical and Chemical Sciences Initial Review Group Medicinal Chemistry Study Section
Date: October 14–16, 1998
Time: 8: 30 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications
Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814
Contact Person: Ronald J. Dubois, PhD, Scientific Review Administrator, Center For Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4156, MSC 7806, Bethesda, MD 20892, (301) 435–1722

Name of Committee: Center for Scientific Review Special Emphasis Panel
Date: October 14–16, 1998
Time: 8:30 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications
Place: Holiday Inn, 5520 Wisconsin Ave, Chevy Chase, MD 20815
Contact Person: Christine Melchior, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7816, Bethesda, MD 20892, (301) 435–1713

Name of Committee: Center for Scientific Review Special Emphasis Panel Brain Disorder and Clinical Neuroscience–3
Date: October 14–16, 1998
Time: 8:30 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications
Place: The Carlyle Suites, 1731 New Hampshire Avenue, N.W., Washington, DC 20009
Contact Person: David L. Simpson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5192, MSC 7846, Bethesda, MD 20892, (301) 435–1278

Name of Committee: Biobehavioral and Social Sciences Initial Review Group Community Prevention and Control Study Section
Date: October 15–16, 1998
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications
Place: The Governor's House Hotel, 1615 Rhode Island Avenue, N.W., Washington, DC 20036
Contact Person: Robert Weller, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7848, Bethesda, MD 20892, (301) 435–1259

Name of Committee: Infectious Diseases and Microbiology Initial Review Group Virology Study Section
Date: October 15–16, 1998
Time: 8:00 AM to 5:00 PM
Agenda: To review and evaluate grant applications
Place: Wyndham Bristol Hotel, 2430 Pennsylvania Ave, NW, Washington, DC 20037
Contact Person: Rita Anand, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7808, Bethesda, MD 20892, (301) 435–1151.

Name of Committee: Cell Development and Function Initial Review Group Molecular Biology Study Section
Date: October 15–16, 1998
Time: 8:30 AM to 5:00 PM
Agenda: To review and evaluate grant applications
Place: Holiday Inn Georgetown, 2101 Wisconsin Ave, Washington, DC 20007
Contact Person: Anthony Carter, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, (301) 435–1024

Name of Committee: Genetic Sciences Initial Review Group Mammalian Genetics Study Section
Date: October 15–16, 1998
Time: 9:00 AM to 5:00 PM
Agenda: To review and evaluate grant applications
Place: Governer's House Holiday Inn, 17th St & Rhode Island Ave, NW, Washington, DC 20036
Contact Person: Camilla Day, Phd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7840, Bethesda, MD 20892, (301) 435–1037

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine,

93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: September 8, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–24654 Filed 9–14–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4349–N–36]

Submission for OMB Review: Comment Request

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments due date.* October 15, 1998.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1305. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: September 8, 1998.

David S. Cristy,

Director, IRM Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Customer Satisfaction Survey.

Office: Government National Mortgage Association.

OMB Approval Number: 2503–0031.

Description of the Need for the Information and Its Proposed Use: The purpose of this information collection will be to evaluate existing Government National Mortgage Association (Ginnie Mae) services and programs.The survey results will help Ginnie Mae evaluate, develop and modify customer service standards.

Form Number: 11773.

Respondents: Federal Government and Business or Other-For-Profit.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Survey	520		1		.25		130

Total Estimated Burden hours: 130.

Status: Reinstatement without changes.

Contact: Sonya Suarez, HUD, (202) 708–2772 x4772; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

[FR Doc. 98–24661 Filed 9–14–98; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for two Pacific Gas and Electric Company Projects, Santa Clara County, California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and receipt of application.

SUMMARY: The Pacific Gas and Electric Company has applied to the Fish and Wildlife Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Service proposes to issue a 3-year permit to Pacific Gas and Electric that would authorize the take of the bay checkerspot butterfly (*Euphydryas editha bayensis*), federally listed as threatened, and modification of its habitat incidental to otherwise lawful activities. Such take would occur during the rewiring of the Metcalf-Edenvale 115-kilovolt transmission line and the installation of the 4th circuit on the Metcalf-Monta Vista 230-kilovolt line in Santa Clara County, California.

We request comments from the public on the permit application, which is available for review. The application includes a Habitat Conservation Plan (Plan). The Plan describes the proposed project and the measures that the Pacific Gas and Electric Company would undertake to minimize and mitigate project impacts to the bay checkerspot butterfly.

We also request comments on our preliminary determination that the Plan qualifies as a "low-effect" Habitat Conservation Plan, eligible for a categorical exclusion under the National Environmental Policy Act. We explain the basis for this determination in an Environmental Action Statement, available for public review.

DATES: Written comments should be received on or before October 15, 1998.

ADDRESSES: Send written comments to Mr. Wayne White, Field Supervisor, Fish and Wildlife Service, 3310 El Camino Avenue, Suite 130, Sacramento,

California 95821–6340. Comments may be sent by facsimile to (916) 979–2744.

FOR FURTHER INFORMATION CONTACT: Ms. Lori Rinek or Mr. William Lehman, Fish and Wildlife Biologists, at the above address or telephone (916) 979–2129.

SUPPLEMENTARY INFORMATION:

Document Availability

Please contact the above Fish and Wildlife Service office if you would like copies of the application, Plan, and Environmental Action Statement. Documents also will be available for review by appointment, during normal business hours, at the above address.

Background

Section 9 of the Endangered Species Act and Federal regulation prohibit the take of wildlife species listed as endangered or threatened, respectively. Under the Act, the term "take" means to harass, harm, pursue, hunt shoot, wound, kill, trap, capture, or collect listed wildlife, or to attempt to engage in any such conduct. The Service may, under limited circumstances, issue permits to authorize incidental take; i.e., take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. Regulations governing permits for threatened and endangered species are found in 50 CFR 17.32 and 17.22.

To meet the electrical needs of customers in the rapidly growing Silicon Valley area of northern California (Sunnyvale, Mountain View, Cupertino, San Jose, and Fremont), the Pacific Gas and Electric Company plans to make changes to the existing Metcalf-Edenvale 115-kilovolt power lines and the existing Metcalf-Monta Vista 230-kilovolt transmission lines. The changes to the Metcalf-Edenvale line involve replacing the existing 6 wires with 12 wires along approximately 4.9 miles of transmission line, and installing fiber optic cables. The changes to the Metcalf-Monta Vista transmission line involve installation of a 4th circuit that would affect the first 7 miles of this 28-mile-long line.

In May 1998, biologists surveyed the proposed project areas for potential habitat of rare, threatened, or endangered species and other biological features that could be affected by the projects. Based upon the surveys, the Service concluded that only one federally listed species, the threatened bay checkerspot butterfly, has the potential to be impacted by the proposed project.

The Pacific Gas and Electric Company has agreed to implement the following measures to minimize and mitigate impacts that may result from incidental take of the bay checkerspot butterfly: (1) conduct construction activities during time periods when take of the bay checkerspot butterfly is less likely to occur; (2) ensure that a qualified biologist is present to monitor and oversee technical issues relative to compliance with the mitigation and conservation measures for each project; (3) restrict work activities to a 50-foot radius area from the center of most towers; (4) ensure that photographs are taken to document serpentine habitat conditions immediately prior to the start of work and also to document post-project conditions; (5) ensure that a revegetation plan is prepared and implemented if the bay checkerspot habitat has not reverted to its native cover state in the impact areas post-construction; (6) ensure that contingencies are put in place if unanticipated early rains occur prior to the completion of the projects; (7) ensure that construction equipment disturbance will be minimized; (8) ensure construction personnel receive worker awareness training; (9) ensure that measures are taken to prevent accidental wildfires; and (10) contribute to a fund managed by the San Francisco Bay Wildlife Society for conservation of the bay checkerspot butterfly.

The Service has made a preliminary determination that the Pacific Gas and Electric Company's Plan qualifies as a "low-effect" habitat conservation plan as defined by our Habitat Conservation Planning Handbook (November 1996). Low-effect plans are those involving: (1) minor or negligible effects on federally listed, proposed, and candidate species and their habitats; and (2) minor or negligible effects on other environmental values or resources. The Pacific Gas and Electric Company's Plan qualifies as a "low-effect" plan for the following reasons:

1. Approval of the Plan would result in minor or negligible effects on the bay checkerspot butterfly and its habitat. The Service does not anticipate significant direct or cumulative effects to the bay checkerspot butterfly resulting from rewiring of the lines or addition of a 4th circuit. Less than 6 acres of butterfly habitat will be temporarily disturbed, and only 0.002 acres will be permanently disturbed by the proposed action.

2. Approval of the Plan would not have adverse effects on unique geographic, historic or cultural sites, or involve unique or unknown environmental risks.

3. Approval of the Plan would not result in any cumulative or growth inducing impacts and, therefore, would not result in significant adverse effects on public health or safety.

4. The project does not require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act, nor does it threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

5. Approval of the Plan would not establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.

The Service therefore has preliminarily determined that approval of the Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). Based upon this preliminary determination, we do not intend to prepare further National Environmental Policy Act documentation. The Service will consider public comments in making its final determination on whether to prepare such additional documentation.

The Service provides this notice pursuant to section 10(c) of the Endangered Species Act. We will evaluate the permit application, the Plan, and comments submitted thereon to determine whether the application meets the requirements of section 10 (a) of the Act. If the requirements are met, the Service will issue a permit to the Pacific Gas and Electric Company for the incidental take of the bay checkerspot butterfly during the rewiring of the Metcalf-Edenvale 115-kilovolt transmission line and during installation of the 4th circuit on the Metcalf-Monta Vista 230-kilovolt line. We will make the final permit decision no sooner than 30 days from the date of this notice.

Dated: September 9, 1998.

Vicki M. Finn,

Acting Manager, California/Nevada Operations Office, Fish and Wildlife Service, Sacramento, California.

[FR Doc. 98–24659 Filed 9–14–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–986–6332; G8–0311]

Designation of the Off Highway Vehicle (OHV) Land Classifications Within the Tillamook Resource Area, Salem District, Oregon

AGENCY: Bureau of Land Management Interior.

ACTION: This notice supplements the **Federal Register** Notice OR–080–95–6350–00–G5–161, Availability of the Resource Management Plan and Record of Decision, Salem, Oregon and establishes the designation of OHV management classifications (open, limited or closed) of all public lands within the Tillamook Resource Area, Salem District, Oregon.

SUMMARY: The location of the public lands to be classified lie within Tillamook, Yamhill, Clatsop, Columbia, Washington and Multnomah Counties in northwest Oregon. The Salem District Resource Management Plan (RMP) allocated acres in each of the three major OHV classifications and indicated that mapping of these classifications would be completed under subsequent planning. Areas of unique resource value was designated in the RMP as closed to use of OHV's. Areas where OHV's could be used with certain restrictions were described. The remaining area was listed as open. The mapping has been completed and is available for distribution and implementation.

SUPPLEMENTARY INFORMATION: The following areas as identified in the RMP are CLOSED to the use of OHV's: High Peak/Moon Creek ACEC/RNA, 1538 acres; Elk Creek ACEC, 1577 acres; The Butte ACEC/RNA 40 acres; Raymond Creek Bald Eagle Roost Area and the nearby alternate roost area, 320 acres; progeny test sites, 113 acres. The following areas are designated as LIMITED: Nestucca River ACEC, 1062 acres; Sheridan Peak ACEC, 299 acres; Walker Flat ACEC, 10 acres; Yampo ACEC, 13 acres; the remainder of majority of the lands which correspond to the area designated as Late Successional Reserve and the unmapped riparian reserves within the Tillamook Resource Area, approximately 80,000 acres. The remainder of the Tillamook Resource Area is designated as OPEN. Definitions of these classifications may be found in 43 CFR 8340.0–5.

In addition, all OHV's used in the Upper Nestucca OHV area will be required to be equipped with mufflers which limit sound emissions to a maximum of ninety-nine dB(A) when measured according to stationary testing procedure SAE J1287.

Authority for this action is contained in 43 CFR 8342.1. Any person who fails to comply with a restriction order may be subject to a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months. Penalties are contained in 43 CFR 8340.0–7. Only delegated Federal Law Enforcement Officers, or other law enforcement and emergency personnel, or officials of the United States Departments of Interior, while engaged in these official duties, shall be exempt from this order.

DATES: This order is in effect January 1, 1999, and is permanent until cancelled, amended or replaced.

FOR FURTHER INFORMATION CONTACT: Dana R. Shuford, Area Manager. Bureau of Land Management, Tillamook Resource Area, 4610 Third Street, Tillamook, OR 97141. 503–815–1100.

Dated: September 4, 1998.

Dana R. Shuford,

Resource Area Manager.

[FR Doc. 98–24723 Filed 9–14–98; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–020–1430–01; MTM 88630, MTM 88631]

Notice of Proposed Realty Actions, Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes a direct, noncompetitive sale of Public Land; and classification of Public Land as suitable for conveyance or lease under the Recreation and Public Purposes Act.

DATES: For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Field Manager, Billings Field Office, 810 East Main Street, Billings, Montana 59105. In the absence of timely objections, this proposal shall become the final determination of the Department of Interior.

FOR FURTHER INFORMATION CONTACT: J. Thomas Carroll, Billings Field Office, 406–238–1544.

SUPPLEMENTARY INFORMATION: The lands in this notice were originally withdrawn under MTM 40730, MTM 40731, and MTM 40733; these withdrawals were partially revoked by Public Land Order No. 7354, published in the **Federal Register** on August 27, 1998. The referenced partial withdrawal revocations cover the two tracts of land described in this notice in their entirety.

The first tract of land, serialized as MTM 88630, has been found suitable for direct sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at not less than the estimated fair market value of $6,500. The land will not be offered for sale until at least 60 days after the date of this notice.

MTM 88630, Abandoned Streets and Alleys

Principal Meridian, Montana

T. 2 N., R. 27 E.,
Secs. 24 and 25, alleys in blocks 15, 16, 18 and 20; Beech Street between blocks 16 and 18; Cane Street between blocks 14 and 15; Cane Street between blocks 18 and 20; First Street North situated between blocks 16, 18, and 20 on the north and blocks 14 and 15 on the south; Second Street North situated between blocks 17, 19, and 21 on the north and blocks 16, 18, and 20 on the south.

The area described contains 6.54 acres in Huntley Townsite, Yellowstone County.

The second tract of land, serialized as MTM 88631, and appraised at $900, will be classified as suitable for conveyance or lease under the Recreation and Public Purposes Act:

MTM 88631, Town Lot

Principal Meridian, Montana

T. 2 N., R. 27 E.,
Sec. 25, lot 47, block 9.

The area described contains 3,500 square feet or .080 acre in Huntley Townsite, Yellowstone County.

All of the lands in this notice area hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of these actions or 270 days from the date of publication of this notice, whichever occurs first.

The first tract of land, MTM 88630, is being offered for direct noncompetitive sale to the Sportsman's Conservation Club of Huntley; the second tract of land, MTM 88631, will be conveyed or leased under the Recreation and Public Purposes Act (43 CFR 2740) to the Huntley Water and Sewer District.

The conveyances or lease, when issued, will be for the surface estate only, and will be subject to certain reservations to the United States. Detailed information concerning these reservations as well as specific conditions of the sale and Recreation and Public Purposes conveyance or lease are available for review at the Billings Field Office, Bureau of Land

Management, 810 East Main Street, Billings, Montana 59105.

Dated: September 8, 1998.

David C. Jaynes,

Assistant Field Manager, Billings Field Office.

[FR Doc. 98–24640 Filed 9–14–98; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

60 Day Notice of Intent To Request Clearance for Collection of Information; Opportunity for Public Comment

AGENCY: Big Thicket National Preserve, National Park Service, Department of the Interior.

ACTION: Notice and request for comments.

SUMMARY: The National Park Service proposes to conduct visitor surveys to assess the social and visual impacts of oil and gas activities within Big Thicket National Preserve (Preserve). The overall project goals are: (1) to provide critical decision-making information that is currently fragmented and/or loosely organized for the purposes of evaluating impacts of oil and gas exploration and development on federal lands throughout the United States, and particularly within the Preserve; (2) to identify the critical variables and their relative importance in affecting standards of performance for oil and gas activities within the Preserve; (3) to illustrate how social and visual impacts can be assessed and incorporated into management decisions under alternative operational procedures affecting oil and gas activities within the Preserve; and (4) to adapt standard methodologies for assessing user perceptions, visitor behavior, and landscape attributes (including policy capture evaluations) that can be incorporated in environmental impact statements addressing oil and gas operations on federal lands. Such information would be incorporated in the forthcoming Draft Oil and Gas Management Plan/ Environmental Impact Statement for the Preserve.

Under provisions of the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Record Keeping Requirements, the National Park Service (NPS) is soliciting comments on the need for gathering information in the proposed surveys. The NPS further requests comments on the practical utility of the information being gathered; the accuracy of the burden hour estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden to respondents, including use of automated information collection techniques or other forms of information technology.

DATES: Public comments will be accepted on or before November 16, 1998.

SEND COMMENTS TO: Rick Strahan, Division of Resources Management, Big Thicket National Preserve, 3785 Milam Street, Beaumont, Texas 77701; phone: 409/839–2689, ext. 224; fax: 409/839–2599.

FOR FURTHER INFORMATION CONTACT: Rick Strahan, phone: 409/839–2689, ext. 224; fax: 409/839–2599; e-mail: rick__strahan@nps.gov

SUPPLEMENTARY INFORMATION:

Title: Big Thicket National Preserve Visitor Trip Fact Sheet.

Bureau Form Number: None.

OMB Number: To be requested.

Expiration Date: To be requested.

Type of request: Request for new clearance.

Description of need: The National Park Service needs information regarding changes in visual perception and social acceptance as alternative activities associated with oil and gas operations are considered. Such information would be incorporated in the forthcoming Draft Oil and Gas Management Plan/Environmental Impact Statement for the Preserve.

Automated data collection: Surveys will be both mailed to respondents and administered at selected areas by NPS personnel and Michigan State University faculty and students trained in survey administration. Collection of data in the field will occur during peak visitation periods (June–August) and off-peak visitation periods (September–December). Automated collection of data is limited to survey by mail.

Description of respondents: To achieve a statistically valid survey, surveys must be completed and received from approximately 491 trail users, 334 boaters, and 525 hunters who use the Preserve.

Estimated average number of respondents: 1350.

Estimated average number of responses: Each respondent will respond only once, therefore the number of responses will be the same as the number of respondents.

Estimated average burden hour per response: 20 minutes.

Frequency of Response: one time per respondent.

Estimated annual reporting burden: 450 hours.

Betsy Chittenden,

Acting Information Collection Clearance Officer, WASO Administrative Program Center, National Park Service.

[FR Doc. 98–24647 Filed 9–14–98; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

Final Lake Crescent Management Plan/ Environmental Impact Statement, Olympic National Park, Washington

AGENCY: National Park Service, Interior.

ACTION: Notice of Availability of Final Environmental Impact Statement.

SUMMARY: This notice announces the availability of the final Lake Crescent management plan/environmental impact statement (FEIS), Olympic National Park, Washington. The FEIS presents the proposed action and alternatives for management of the Lake Crescent area for the next 10 to 15 years. The proposed action best satisfies the park and NPS mission, as well as the park's management objectives and long-term vision for Lake Crescent. It recognizes both the need to protect natural and cultural resources and to provide appropriate recreational opportunities for visitors and area residents.

The draft environmental impact statement (DEIS) for this action was released for public review on October 18, 1996, (**Federal Register**, Vol. 61, No. 203) and the public comment period closed on March 19, 1997. The FEIS contains five alternative strategies for management of the Lake Crescent area. The range of alternatives includes the four alternatives presented in the draft plan, with modifications based on public comment received and further impact analysis. In addition, another alternative has been added since publication of the draft plan. This alternative, depicted in the final plan as Alternative E, was submitted for consideration during the public comment period by the Friends of Lake Crescent.

The FEIS contains letters received from agencies and organizations during the public comment period, and responses to all substantive comments are included. A summary of comments received during public meetings on the DEIS is also contained in the FEIS, as is a representative sample of comment letters received from individuals during the public comment period.

During the public comment period, controversy arose over recreational use

of personal watercraft (PWC) on Lake Crescent. This Plan/FEIS announces the decision of the Superintendent to close Olympic National Park to the use of PWCs, beginning October 1, 1998. The justification for this action is explained in the document's Appendix A, "Administrative Record Detailing the NPS Decision to Ban the Use of Personal Watercraft on Lake Crescent."

SUPPLEMENTARY INFORMATION: The no-action period on this FEIS will expire 30 days after the Environmental Protection Agency has published a notice of availability of the FEIS in the **Federal Register**. All who submitted substantive comments on the DEIS will receive a copy of the FEIS. In addition, the document has been placed on the National Park Service website at http://www.nps.gov/olym, and public reading copies of the FEIS will be available for review at the following locations: Office of Public Affairs, National Park Service, Department of the Interior, 1849 C St., NW., Washington, DC 20240, phone: 202–208–6843; Olympic National Park, National Park Service, 600 E. Park Ave., Port Angeles, WA 98362, phone: 360–452–4501; North Olympic Library System, Port Angeles Branch, 207 S. Lincoln St., Port Angeles, WA 98362, phone: 360–452–9253; Government Documents, Seattle Public Library, 1000 Fourth Ave., Seattle, WA 98104–1193, phone: 206–386–4686; Government Publications, Suzzallo Library, University of Washington, Seattle, WA 98195, phone: 206–543–1937; Columbia Cascades Support Office, National Park Service, 909 First Ave., Seattle, WA 98104–1060, phone: 206–220–4154. For further information contact Superintendent, Olympic National Park, 600 E. Park Ave., Port Angeles, WA 98362, phone: 360–452–4501.

Dated: August 21, 1998.

David Morris,

Superintendent Olympic National Park

[FR Doc. 98–24646 Filed 9–14–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before September 5, 1998. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW., NC400, Washington, DC 20240. Written comments should be submitted by September 30, 1998.

Patrick Andrus,

Acting Keeper of the National Register.

ARIZONA

Yavapai County

Kirkland Store, Main St., corner Iron Springs Rd. and Kirkland Jct. Rd., Kirkland, 98001215

MICHIGAN

Crawford County

Hartwick, Edward E., Memorial Building, Hartwick Pines Rd., Grayling Township, 98001216

Kent County

Fallasburg Historic District, Covered Bridge Rd., Vergennes Township, 98001217

MINNESOTA

Carlton County

Kalevala Finnish Evangelical National Lutheran Church, MN 73, Kalevala Township vicinity, 98001218

Polk County

Cathedral of the Immaculate Conception, N. Ash St. at 2nd Ave., Crookston, 98001219

Winona County

Winona Commercial Historic District, 3rd St between Franklin and Johnson Sts., Winona, 98001220

MISSOURI

Cole County

Jefferson City National Cemetery (Civil War Era National Cemeteries MPS), 1024 E. McCarty St., Jefferson City, 98001221

NEW YORK

Erie County

Graycliff, 6472–6482 Lakeshore Rd., Derby vicinity, 98001222

Greene County

Leeds Flat Site, Address Restricted, Catskill vicinity, 98001223

OKLAHOMA

Oklahoma County

Carey Place Historic District, 1800–2100 blks. of Carey Pl., Oklahoma City, 98001224

TEXAS

Galveston County

Breakers, The, TX 87 W. of Gilchrist, Caplen vicinity, 98001225

Travis County

Victory Grill, 1104 E. 11th St., Austin, 98001226

WASHINGTON

Spokane County

Otis Hotel (Single Room Occupancy Hotels in Central Business District of Spokane MPS), 1101–1109 W. First, Spokane, 98001227

[FR Doc. 98–24727 Filed 9–14–98; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Bay-Delta Advisory Council's Ecosystem Roundtable Meeting

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bay-Delta Advisory Council's (BDAC) Ecosystem Roundtable will meet to discuss several issues including: an implementation and tracking system update, status of the 1998 Proposal Solicitation Package recommended projects, the development of other directed funding programs, the planning process for FY99, water acquisition, funding coordination, and other issues. This meeting is open to the public. Interested persons may make oral statements to the Ecosystem Roundtable or may file written statements for consideration.

DATES: The Bay-Delta Advisory Council's Ecosystem Roundtable meeting will be held from 9:30 a.m. to 3:30 p.m. on Monday, September 21, 1998.

ADDRESSES: the Ecosystem Roundtable will meet at the Resources Building, 1416 Ninth Street, Room 1131, Sacramento, CA 95814.

FOR FURTHER INFORMATION CONTACT: Cindy Darling, CALFED Bay-Delta Program, at (916) 657–2666. If reasonable accommodation is needed due to a disability, please contact the Equal Employment Opportunity Office at (916) 653–6952 or TDD (916) 653–6934 at least one week prior to the meeting.

SUPPLEMENTARY INFORMATION: The San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta system) is a critically important part of California's natural environment and economy. In recognition of the serious problems facing the region and the complex resource management decisions that must be made the state of California and the Federal government are working together to stabilize, protect, restore, and enhance the Bay-Delta system. The State and Federal agencies with management and regulatory responsibilities in the Bay-Delta system

are working together as CALFED to provide policy direction and oversight for the process.

One area of Bay-Delta management includes the establishment of a joint State-Federal process to develop long-germ solutions to problems in the Bay-Delta system related to fish and wildlife, water supply reliability, natural disasters, and water quality. The intent is to develop a comprehensive and balanced plan which addresses all of the resource problems. This effort, the CALFED Bay-Delta Program (Program), is being carried out under the policy direction of CALFED. The Program is exploring and developing a long-term solution for a cooperative planning process that will determine the most appropriate strategy and actions necessary to improve water quality, restore health to the Bay-Delta ecosystem, provide for a variety of beneficial uses, and minimize Bay-Delta system vulnerability. A group of citizen advisors representing California's agricultural, environmental, urban, business, fishing, and other interests who have a stake in finding long term solutions for the problems affecting the Bay-Delta system has been chartered under the Federal Advisory Committee Act (FACA) as Advisory Council BDAC to advise CALFED on the program mission, problems to be addressed, and objectives for the Program. BDAC provides a forum to help ensure public participation, and will review reports and other materials prepared by CALFED staff. BDAC has established a subcommittee called the Ecosystem Roundtable to provide input on annual workplans to implement ecosystem restoration projects and programs.

Minutes of the meeting will be maintained by the Program, Suite 1155, 1416 Ninth Street, Sacramento, CA 95814, and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: September 4, 1998.

Roger Patterson,

Regional Director, Mid-Pacific Region.

[FR Doc. 98–24655 Filed 9–14–98; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[DEA #167F]

Controlled Substances: Revised Aggregate Production Quotas for 1998

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of final revised 1998 aggregate production quotas.

SUMMARY: This notice establishes revised 1998 aggregate production quotas for controlled substances in Schedules I and II of the Controlled Substances Act (CSA).

EFFECTIVE DATE: September 15, 1998.

FOR FURTHER INFORMATION CONTACT: Frank L. Sapienza, Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7183.

SUPPLEMENTARY INFORMATION: Section 306 of the CSA (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for each basic class of controlled substance listed in Schedules I and II. This responsibility has been delegated to the Administrator of the DEA by Section 0.100 of Title 28 of the Code of Federal Regulations. The Administrator, in turn, has redelegated this function to the Deputy Administrator of the DEA pursuant to Section 0.104 of Title 28 of the Code of Federal Regulations.

On July 17, 1998, a notice of the proposed revised 1998 aggregate production quotas for certain controlled substances in Schedules I and II was published in the **Federal Register** (63 FR 38671). All interested parties were invited to comment on or object to these proposed aggregate production quotas on or before August 17, 1998.

Several companies commented that the revised aggregate production quotas for amphetamine, codeine (for conversion), desoxyephedrine (methamphetamine), dihydrocodeine, fentanyl, hydrocodone (for sale), meperidine, methadone (for sale), methadone intermediate, methylphenidate, morphine (for sale), morphine (for conversion), oxycodone (for sale), oxymorphone, pentobarbital, propiram, secobarbital, sufentanil, tetrahydrocannabinols, and thebaine were insufficient to provide for the estimated medical, scientific, research and industrial needs of the United States, for export requirements and for the establishment and maintenance of reserve stocks.

DEA has reviewed the involved companies' 1997 year-end inventories, their initial 1998 manufacturing quotas, 1998 export requirements and their actual and projected 1998 sales. Based on this data, the DEA has adjusted the revised 1998 aggregate production quotas for amphetamine, desoxyephedrine (methamphetamine), dihydrocodeine, fentanyl, meperidine, methadone (for sale), methadone intermediate, morphine (for sale), morphine (for conversion), oxycodone (for sale), oxymorphone, pentobarbital, propiram, tetrahydrocannabinols and thebaine to meet the estimated medical, scientific, research and industrial needs of the United States.

Regarding codeine (for conversion), hydrocodone (for sale), methylphenidate, secobarbital and sufentanil, the DEA has determined that no adjustments of the aggregate production quotas are necessary to meet the 1998 estimated medical, scientific, research and industrial needs of the United States.

Therefore, under the authority vested in the Attorney General by Section 306 of the CSA of 1970 (21 U.S.C. 826), delegated to the Administrator of the DEA by Section 0.100 of Title 28 of the Code of Federal Regulations, and redelgated to the Deputy Administrator pursuant to Section 0.104 of Title 28 of the Code of Federal Regulations, the Acting Deputy Administrator hereby orders that the revised 1998 aggregate production quotas for the following controlled substances, expressed in grams of anhydrous acid or base, be established as follows:

Basic class	Established revised 1998 quotas
SCHEDULE I	
2,5-Dimethoxyamphetamine	20,000,100
2,5-Dimethoxy-4-ethylamphetamine (DOET)	2
3-Methylfentanyl	14
3-Methylthiofentanyl	2
3,4-Methylenedioxyamphetamine (MDA)	25
3,4-Methylenedioxy-N-ethylamphetamine (MDEA)	30
3,4-Methylenedioxymethamphetamine (MDMA)	20
3,4,5-Trimethoxyamphetamine	2
4-Bromo-2,5-Dimethoxyamphetamine (DOB)	2
4-Bromo-2,5-Dimethoxyphenethylamine (2–CB)	2
4-Methoxyamphetamine	100,100
4-Methylaminorex	2
4-Methyl-2,5-Dimethoxyamphetamine (DOM)	2
5-Methoxy-3,4-Methylenedioxyamphetamine	2
Acetyl-alpha-methylfentanyl	2
Acetylmethadol	7
Allylprodine	2
Alpha-acetylmethadol	7
Alpha-ethyltryptamine	2
Alphameprodine	2
Alpha-methadol	2
Alpha-methylfentanyl	2
Alphaprodine	2

Basic class	Established revised 1998 quotas
Alpha-methylthiofentanyl	2
Aminorex	7
Beta-acetylmethadol	2
Beta-hydroxyfentanyl	2
Beta-hydroxy-3-methylfentanyl	2
Beta-methadol	2
Betaprodine	2
Bufotenine	2
Cathinone	9
Codeine-N-oxide	2
Diethyltryptamine	2
Difenoxin	16,000
Dihydromorphine	7
Dimethyltryptamine	2
Ethylamine Analog of PCP	5
Heroin	2
Hydroxypethidine	2
Lysergic acid diethylamide (LSD)	57
Mescaline	7
Methaqualone	17
Methcathinone	11
Morphine-N-oxide	2
N-Ethylamphetamine	7
N-Hydroxy-3,4-Methylenedioxyamphetamine	4
N,N-Dimethylamphetamine	7
Noracymethadol	2
Norlevorphanol	2
Normethadone	7
Normorphine	7
Para-fluorofentanyl	2
Pholcodine	2
Propiram	412,800
Psilocin	2
Psilocybin	2
Tetrahydrocannabinols	51,000
Thiofentanyl	2
Trimeperidine	2
SCHEDULE II	
1-Phenylcyclohexylamine	15
1-Piperidinocyclohexanecarbonitrile (PCC)	12
Alfentanil	8,100
Amobarbital	12
Amphetamine	5,554,000
Cocaine	550,100
Codeine (for sale)	62,020,000
Codeine (for conversion)	23,906,000
Desoxyephedrine	1,184,000
1,151,000 grams of levodesoxyephedrine for use in a non-controlled, non-prescription product and 33,000 grams for methamphetamine.	
Dextropropoxyphene	109,500,000
Dihydrocodeine	141,000
Diphenoxylate	1,600,000
Ecgonine	651,000
Ethylmorphine	12
Fentanyl	228,000
Glutethimide	2
Hydrocodone (for sale)	16,314,000
Hydrocodone (for conversion)	3,000,000
Hydromorphone	766,000
Isomethadone	12
Levo-alpha-acetylmethadol (LAAM)	356,000
Levomethorphan	2
Levorphanol	15,000
Meperidine	10,111,000
Methadone (for sale)	5,975,000
Methadone (for conversion)	585,000
Methadone Intermediate	8,939,000
Methamphetamine (for conversion)	723,000
Methylphenidate	14,442,000
Morphine (for sale)	12,445,000
Morphine (for conversion)	77,975,000
Nabilone	2
Noroxymorphone (for sale)	25,000
Noroxymorphone (for conversion)	2,117,000
Opium	615,000
Oxycodone (for sale)	12,118,000
Oxymorphone	198,000
Pentobarbital	19,501,000
Phencyclidine	60
Phenmetrazine	2
Phenylacetone	10
Secobarbital	397,000
Sufentanil	1,800
Thebaine	17,695,000

The Acting Deputy Administrator further orders that aggregate production quotas for all other Schedules I and II controlled substances included in Sections 1308.11 and 1308.12 of Title 21 of the Code of Federal Regulations remain at zero.

The Office of Management and Budget has determined that notices of aggregate production quotas are not subject to centralized review under Executive Order 12866. This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The Acting Deputy Administrator hereby certifies that this action will have no significant impact upon small entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq. The establishment of aggregate production quotas for Schedules I and II controlled substances is mandated by law and by international treaty obligations. Aggregate production quotas apply to approximately 200 DEA registered bulk and dosage form manufacturers of Schedules I and II controlled substances. The quotas are necessary to provide for the estimated medical, scientific, research and industrial needs of the United States, for export requirements and the establishment and maintenance of reserve stocks. While aggregate production quotas are of primary importance to large manufacturers, their impact upon small entities is neither negative nor beneficial. Accordingly, the Acting Deputy Administrator has determined that this action does not require a regulatory flexibility analysis.

Dated: September 3, 1998.

Donnie R. Marshall,

Acting Deputy Administrator.

[FR Doc. 98–24621 Filed 9–14–98; 8:45 am]

BILLING CODE 4410–09–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–260 and 50–296]

Tennessee Valley Authority; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (NRC, the Commission) has issued Amendment Nos. 254 and 214 to Facility Operating License Nos. DPR–52 and DPR–68 issued to the Tennessee Valley Authority (TVA or the licensee) for operation of the Browns Ferry Nuclear Plant (BFN), Units 2 and 3, respectively, located in Limestone County, Alabama.

The amendments allow operation of BFN Units 2 and 3 at 3458 Megawatts thermal and approve changes to the TS to implement uprated power operation. The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

Notices of Consideration of Issuance of Amendments to facility Operating License and Opportunity for Hearing in connection with this action were published in the **Federal Register** on June 9, 1998 (63 FR 31533), and July 28, 1998 (63 FR 40323). The licensee provided additional details by letters dated March 20, May 22, June 12 and 17, and July 24 and 31, and September 1, 1998, which did not affect the staff's proposed action described in the above-cited FR notices. No request for a hearing or petition for leave to intervene was filed following these notices.

The Commission has prepared an environmental assessment of the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of the amendments will not have a significant impact on the quality of the human environment (63 FR 46491).

For further details with respect to this action, see the application for amendments dated October 1, 1997, as supplemented October 14, 1997, March 16 and 20, April 1 and 28, May 1, 20 and 22, June 12, 17 and 26, and July 17, 24 and 31, and September 1, 1998, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC and at the local public document room located at the Athens Public Library, 405 E. South Street, Athens, Alabama.

Dated at Rockville, Maryland, this 8th day of September 1998.

For the Nuclear Regulatory Commission.

Frederick J. Hebdon,

Project Director, Project Directorate II–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–24717 Filed 9–14–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Planning and Procedures Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on September 29, 1998, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Tuesday, September 29, 1998—10:00 a.m.–12:00 Noon.

The Subcommittee will discuss proposed ACRS activities and related matters. It may also discuss the qualifications of candidates for appointment to the ACRS. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made. 2

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone: 301/415–7360) between 7:30 a.m. and 4:15 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: September 9, 1998.

Sam Duraiswamy,

Chief, Nuclear Reactors Branch.

[FR Doc. 98–24712 Filed 9–14–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATES: Weeks of September 14, 21, 28, and October 5, 1998.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of September 14

Tuesday, September 15

2:00 p.m.—Briefing by Reactor Vendors Owners Groups (Public Meeting) (Contact: Bryan Sheron, 301–415–1274).

3:30 p.m.—Affirmation Session (Public Meeting).

*(Please Note: This item will be affirmed immediately following the conclusion of the preceding meeting.)

(a) Hydro Resources Inc.: Presiding Officer's Memorandum and Order Ruling on Petitions and Areas of Concern: Granting Request for Hearing; Scheduling, LBP 98–9, May 13, 1998 (Contact: Ken Hart, 301–415–1659).

Wednesday, September 16

10:00 a.m.—Briefing on Investigative Matters (Closed—Ex. 5 and 7)

Week of September 21—Tentative

There are no meetings the week of September 21.

Week of September 28—Tentative

There are no meetings the week of September 28.

Week of October 5—Tentative

Wednesday, October 7

11:30 a.m.—Affirmation Session (Public Meeting).

*The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (Recording)—(301) 415–1292. Contact person for more information: Bill Hill (301) 415–1661.

The NRC Commission Meeting Schedule can be found on the Internet at:

http://www.nrc.gov/SECY/smj/schedule.htm

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, D.C. 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: September 11, 1998.

William M. Hill, Jr.,

Secy, Tracking Officer, Office of the Secretary.

[FR Doc. 98–24834 Filed 9–11–98; 2:29 pm]

BILLING CODE 7590–01–M

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected

and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's web site (http://www.pbgc.gov).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in September 1998. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in October 1998.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, 202–326–4024. (For TTY/TDD users, call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the "applicable percentage" (described in the statute and the regulation) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the "premium payment year"). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

For plan years beginning before July 1, 1997, the applicable percentage of the 30-year Treasury yield was 80 percent. The Retirement Protection Act of 1994 (RPA) amended ERISA section 4006(a)(3)(E)(iii)(II) to change the applicable percentage to 85 percent, effective for plan years beginning on or after July 1, 1997. (The amendment also provides for a further increase in the applicable percentage—to 100 percent—when the Internal Revenue Service adopts new mortality tables for determining current liability.)

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in September 1998 is 4.71 percent (*i.e.*, 85 percent of the 5.54 percent yield figure for August 1998).

(Under section 774(c) of the RPA, the amendment to the applicable percentage was deferred for certain regulated public utility (RPU) plans for as long as six months. The applicable percentage for RPU plans has therefore remained 80 percent for plan years beginning before January 1, 1998. For "partial" RPU plans, the assumed interest rates to be used in determining variable-rate premiums can be computed by applying the rules in § 4006.5(g) of the premium rates regulation. The PBGC's 1997 premium payment instruction booklet also describes these rules and provides a worksheet for computing the assumed rate.)

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between October 1997 and September 1998. The rates for October through December 1997 in the table (which reflect an applicable percentage of 85 percent) apply only to non-RPU plans. However, the rates for months after December 1997 apply to RPU (and "partial" RPU) plans as well as to non-RPU plans.

For premium payment years beginning in—	The assumed interest rate is—
October 1997	5.53
November 1997	5.38
December 1997	5.19
January 1998	5.09
February 1998	4.94
March 1998	5.01
April 1998	5.06
May 1998	5.03
June 1998	5.04
July 1998	4.85
August 1998	4.83
September 1998	4.71

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in October 1998 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 3rd day of September 1998.

David M. Strauss,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 98–24634 Filed 9–14–98; 8:45 am]

BILLING CODE 7708–01–P

POSTAL RATE COMMISSION

Sunshine Act Meetings

NAME OF AGENCY: Postal Rate Commission.

TIME AND DATE: 10:00 a.m., September 24, 1998.

PLACE: Commission Conference Room, 1333 H Street, NW, Suite 300, Washington, DC 20268–0001.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Reconsideration of portions of Docket No. R97–1.

CONTACT PERSON FOR MORE INFORMATION: Margaret P. Crenshaw, Secretary, Postal Rate Commission, Suite 300, 1333 H Street, NW, Washington, DC 20268–0001, (202) 789–6840.

Dated: September 10, 1998.

Margaret P. Crenshaw,

Secretary.

[FR Doc. 98–24767 Filed 9–11–98; 8:45 am]

BILLING CODE 7710–FW–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–26914]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

September 8, 1998.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by October 5, 1998, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of

any notice or order issued in the matter. After October 5, 1998, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Conectiv, et al.

(70–9331)

Notice of Proposal To Amend Charter and Authorize Registered Holding Company To Acquire Preferred Stock of Utility Subsidiary; Order Authorizing Solicitation of Proxies

Conectiv, a registered holding company, located at 800 King Street, Wilmington, Delaware 19989, and its wholly owned public-utility subsidiary, Atlantic City Electric Company ("ACE"), located at 6801 Black Horse Pike, Egg Harbor Township, New Jersey, 08234, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(c), 12(d) and 12(e) of the Act and rules 43, 44, 51, 54, 62 and 65 under the Act.

In summary, ACE proposes to amend its charter to eliminate a provision restricting the amount of securities representing unsecured indebtedness issuable by ACE and to solicit proxies in connection with this proposal. In addition, Conectiv proposes to acquire shares of ACE preferred stock and sell those shares to ACE.

ACE has outstanding 18,320,937 shares of common stock, $3.00 par value, all of which are held by Conectiv. ACE also has outstanding 300,000 shares of Cumulative Preferred Stock, $100 Par Value ("Par Preferred") issued in six series.[1] In addition, ACE has 239,500 shares outstanding of Preferred Stock, No Par Value ("No Par Preferred" and together with the Par Preferred, "Preferred") issued in one series.

ACE's Agreement of Merger, dated May 24, 1949, as amended on April 8, 1952 ("ACE Charter"), contains a provision restricting the amount of securities representing unsecured indebtedness issuable by ACE. ACE requests authority to remove this provision from the ACE charter. In connection with this proposal, ACE also requests authority to solicit proxies from the holders of its outstanding shares of each series of Preferred for use at a special meeting of its stockholders ("Special Meeting") to consider an amendment ("Proposed Amendment") removing this provision. Consent by two-thirds of the aggregate shares of Preferred and common stock outstanding and by two thirds of the Preferred stock outstanding is required to adopt the Proposed Amendment. Conectiv intends to vote all shares of common stock in favor of the Proposed Amendment. In addition, ACE proposes to make a special cash payment of $1.00 ("Special Payment") to each holder of Preferred for each share of Preferred voted in favor of the Proposed Amendment if the Proposed Amendment is adopted, except as described below.

ACE proposes to remove the unsecured debt restriction for several purposes. ACE desires to issue debt without using the overly restrictive and expensive first mortgage bonds under which secured debt is currently issued. In addition, ACE wishes to take advantage of unsecured financial instruments which are designed to enhance a company's overall credit structure and allow for better management of the company's cost of capital. ACE also desires to issue additional interim unsecured debt in order to obtain the best terms available in the market for permanent capital financing.

Concurrent with the ACE proxy solicitation, Conectiv proposes to undertake a program of stock acquisition, through December 31, 2000, through cash tender offers ("Tender Offers") for all six series of the Par Preferred ("Tendered Series").[2] The price to be offered each share of the Tendered Series will be established through market conditions or through a redemption at the call price of $100 or at par value ("Purchase Price"). The Tender Offer for any share is conditioned, among other things, on the vote of that share in favor of the Proposed Amendment and the adoption of the Proposed Amendment at the Special Meeting.[3] Subject to the terms of the offering documents for each Tendered Series ("Offer Documents"), ACE will purchase for the applicable Purchase Price those shares of any Tendered Series that are validly tendered and not withdrawn prior to the expiration date of the Tender Offer for that series ("Expiration Date"). Tenders of shares made under the Tender Offers may be withdrawn at any time prior to the Expiration Date. After the Expiration Date, all such tenders are irrevocable, subject to certain exceptions identified in the Offer Documents. Shares tendered in accordance with any Tender Offer will not qualify for the Special Cash Payment.

To tender shares in accordance with the terms of the Offer Documents, the tendering stockholder must comply with a guaranteed delivery procedure specified in the Offer Documents. Alternatively, the tendering stockholder may send a properly completed and duly executed letter of transmittal and proxy with respect to the Proposed Amendment to the depositary for the Tender Offers ("Depositary"), together with any required signature guarantees and any other documents required by that letter of transmittal and proxy. In that case, certificated shares tendered must be received by the Depositary by the Expiration Date and confirmation of the delivery of book-entry securities must be received by the Depositary by the Expiration Date.

At any time and from time to time, Conectiv may extend the Expiration Date applicable to any series by giving notice of that extension to the Depositary, without extending the Expiration Date for any other series. During any such extension, all shares of the applicable series previously tendered will remain subject to the Tender Offer, and may be withdrawn at any time prior to the Expiration Date as extended.

Conectiv may elect in its sole discretion to terminate one or more Tender Offers prior to the scheduled Expiration Date and not accept any shares tendered, if any of the conditions to closing enumerated in the Offer Documents occurs. Conectiv will notify the Depository of any termination and make public announcement of the termination.

In addition, Conectiv reserves the right in the Offer Documents to amend one or more Tender Offers in any respect by making a public announcement of the amendment. Also, if Conectiv materially changes the terms of a Tender Offer or the information concerning a Tender Offer or if Conectiv waives a material condition of a Tender Offer, Conectiv will extend the applicable Expiration Date to the extent required by law.

Conectiv requests authority through December 31, 2000 to sell to ACE all shares of Preferred acquired by the Tender Offers and ACE proposes

[1] The six series of Par Preferred consist of a 4% series, of which 77,000 shares are outstanding; a 4.10% series, of which 72,000 shares are outstanding; a 4.35% series, of which 15,000 shares are outstanding; a 4.35% series, of which 36,000 shares are outstanding; a 4.75% series, of which 50,000 shares are outstanding; and a 5% series, of which 50,000 shares are outstanding.

[2] Conectiv does not propose to make an offer to acquire the No Par Preferred.

[3] If the Proposed Amendment is not adopted at the Special Meeting, Conectiv may nonetheless proceed with the Tender Offers in order to facilitate a subsequent solicitation of proxies to seek adoption of the Proposed Amendment. In addition, ACE may choose to solicit consents to a waiver of the unsecured short-term debt restriction, as permitted by the ACE charter. ACE is not now requesting authority to engage in a subsequent solicitation of proxies with respect to the Proposed Amendment or a solicitation of a waiver.

through December 31, 2000 to repurchase those shares for the applicable Purchase Price, plus expenses of sale. ACE will retire and cancel the shares so acquired.

Conectiv requests that the effectiveness of the application-declaration with respect to the proxy solicitation be permitted to become effective immediately under rule 62(d).

It appears to the Commission that the application-declaration, to the extent that it relates to the proposed solicitation of proxies, should be permitted to become effective immediately under rule 62(d).

It is ordered, that the application-declaration, to the extent that it relates to the proposed solicitation of proxies, be permitted to become effective immediately, under rule 62 and subject to the terms and conditions prescribed in rule 24 under the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–24694 Filed 9–14–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Siem Industries Inc. (Formerly, Norex Industries Inc.), Common Shares, $0.25 Par Value) File No. 1–9352

September 9, 1998.

Siem Industries Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security ("Security") from listing and registration on the American Stock Exchange, Inc. ("Amex" or "Exchange").

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

The Company has been listed for trading on the Amex since 1987 and on the Oslo Stock Exchange ("OSE") pursuant to a secondary listing since May of 1997.

Immediately following the adjournment of the annual general meeting of shareholders of the Company held in Oslo, Norway, on May 7, 1998, the Company's Board of Directors convened a meeting. Pursuant to a resolution proposed by the Board of Directors and approved by the shareholders, the Board of Directors resolved that the Company undertake the actions necessary to accomplish the withdrawal from listing and registration of the Security on the Amex and make the OSE its sole listing. The number of shares represented in person or by proxy at the annual general meeting was 18,140,584 out of a total 19,524,624 Company shares issued and outstanding, or 92.9%. Of the shares present, 17,949,850 shares voted in favor of the resolution to delist, 143,534 voted against and 47,700 abstained.

The reasons for the application to delist from the Amex with a resulting sole listing on the OSE include the high level of awareness within the Norwegian markets concerning the Company and its activities and the restrictions imposed on the Company's activities by the Investment Company Act of 1940 ("1940 Act").

In the past, the Company has made efforts to increase the number of shareholders and volume of trading. Specific actions that were undertaken include the opening of a secondary listing on the OSE in May of 1997, and a 4-for-1 stock split in June of 1997. The OSE was selected as a secondary listing because the Company's chairman, Mr. Kristian Siem, has maintained a high degree of visibility in the Norwegian market during the past several years as a consequence of his chairmanships of several publicly-traded Norwegian companies. In addition, the OSE is recognized for its concentration of listings which operate in the shipping and offshore industries. The Company, therefore, believes that the attention focused on these industry sectors will benefit the Company since its major investments include an offshore construction company, an offshore drilling contractor and a cruise line.

A requirement that the Company had to satisfy during the process of establishing the secondary listing on the OSE was that it have a minimum of 50 shareholders with Norwegian residence or citizenship. This requirement was satisfied when one of the Company's major shareholders placed 200 shares each of the Security with other shareholders. Shortly after receiving the listing, the Company made a presentation to the European investment community outlining its history, investments and activities with the belief that this increased awareness would encourage institutions and individuals to participate in a secondary offering by the major investor. However, at about this same time, a combination of factors came into effect which limited the success of the Company's initial efforts in the Norwegian stock market. As a result, many of the Norwegian shareholders with whom shares had recently been placed quickly sold their holdings into the American market in order to capture the resulting gains. In addition, the uncertainty surrounding how quickly and how high the market price of the shares would continue to rise made the major shareholder unwilling to place additional shares in the market unless it could receive a price close to fair value on a per share basis. As a result, further efforts to undertake a secondary offering to place additional shares in the market were postponed.

A second reason for removing the lsiting from the Amex is that, for the past several years, the Company has been subject to provisions of the 1940 Act which prohibits the Company from conducting any public or private offerings of equity or debt securities in the United States unless it obtains an order from the Commission and registers as a investment company. These provisions apply to the Company because its assets are composed of greater than 40% investment securities as defined under the 1940 Act and because it has more than 100 beneficial owners who are U.S. citizens or residents. Consequently, since 1990, the Company has been restricted to conducting private placements with non-U.S. citizens or residents who thus received nonregistered, or restricted, shares of the Company's Security. The owners of these restricted shares were prevented from actively trading the shares on any U.S. exchanges until the expiration of the holding periods for nonregistered shares, in accordance with Rule 144 under the Securities Act of 1933. As a consequence of being subject to the 1940 Act, the Company incurs all of the costs, duties and responsibilities associated with maintaining a U.S. listing, but cannot enjoy one of its primary benefits which is access to the U.S. public markets for new funds.

The Company has complied with Rule 18 of the Amex by filing with the Amex a certified copy of the resolutions adopted by the Board of Directors of the Company on May 7, 1998, authorizing the withdrawal of the Company's Security from listing and registration on the Amex and by setting forth in detail to the Amex the reasons for such proposed withdrawal and the facts in support thereof. The Amex has informed the Company that it has no objection to the withdrawal of the Company's Security from its listing on the Amex.

The Company's Security from the Amex shall have no effect upon the continued listing on the OSE.

Any interested person may, on or before September 30, 1998, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–24693 Filed 9–14–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: [63 FR 47541, September 8, 1998].

STATUS: Closed Meeting.

PLACE: 450 Fifth Street, N.W., Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: September 8, 1998.

CHANGE IN THE MEETING: Deletion.

The following item was not considered at the closed meeting held on Thursday, September 10, 1998:

Opinion.

Commissioner Johnson, as duty officer, determined that Commission business required the above change and that no earlier notice thereof was possible.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have added, deleted or postponed, please contact:

The Office of the Secretary (202) 942–7070.

Dated: September 11, 1998.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–24808 Filed 9–11–98; 12:07 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of September 14, 1998.

A closed meeting will be held on Thursday, September 17, 1998, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Johnson, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Thursday, September 17, 1998, at 10:00 a.m., will be:

Institution and settlement of injunctive actions.

Institution and settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: September 11, 1998.

Jonathan G. Katz,

Secretary.

[FR Doc. 98–24809 Filed 9–11–98; 12:03 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–40408; File No. SR–CHX–98–20]

Self-Regulatory Organizations; Notice of Filing of and Order Granting Accelerated Approval to Proposed Rule Change by The Chicago Stock Exchange, Incorporated Relating to a Policy of the Specialist Assignment and Evaluation Committee

September 8, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on August 19, 1998, the Chicago Stock Exchange, Incorporated ("CHX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Article XXX, Rule 1, Interpretation and Policy .01 to extend for another one-year term, until September 8, 1999, the current pilot program concerning a policy of the Exchange's Committee on Specialist Assignment and Evaluation ("CSAE") relating to the time periods for which a co-specialist must trade a security before deregistering as the specialist for the security.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s (b)(1).

[2] 17 CFR 240.19b-4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On September 8, 1997, the Commission approved a rule change on a one-year pilot basis relating to the time periods for which a co-specialist must trade a security before deregistering as the specialist for the security.[3] The pilot program currently expires on September 8, 1998. In accordance with the Commission's order approving the pilot program, the Exchange submitted a report to the Commission describing its experience with the pilot program.[4] The purpose of the proposed rule change is to extend the pilot program for another one-year term to allow the Exchange to further review the operation of the time periods for which a co-specialist must trade a security before deregistering as the specialist for the security.

The Exchange's CSAE is responsible for, among other things, appointing specialists and co-specialists[5] and conducting deregistration proceedings in accordance with Article XXX of the Exchange's rules.[6] Seven circumstances may lead to the need for assignment or reassignment of a security.[7] One such circumstance is by specialist request.

Currently, the CSAE "will initiate a re-assignment proceeding if it believes that such action is called for."[8] Using this standard, the CSAE's policy under the current one-year pilot program is as follows.[9]

For a security that was awarded to a co-specialist in competition,[10] such co-specialist is required to trade the security awarded in competition for one year before being able to deregister in the security if no other specialist will be assigned to the security after posting.[11] Generally, two years must elapse before an intra-firm transfer of the issue (i.e., a transfer of the issue to another co-specialist in the same specialist unit) is permitted without posting. However, the specialist unit has the opportunity to transfer the security intra-firm after one year if it agrees to have the security posted after one year has elapsed to permit other specialist units or co-specialists to apply to trade the issue.

For a security that was awarded to a co-specialist without competition, such co-specialist is required to trade the security awarded without competition for a three month period before being able to deregister in the security if no other specialist will be assigned to the security after posting. No minimum time period is required to elapse before an intra-firm transfer is normally permitted.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b)(5) of the Act[12] in that it is designed to promote just and equitable principles of trade, to remove impediments to and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No comments were solicited or received.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing also will be available for inspection and copying at the Exchange. All submissions should refer to file number SR–CHX–98–20 and should be submitted by October 6, 1998.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission has carefully reviewed CHX's proposed rule change and believes, for the reasons set forth below, the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b)[13] in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and protect the mechanism of a free and open market, and to protect investors and the public interest.[14]

The Commission believes that approving the proposed rule change to extend for another one-year term, until September 8, 1999, the pilot program relating to the time periods for which a co-specialist must trade a security before deregistering as the specialist for the security is reasonable under the Act because it will serve to protect investors and the public interest by allowing the CHX additional time to collect data on the program's effectiveness and to determine whether any modifications are necessary.

The Commission believes that the pilot policy, as modified, should result in a reasonable balance between the interests of consistency and continuity with respect to the trading of an issue by a particular specialist and that of a

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[3] *See* Securities Exchange Act Release No. 39028 (September 8, 1997), 62 FR 48329. On November 21, 1997, the Commission approved a rule change that amended and clarified certain time periods of the pilot program. *See* Securities Exchange Act Release No. 39342 (November 21, 1997), 62 FR 63578.

[4] *See* Letter from Daniel J. Liberti, Chicago Stock Exchange, to Katherine England, SEC, dated July 23, 1998.

[5] A specialist is a "unit" or organization which has registered as such with the Exchange under Article XXX, Rule 1. A co-specialist is an individual who has registered as such under Article XXX, Rule 1. *See* CHX Rules, Article XXX, Rule 1, Interpretation and Policy. 01.4(a).

[6] CHX Rules, Article IV, Rule 4.

[7] CHX Rules, Article XXX, Rule 1, Interpretation and Policy .01.

[8] CHX Rules, Article XXX, Rule 1, Interpretation and Policy .01.2.

[9] As explained in Securities Exchange Act Release No. 39028, *supra* note 3, the Exchange intended to have the new policy apply anytime there will not be another specialist assigned to the issue, such as if the security was to be returned to the cabinet, put in the cabinet for the first time, or traded by a lead primary market maker pursuant to CHX Rules, Article XXXIV, Rule 3. Cabinet securities are those securities which the Board of Governors designates to be traded in the cabinet system because, in the judgment of the Board such securities do not trade with sufficient frequency to warrant their retention in the specialist system. *See* CHX Rules, Article XXVIII, Rule 6. For a more detailed explanation of the operation of the cabinet system, see CHX Rules, Article XX, Rule 11.

[10] In this context, "in competition" means that more than one specialist had applied to be the specialist in the issue.

[11] In this context, posting means that all specialists are put on notice that the security in question is available for reassignment. *See* CHX Rules, Article XXX, Rule 1.

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78f(b).

[14] In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

specialist in having the flexibility to deregister in an unprofitable issue. Under the pilot program, for a security that was awarded to a co-specialist in competition, the co-specialist is required to trade the security awarded in competition for one year before being able to deregister in the security if no other specialist will be assigned to the security after posting. Generally, two years must elapse before an intra-firm transfer of the issue (i.e., a transfer of the issue to another co-specialist in the same specialist unit) is permitted without posting. However, the specialist unit has the opportunity to transfer the security intra-firm after one year has elapsed if it agrees to have the security posted to permit other specialist units or co-specialists to apply to trade the issue.

For a security that was awarded to a co-specialist without competition, such co-specialist is required to trade the security awarded without competition for a three month period before being able to deregister in the security if no other specialist will be assigned to the security after posting. No minimum time period is required to elapse before an intra-firm transfer is normally permitted.

Overall, the Commission believes that the pilot policy may encourage CHX specialists to register in additional securities that might otherwise remain in the cabinet. This, in turn, could add to the depth and liquidity of the market for additionally listed securities.

The pilot program is now scheduled to expire on September 8, 1999. The Commission requests that the CHX submit a report on the effectiveness of the pilot program by July 8, 1999. The report should state the Exchange's views on the effectiveness of the policy change, including, but not limited to, whether there has been an increase in the number of specialists or co-specialists who register in additional securities. The report should also include data on (1) the rate of deregistration at the specialist's request, and (2) the number of specialists applying to register in securities that do not have a specialist already assigned, and compare that data for the second pilot year to the two prior years. In addition, the Commission requests that the CHX submit by July 8, 1999, any proposed rule change pursuant to Rule 19b–4 under the Act [15] to further extend or seek permanent approval of the pilot program.

The Commission believes that there is good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. This will permit the pilot program to continue without interruption, thereby allowing CHX to better assess the effects of the program. In addition, the rule change that implemented the pilot program was published in the **Federal Register** for the full comment period and no comments were received; and no comments were received with regard to the modifications made to the pilot program in November, 1997 which were also published in the **Federal Register**. Finally, the CHX stated in its report to the Commission on the pilot program that, in the first year of operation of the pilot program, it received no complaints or negative feedback regarding the pilot program policy, and there was no apparent abuse in the operation of the pilot policy. Accordingly, the Commission believes that it is consistent with Sections 6 and 19(b) of the Act [16] to accelerate approval of the proposed rule change.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[17] that the proposed rule change (SR–CHX–9–20) is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–24638 Filed 9–14–98; 8:45 am]

BILLING CODE 8010–01–M

[15] 17 CFR 240.19b–4.

[16] 15 U.S.C. 78f and 78s(b)(2).

[17] 15 U.S.C. 78s(b)(2).

[18] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35, agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before October 15, 1998. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, S.W., 5th Floor, Washington, D.C. 20416; and OMB Reviewer, Victoria Wassmer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTRACT: Jacqueline White, Agency Clearance Officer, (202) 205–6629.

SUPPLEMENTARY INFORMATION:

Title: Application for Business Loans.

Form No.: SBA Forms 4, 4–I, 4L, 4Schedule A, 4(Short) and EIB–SBA 84–1.

Frequency: On Occasion.

Description of Respondents: Applicants for an SBA business loan.

Annual Responses: 60,000.

Annual Burden: 1,187,000.

Dated: September 9, 1998.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 98–24721 Filed 9–14–98; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Advisory Circular 25.629–1A, Aeroelastic Stability Substantiation of Transport Category Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of issuance of advisory circular.

SUMMARY: This notice announces the issuance of Advisory Circular (AC) 25.629–1A, Aeroelastic Stability Substantiation of Transport Category Airplanes. This AC provides guidance material for acceptable means, but not the only means, of demonstrating compliance with the provisions of part 25 of the Federal Aviation Regulations (FAR) dealing with the design requirements for transport category airplanes to preclude the aeroelastic instabilities of flutter, divergence and control reversal.

DATES: Advisory Circular 25.639–2A was issued by the Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100, on July 23, 1998.

HOW TO OBTAIN COPIES: A copy may be obtained by writing to the U.S.

Department of Transportation, Subsequent Distribution Office, DOT Warehouse, SVC–121.23, 3341Q 75th Ave., Landover, MD 20785, telephone 301–322–5377, or faxing your request to the warehouse at 301–386–5394.

Issued in Renton, Washington, on September 4, 1998.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 98–24707 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Intelligent Transportation Society of America; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The Intelligent Transportation Society of America (ITS AMERICA) will hold a meeting of its Board of Directors on Sunday, October 11, 1998. The general session of the meeting begins at 1:00 p.m. *The letter designations that follow each item mean the following:* (I) is an information item; (A) is an action item; (D) is a discussion item. This meeting includes the following items: (1) Introductions and ITS America Antitrust Policy and Conflict of Interest Statements; (2) Welcome (I); (3) Review and Approval of Previous Meeting's Minutes (A); (4) U.S. Federal ITS Initiatives Report (I/D); (5) Coordinating Council Report (A); (6) State Chapters Council Report (I) ; (7) ITS America Association Report (I); (8) Report of the ITS World Congreses (I/D), (a) Seoul World Congress Overview; and (b) Toronto World Congress Update/Other International ITS Activities; (9) 1999/2001 ITS America Annual Meetings (I/D); (10) 1999 Board Meeting Schedule (A); (11) President's Report (External Issues) (I); (12) Other Program Business.

ITS AMERICA provides a forum for national discussion and recommendations on ITS activities including programs, research needs, strategic planning, standards, international liaison, and priorities.

The charter for the utilization of ITS AMERICA establishes this organization as an advisory committee under the Federal Advisory Committee Act (FACA) 5 USC app. 2, when it provides advice or recommendations to DOT officials on ITS policies and programs. (56 FR 9400, March 6, 1991).

DATES: The Board of Directors of ITS AMERICA will meet on Sunday, October 11,1998, from 1 p.m.—5:00 p.m. in the Lotus, 2nd Floor.

ADDRESS: Hotel Intercontinental, Seoul, Korea; Phone: +82–2–555–5656. Fax: +82–2–559–7990.

FOR FURTHER INFORMATION CONTACT: Materials associated with this meeting may be examined at the offices of ITS AMERICA, 400 Virginia Avenue SW., Suite 800, Washington, DC. 20024. Persons needing further information or who request to speak at this meeting should contact Kenneth Faunteroy at ITS AMERICA by telephone at (202) 484–4130 or by FAX at (202) 484–3483. The DOT contact is Mary C. Pigott, FHWA, HVH–1, Washington, DC 20590, (202) 366–9230. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except for legal holidays.

(23 U.S.C. 315; 49 CFR 1.48)

Issued: September 10, 1998.

Jeffrey Paniati,

Deputy Director ITS Joint Program Office.

[FR Doc. 98–24688 Filed 9–14–98; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

August 31, 1998.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 15, 1998 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0099.

Form Number: IRS Form 1065, Schedule D and Schedule K–1).

Type of Review: Revision.

Title: U.S. Partnership Return of Income (1065); Capital Gains and Losses (Schedule D); and Partner's Share of Income, Credits, Deductions, etc. (Schedule K–1).

Description: Internal Revenue Code (IRC) section 6031 requires partnerships to file returns that show gross income items, allowable deductions, partners' names, addresses, and distribution shares, and other information. This information is used to verify correct reporting of partnership items and for general statistics.

Respondents: Businesses or other for-profit, Individuals or households, Farms.

Estimated Number of Respondents/Recordkeepers: 1,488,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Form	Recordkeeping	Learning about the law or the form	Preparing the form	Copying, assembling, and sending the form to the IRS
1065	39 hr., 50 min	21 hr., 28 min	37 hr., 11 min	4 hr., 1 min.
Schedule D	6 hr., 56 min	1 hr., 29 min	1 hr., 40 min.	
Schedule K–1	25 hr., 7 min	9 hr., 20 min	10 hr., 10 min.	

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 1,121,918,608 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 98–24628 Filed 9–14–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

September 1, 1998

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 15, 1998 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0901.
Form Number: IRS Form 1098.
Type of Review: Extension.
Title: Mortgage Interest Statement.
Description: Form 1098 is used to report $600 or more of mortgage interest received from an individual in the course of the mortgager's trade or business.
Respondents: Individuals or households, Businesses or other for-profit.
Estimated Number of Respondents/ Recordkeepers: 171,000.
Estimated Burden Hours Per Respondent/Recordkeeper: 7 minutes.
Frequency of Response: Annually.
Estimated Total Reporting/ Recordkeeping Burden: 8,038,699 hours.
Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.
OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 98–24629 Filed 9–14–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

September 1, 1998.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 15, 1998 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–0026.
Form Number: IRS Form 926.
Type of Review: Revision.
Title: Return by a U.S. Transferor of Property to a Foreign Corporation.
Description: U.S. persons file Form 926 to report the transfer of property to a foreign corporation and to report information required by a section 367. The IRS uses Form 926 to determine if the gain, if any, must be recognized by the U.S. person.
Respondents: Businesses or other for-profit, Individuals or households.
Estimated Number of Respondents/ Recordkeepers: 1,000.
Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	6 hr., 56 min.
Learning about the law or the form.	4 hr., 4 min.
Preparing and sending the form to the IRS.	4 hr., 22 min.

Frequency of Response: On occasion, Annually.
Estimated Total Reporting/ Recordkeeping Burden: 15,370 hours.
Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.
OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 98–24630 Filed 9–14–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Submission to OMB for Review; Comment Request

September 3, 1998.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before October 15, 1998 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: New.
Form Number: IRS Form 8863.
Type of Review: New collection.
Title: Education Credits (Hope and Lifetime Learning Credits).
Description: Section 25A of the Internal Revenue Code allows for two education credits, the Hope Credit and the lifetime learning credit. Form 8863 will be used to compute the amount of the allowable credits. The IRS will use the information on the form to verify that respondents correctly computed their education credits.
Respondents: Individuals or households.
Estimated Number of Respondents/ Recordkeepers: 12,000,000.
Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	13 min.
Learning about the law or the form.	11 min.
Preparing the form	49 min.
Copying, assembling, and sending the form to the IRS.	58 min.

Frequency of Response: Annually.
Estimated Total Reporting/ Recordkeeping Burden: 18,224,000 hours.

OMB Number: 1545–1022.
Form Number: IRS Form 7018–C.
Type of Review: Extension.
Title: Order Blank for Forms.
Description: Form 7018–C allows taxpayers who must file information returns a systematic way to order information tax forms materials.
Respondents: Businesses or other for-profit, Individuals or households.
Estimated Number of Respondents: 868,432.
Estimated Burden Hours Per Respondent: 3 minutes.
Frequency of Response: Annually.
Estimated Total Reporting Burden: 43,422 hours.
OMB Number: 1545–1277.

Form Number: IRS Forms 1040-TeleFile and 8855–V.

Type of Review: Extension.

Title: TeleFile (1040-TeleFile); and TeleFile Payment Voucher (8855–V).

Description: Form 1040EZ filers who are single with no dependents, and whose IRS mail label has not changed, will be given the option to file their return by telephone, with no return to send in to the IRS. The IRS will use the information obtained to compute the taxpayer's refund or balance due.

Respondents: Individuals or households.

Estimated Number of Respondents/Recordkeepers: 5,600,000.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping	7 min.
Learning about the law or the Tax Record.	37 min.
Preparing the Tax Record	22 min.
TeleFile phone call	10 min.
Preparing Form 8855–V (if you owe money).	17 min.

Frequency of Response: Annually.

Estimated Total Reporting/Recordkeeping Burden: 8,095,000 hours.

OMB Number: 1545–1608.

Regulation Project Number: REG–119227–97 NPRM.

Type of Review: Extension.

Title: Kerosene Tax; Aviation Fuel Tax; Tax on Heavy

Description: The regulation implements three (3) new tax provisions: The tax on kerosene, the refund for aviation fuel producers, and the registration rules for certain truck dealers.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 11,600.

Estimated Burden Hours Per Respondent: 17 minutes.

Frequency of Response: On occasion, Annually, Other (once).

Estimated Total Reporting Burden: 3,340 hours.

Clearance Officer: Garrick Shear (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 98–24631 Filed 9–14–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–3–95]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, INTL–3–95 (TD 8687), Source of Income From Sales of Inventory and Natural Resources Produced in One Jurisdiction and Sold in Another Jurisdiction (§§ 1.863–1 and 1.863–3).

DATES: Written comments should be received on or before November 16, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Source of Income From Sales of Inventory and Natural Resources Produced in One Jurisdiction and Sold in Another Jurisdiction.

OMB Number: 1545–1476.

Regulation Project Number: INTL–3–95.

Abstract: This regulation provides rules for allocating and apportioning income from sales of natural resources or other inventory produced in the United States and sold outside the United States or produced outside the United States and sold in the United States. The information provided is used by the IRS to determine on audit whether the taxpayer has properly determined the source of its income from export sales.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 425.

Estimated Time Per Respondent: 2 hours, 36 minutes.

Estimated Total Annual Burden Hours: 1,125.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 9, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–24624 Filed 9–14–98; 8:45 am]

BILLING CODE 4830–01–U

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determination: "EDO: Art in Japan 1615–1868"

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of

October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985). I hereby determine that the objects to be included in the exhibit "EDO: Art in Japan 1615–1868", imported from abroad for temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the National Gallery of Art from on or about November 15, 1998 to on or about February 15, 1999, is in the national interest.

Public Notice of this determination is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Neila Sheahan, Assistant General Counsel, Office of the General Counsel, 202/619–5030, and the address is Room 700, U.S. Information Agency, 301 4th St., SW, Washington, DC 20547–0001.

Dated: September 9, 1998.

Les Jin,

General Counsel.

[FR Doc. 98–24697 Filed 9–14–98; 8:45 am]

BILLING CODE 8230–01–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determinations

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985). I hereby determine that the objects to be included in the exhibit "Picasso and the War Years: 1937–1945" (see list), imported from various foreign lenders for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the exhibition or display of the listed exhibit objects at Fine Arts Museums, San Francisco, California on or about October 10, 1998, to on or about January 3, 1999, Solomon R. Guggenheim Museum, New York, New York on or about February 11, 1999 to on or about May 2, 1999, is in the national interest. Public Notice of these determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Paul W. Manning, Assistant General Counsel, 202/619–5997, and the address is Room 700, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547–0001.

Dated: September 11, 1998.

Les Jin,

General Counsel.

[FR Doc. 98–24857 Filed 9–14–98; 8:45 am]

BILLING CODE 8230–01–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition Determinations: "Structure and Surface: Contemporary Japanese Textiles"

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985). I hereby determine that the objects to be included in the exhibit, "Structure and Surface: Contemporary Japanese Textiles" (see list), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with foreign lenders. I also determine that the exhibition or display of the listed objects at The Museum of Modern Art from on or about November 11, 1998 through on or about January 26, 1999, and The Saint Louis Art Museum and other venues in the United States yet to be determined, is in the national interest.

Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Carol Epstein, Assistant General Counsel, Office of the General Counsel, 202/619–6981, and the address is Room 700, U.S. Information Agency, 301 4th Street, S.W., Washington, D.C. 20547–0001.

Dated: September 9, 1998.

Les Jin,

General Counsel.

[FR Doc. 98–24696 Filed 9–14–98; 8:45 am]

BILLING CODE 8230–01–M

Corrections

Federal Register
Vol. 63, No. 178
Tuesday, September 15, 1998

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[ND-001-0002a & ND-001-0004a; FRL-6150-6]

Clean Air Act Approval and Promulgation of State Implementation Plan for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards

Correction

In rule document 98–22899 beginning on page 45722 in the issue of Thursday, August 27, 1998, make the following correction:

§ 60.4 [Corrected]

On page 45727, in § 60.4(c), the table should read as follows:

* * * * *

(c) * * *

DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS
[(NSPS) for Region VIII]

	Subpart	CO	MT[1]	ND	SD[1]	UT[1]	WY
•	•	•	•	•	•	•	•
WWW	Municipal Solid Waste Landfills						
•	•	•	•	•	•	•	•

(*) Indicates approval of State regulation.
(1) Indicates approval of New Source Performance as part of the State Implementation Plan (SIP).

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 213

[Docket No. RST-90-1, Notice No. 8]

RIN 2130-AA75

Track Safety Standards

Correction

In the issue of Friday, August 28, 1998, on page 46102, in the correction of rule document 98-15932, in the third column, in the second line "March" should read "March 22, 1999".

BILLING CODE 1505-01-D

federal register

Tuesday
September 15, 1998

Part II

Environmental Protection Agency

40 CFR Parts 264 and 265

Project XL Site-specific Rulemaking for OSi Specialties, Inc., Sistersville, WV; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 264 and 265

[FRL–6157–6]

Project XL Site-specific Rulemaking for OSi Specialties, Inc., Sistersville, WV

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is implementing a project under the Project XL program for the OSi Specialties, Inc. plant, a wholly owned subsidiary of Witco Corporation, located near Sistersville, West Virginia (the "Sistersville Plant"). The terms of the XL project are defined in a Final Project Agreement ("FPA") which has been available for public review and comment. See 62 FR 34748, June 27, 1997. Following a review of the public comments, the FPA was signed by delegates from the EPA, the West Virginia Division of Environmental Protection ("WVDEP") and Witco Corporation on October 17, 1997. EPA is today publishing a final rule, applicable only to the Sistersville Plant, to facilitate implementation of the XL project. Today's final rule is an outgrowth of the proposed rule published on March 6, 1998, and a supplemental proposal published on July 10, 1998. See 63 FR 11200 and 63 FR 37309, respectively.

Today's action is a site-specific regulatory deferral from the Resource Conservation and Recovery Act ("RCRA") organic air emission standards, commonly known as RCRA Subpart CC. The applicability of this site-specific deferral is limited to two existing hazardous waste surface impoundments, and is conditioned on the Sistersville Plant's compliance with air emission and waste management requirements that have been developed under this XL project. The air emission and waste management requirements are set forth in today's final rule. Today's action is intended to provide site-specific regulatory changes to implement this XL project. The EPA expects this XL project to result in superior environmental performance at the Sistersville Plant, while deferring significant capital expenditures, and thus providing cost savings for the Sistersville Plant.

DATES: This final rule is effective on September 15, 1998.

ADDRESSES: Docket: Three dockets contain supporting information used in developing this final rule, and are available for public inspection and copying at the EPA's docket office located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The public is encouraged to phone in advance to review docket materials. Appointments can be scheduled by phoning the Docket Office at (703) 603–9230. Refer to RCRA docket numbers F–98–MCCP–FFFFF, F–98–MCCF–FFFFF, and F–98–MCCA–FFFFF.

A duplicate copy of each docket is available for inspection and copying at U.S. EPA, Region 3, 1650 Arch Street, Philadelphia, PA, 19103–2029, during normal business hours. Persons wishing to view a duplicate docket at the Philadelphia location are encouraged to contact Mr. Tad Radzinski in advance, by telephoning (215) 814–2394.

FOR FURTHER INFORMATION CONTACT: Mr. Tad Radzinski, U.S. Environmental Protection Agency, Region 3 (3WC11), Waste and Chemicals Management Division, 1650 Arch Street, Philadelphia, PA, 19103–2029, (215) 814–2394.

SUPPLEMENTARY INFORMATION:

Outline

The information presented in this preamble is organized as follows:

I. Authority
II. Background
  A. Overview of Project XL
  B. Overview of the OSi Sistersville Plant XL Project
  1. Introduction
  2. OSi Sistersville Plant XL Project Description and Environmental Benefits
  3. Economic Benefits
  4. Stakeholder Involvement and Changes Since Proposal
  5. Regulatory Implementation Approach
  6. Project Duration and Completion
III. Regulatory Requirements and Performance Standards
  A. Capper Unit Control Requirements
  B. Methanol Recovery Operation
  C. Waste Minimization/Pollution Prevention Study
IV. Summary of Response to Public Comments
V. Additional Information
  A. Immediate Effective Date
  B. Executive Order 12866
  C. Regulatory Flexibility
  D. Congressional Review Act
  E. Paperwork Reduction Act
  F. Unfunded Mandates Reform Act
  G. Applicability of Executive Order 13045
  H. Executive Order 12875: Enhancing Intergovernmental Partnerships
  I. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments

I. Authority

This regulation is being published under the authority of sections 1006, 2002, 3001–3007, 3010, and 7004 of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6905, 6912, 6921–6927, 6930, and 6974).

II. Background

A. Overview of Project XL

This site-specific regulation will implement a project developed under Project XL, an EPA initiative to allow regulated entities to achieve better environmental results at less cost. Project XL—"eXcellence and Leadership"— was announced on March 16, 1995, as a central part of the National Performance Review and the EPA's effort to reinvent environmental protection. See 60 FR 27282 (May 23, 1995). Project XL provides a limited number of private and public regulated entities an opportunity to develop their own pilot projects to provide regulatory flexibility that will result in environmental protection that is Superior to what would be achieved through compliance with current and reasonably anticipated future regulations. These efforts are crucial to the Agency's ability to test new regulatory strategies that reduce regulatory burden and promote economic growth while achieving better environmental and public health protection. The Agency intends to evaluate the results of this and other Project XL projects to determine which specific elements of the project(s), if any, should be more broadly applied to other regulated entities for the benefit of both the economy and the environment.

Under Project XL, participants in four categories—facilities, industry sectors, governmental agencies and communities—are offered the flexibility to develop common sense, cost-effective strategies that will replace or modify specific regulatory requirements, on the condition that they produce and demonstrate superior environmental performance. To participate in Project XL, applicants must develop alternative pollution reduction strategies pursuant to eight criteria: superior environmental performance; cost savings and paperwork reduction; local stakeholder involvement and support; test of an innovative strategy; transferability; feasibility; identification of monitoring, reporting and evaluation methods; and avoidance of shifting risk burden. They must have full support of affected Federal, state and tribal agencies to be selected.

For more information about the XL criteria, readers should refer to the two descriptive documents published in the **Federal Register** (60 FR 27282, May 23,

1995 and 62 FR 19872, April 23, 1997), and the December 1, 1995 "Principles for Development of Project XL Final Project Agreements" document. For further discussion as to how the Sistersville Plant XL project addresses the XL criteria, readers should refer to the notice of availability for this XL project (62 FR 34748, June 27, 1997) and the related documents that were noticed by that **Federal Register** action. Each of these documents is available from the supporting dockets for this action (see **ADDRESSES** section of today's preamble).

The XL program is intended to allow the EPA to experiment with untried, potentially promising regulatory approaches, both to assess whether they provide benefits at the specific facility affected, and whether they should be considered for wider application. Such pilot projects allow the EPA to proceed more quickly than would be possible when undertaking changes on a nationwide basis. As part of this experimentation, the EPA may try out approaches or legal interpretations that depart from, or are even inconsistent with, longstanding Agency practice, so long as those interpretations are within the broad range of discretion enjoyed by the Agency in interpreting statutes that it implements. The EPA may also modify rules, on a site-specific basis, that represent one of several possible policy approaches within a more general statutory directive, so long as the alternative being used is permissible under the statute.

Adoption of such alternative approaches or interpretations in the context of a given XL project does not, however, signal the EPA's willingness to adopt that interpretation as a general matter, or even in the context of other XL projects. It would be inconsistent with the forward-looking nature of these pilot projects to adopt such innovative approaches prematurely on a widespread basis without first determining whether or not they are viable in practice and successful in the particular projects that embody them. Furthermore, as EPA indicated in announcing the XL program, the Agency expects to adopt only a limited number of carefully selected projects. These pilot projects are not intended to be a means for piecemeal revision of entire programs. Depending on the results in these projects, EPA may or may not be willing to consider adopting the alternative interpretation again, either generally or for other specific facilities.

The EPA believes that adopting alternative policy approaches and interpretations, on a limited, site-specific basis and in connection with a carefully selected pilot project, is consistent with the expectations of Congress about EPA's role in implementing the environmental statutes (so long as the Agency acts within the discretion allowed by the statute). Congress' recognition that there is a need for experimentation and research, as well as ongoing re-evaluation of environmental programs, is reflected in a variety of statutory provisions, such as section 8001 of RCRA.

B. Overview of the OSi Sistersville Plant XL Project

1. Introduction

The EPA is today publishing a temporary deferral of RCRA Subpart CC applicable to the Sistersville Plant, to implement key provisions of this Project XL initiative. Today's site-specific temporary deferral supports a Project XL FPA that has been developed by the Sistersville Plant XL project stakeholder group. This group consisted of representatives from the Sistersville Plant, EPA, WVDEP, and the community around the Sistersville Plant. Environmental organizations were encouraged to participate in the stakeholder process; in response, a representative from the Natural Resources Defense Council (NRDC) participated in, and provided valuable input to, the development of this XL Project and the FPA.

The FPA is available for review in RCRA Docket Number F–98–MCCP–FFFFF, and also is available on the world wide web at http://www.epa.gov/ProjectXL. A **Federal Register** document was published June 27, 1997 at 62 FR 34748 to notify the public of the details of this XL project and to solicit comments on the specific provisions of the FPA, which embodies the Agency's intent to implement this project. The FPA addresses the eight Project XL criteria, and the expectation of the Agency that this XL project will meet those criteria. Those criteria are: (1) Environmental performance superior to what would be achieved through compliance with current and reasonably anticipated future regulations; (2) cost savings or economic opportunity, and/or decreased paperwork burden; (3) stakeholder support; (4) test of innovative strategies for achieving environmental results; (5) approaches that could be evaluated for future broader application; (6) technical and administrative feasibility; (7) mechanisms for monitoring, reporting, and evaluation; and (8) consistency with Executive Order 12898 on Environmental Justice (avoidance of shifting of risk burden). The FPA specifically addresses the manner in which the project is expected to produce, measure, monitor, report, and demonstrate superior environmental benefits.

2. OSi Sistersville Plant XL Project Description and Environmental Benefits

The Sistersville Plant is a specialty chemical manufacturer of silicone products and is located near Sistersville, West Virginia along the east side of the Ohio River. The Sistersville plant produces a family of man-made organo-silicone chemicals which are used in industry and homes throughout the world. The organo-silicones have applications in electronic equipment; aircraft, missile, and space technology; appliance, automotive and metal working production; textile, paper, plastics, and glass fabrication; rubber products; paint, polish, and cosmetics; food processing and preparation; building and highway construction and maintenance; and chemical reactions and processes.

For this XL Project, the Sistersville Plant will install an incinerator and route the process vents from its polyether methyl capper ("capper") unit to that incinerator for control of organic air emissions. In April 1998, the Sistersville Plant began implementing these organic air emission controls. There are no currently-applicable nationwide regulations that require the Sistersville Plant to install this incinerator or to control the organic emissions from the capper unit. The EPA anticipates that these controls will be required for the Sistersville Plant under the National Emission Standard for Hazardous Air Pollutants for the source category Miscellaneous Organic Chemical Production and Processes ("MON"), scheduled to be published under the authority of Section 112 of the Clean Air Act ("CAA"). The MON is currently scheduled to be published as a final rulemaking in November of 2000, with air emission controls expected to be required approximately three years later. Under this XL project, and as a requirement of today's final site-specific temporary deferral, the Sistersville Plant will operate organic air emission controls on the capper unit approximately five years earlier than EPA expects the controls to be required by the MON. Based on current production levels, the Sistersville Plant estimates these incinerator vent controls will reduce the facility's organic air emissions by about 309,000 pounds per year.

The Sistersville Plant will also recover and reuse an estimated 500,000 pounds per year of methanol that would

otherwise be disposed of through the on-site wastewater treatment system, and will reduce approximately 50,000 pounds per year of organic air emissions from the wastewater treatment system. These modifications will reduce sludge generation from the wastewater system, that would otherwise be disposed of in an onsite landfill, by an estimated 815,000 pounds per year. In addition, the Sistersville Plant has committed to conduct a waste minimization/pollution prevention ("WMPP") study which is expected to result in additional reductions in waste generation at the facility. These initiatives are described further in section III of today's preamble. Absent today's action, there are no existing or anticipated applicable regulations that would require the Sistersville Plant to perform the environmentally beneficial measures of the methanol recovery and WMPP initiatives.

As an incentive for the Sistersville Plant to install the incinerator vent controls, recover and re-use the methanol, and to conduct the WMPP study, the EPA considers it appropriate to temporarily defer other regulatory requirements applicable to the Sistersville Plant. Specifically, EPA is today publishing a temporary, conditional deferral from the RCRA Subpart CC organic air emission control requirements applicable to the facility's two hazardous waste surface impoundments. The deferral is from the RCRA Subpart CC surface impoundment standards codified at 40 CFR 264.1085 and 40 CFR 265.1086, as well as associated requirements that are referenced in or by 40 CFR 264.1085 and 265.1086 that would otherwise apply to the two hazardous waste surface impoundments. The provisions of 40 CFR 264.1085 and 265.1086 would have required the Sistersville Plant to install organic vapor suppressing covers on the two existing hazardous waste surface impoundments. The deferred provisions referenced in or by 40 CFR 264.1085 and 265.1086 are the compliance assurance requirements that directly relate to the air emission control requirements for surface impoundments codified at 40 CFR 264.1085 and 265.1086. Since EPA is today temporarily deferring the requirements for the Sistersville Plant to comply with the RCRA Subpart CC air emission control requirements applicable to its two hazardous waste surface impoundments, EPA is also temporarily deferring those requirements directly related to air emission controls on surface impoundments; specifically, the inspection and monitoring requirements codified at 40 CFR 264.1088 and 265.1089, the recordkeeping requirements codified at 40 CFR 264.1089 and 265.1090, and the reporting requirements codified at 40 CFR 264.1090, as each relate to the two hazardous waste surface impoundments at the Sistersville Plant.

The Sistersville Plant estimates that, if implemented, installation and operation of the required RCRA Subpart CC air emission controls on the two surface impoundments would result in a total organic emission reduction of 45,000 pounds per year. In lieu of installing surface impoundment covers to comply with RCRA Subpart CC (either in absence of this XL project, or when this project concludes), the Sistersville Plant plans to close the two hazardous waste impoundments, and install two wastewater treatment tanks to serve in their place. The replacement wastewater treatment tanks would most likely be exempt from RCRA requirements, under 40 CFR 264.1(g)(6) and 40 CFR 265.1(c)(10); thus, the RCRA Subpart CC standards would not be applicable to those tanks. There are no currently applicable regulations that would require air emission controls on such tanks; however, the Agency anticipates that the MON will be applicable to such tanks, and may require that they be equipped with organic air emission controls. Therefore, it is reasonable to assume that in absence of this XL Project, the organic air emissions attributed to the Sistersville Plant's two hazardous waste surface impoundments would be transferred to two RCRA-exempt wastewater treatment tanks, and would not be controlled for approximately five years.

3. Economic Benefits

The Sistersville Plant estimates that the costs it will incur as a result of the RCRA Subpart CC standards being applicable to its two hazardous waste surface impoundments would be $2,500,000. Of that total, $2,000,000 would be for construction of wastewater treatment tanks to replace the surface impoundments, and $500,000 would be for performance of RCRA closure requirements for the two existing hazardous waste surface impoundments. In contrast to these compliance options, the Sistersville Plant estimates that the cost to install the incinerator and the process vent controls on the capper unit, to implement the methanol recovery operation, and to conduct the WMPP initiatives will be $700,000.

The Sistersville Plant considers it economically beneficial to spend the resources to install a thermal incinerator and process vent controls five years before those controls are likely to be required by federal regulation, and to implement a methanol recovery operation and implement a WMPP study, in exchange for deferring for five years the cost of $2,500,000 that they estimate will be required to implement their planned approach to the RCRA Subpart CC surface impoundment requirements.

4. Stakeholder Involvement and Changes Since Proposal

Stakeholder involvement during the Project development stage was cultivated in several ways. The methods included communicating through the media (newspaper and radio announcements), directly contacting interested parties, and offering an educational program on the regulatory programs impacted by the XL project. Stakeholders have been kept informed on the project status via mailing lists, newspaper articles, public meetings and the establishment of a public file at the Sistersville Public Library and the EPA Region 3 office.

A local environmental group, the Ohio Valley Environmental Coalition, was contacted but stated that they did not have time to participate actively in the development of the XL project. However, a representative from NRDC, a national environmental interest group, has participated in conference call meetings with the Project XL team and provided comments during the development of the FPA. This representative continues to be notified of all XL project meetings and activities. There are few homes located near the facility, and, therefore, few local stakeholders other than employees of the facility have expressed interest in actively participating in the development of the project. However, the Sistersville Plant has provided stakeholders with regular project development updates by circulating meeting and conference call minutes. In June of 1997, an announcement of the availability of the draft FPA was published in local newspapers and the **Federal Register** (62 FR 34748, June 27, 1997), and the draft FPA was widely distributed for public comment. In addition, during the public comment period for the draft FPA, the Sistersville Plant hosted a general public meeting to present the draft FPA. In response to a request from the Environmental Defense Fund, EPA extended the public comment period on the proposed FPA by 30 days. EPA received four very positive comments during the public comment period for the draft FPA. After

that proposed rule public comment period had closed, a comment letter was received from a citizen who was concerned about the installation of what he believed was a toxic waste incinerator. EPA responded to this citizen's concern by providing further explanation of the project and the environmental benefits that will result from the installation and operation of the vent incinerator as well as other aspects of the project. This citizen also commented on the March 6, 1998 proposed rule (see section IV. below). Copies of all the comment letters, as well as EPA's response to the concerned citizen's letter, are located in the rulemaking Dockets (see the **ADDRESSES** section of today's preamble).

Today's final rule for a site-specific temporary deferral was proposed in the **Federal Register** on March 6, 1998 at 63 FR 11200. During the 30-day public comment period following that document's publication, EPA received two comments on the proposal. The first comment was a positive one, submitted by the Tyler County Commission. The other comment was submitted by the same citizen who submitted a negative comment letter on the draft FPA. This second comment letter is discussed more fully in Section IV of today's preamble. The commenter requested a public hearing. Thereafter, EPA met with the commenter and addressed his concerns. The commenter then submitted a letter withdrawing his request for a public hearing. However, EPA held a public hearing on April 28, 1998, to give all concerned citizens an opportunity to be heard. No one from the public attended this hearing.

On May 26, 1998, the Sistersville Plant notified EPA that they would not be able to meet a provision of the proposed site-specific temporary deferral that required the Sistersville Plant to conduct an initial performance test on the thermal oxidizer within 60 days of initial start-up. This provision is contained at paragraph (f)(2)(ii)(B) in §§ 264.1080 and 265.1080 of the March 6, 1998 proposed rule and of today's final rule. Owing to mechanical difficulties and severe weather conditions, the Sistersville Plant requested a 60-day extension of that initial performance test deadline, in order to allow them time to prepare their equipment and complete the performance test. At that time, the Sistersville Plant was legally subject to the provisions of that proposed deferral through a consent order issued by the WVDEP, and through that legal mechanism, those proposed provisions are enforceable by the state against the Sistersville Plant. The EPA considered the relevant information submitted by the Sistersville Plant, and published a supplemental proposal in the **Federal Register** to notify the public of EPA's proposal to modify the performance test deadline. For more information regarding this supplemental proposal, see 63 FR 37309 (July 10, 1998). The Sistersville Plant sent notification of that proposal to the project stakeholder group, and published a notification in the local Sistersville newspaper of the opportunity for public comment related to that supplemental proposal. The supplemental proposal allowed a 14-day public comment period; however, no comments were received. Therefore, based on the information contained in that July 10, 1998 supplemental notice, and the supporting Docket Number F–98–MCCA–FFFFF, the EPA is today publishing the site-specific temporary deferral as a final rule, with the extended deadline for the thermal oxidizer initial performance test. Aside from revising that performance test deadline, the requirements of today's final rule are the same as the proposal published March 6, 1998 at 63 FR 11200.

As this XL project continues to be implemented, the stakeholder involvement program will shift its focus to ensure that: (1) Stakeholders are apprised of the status of project construction and operation, and (2) stakeholders have access to information sufficient to judge the success of this Project XL initiative. Anticipated stakeholder involvement during the term of the project will likely include other general public meetings to present periodic status reports, availability of data and other information generated, and appointment of a Sistersville Plant Project XL contact at the facility to serve as a resource for the community. In addition to the EPA and WVDEP reporting requirements of today's rulemaking, the FPA includes provisions whereby the Sistersville Plant will make copies of semiannual and annual project reports available to all interested parties. A public file on this XL project has been maintained at the local Sistersville library throughout project development, and will continue to be updated as the project is implemented.

A detailed description of this program and the stakeholder support for this project is included in the Final Project Agreement, which is available through the docket or through EPA's Project XL site which can be found at http://www.epa.gov/ProjectXL.

5. Regulatory Implementation Approach

Today's action provides the Sistersville Plant with a temporary, conditional deferral from the applicability of certain existing RCRA Subpart CC regulatory requirements. This action allows the Sistersville Plant to continue to operate the two hazardous waste surface impoundments without installing the organic air emission controls that are required for those types of units under the RCRA Subpart CC Federal regulations. Today's site-specific deferral from RCRA Subpart CC surface impoundment requirements is conditioned upon the Sistersville Plant's continuous compliance with the environmentally beneficial initiatives that were developed for this XL project. Those initiatives are described in Section III of today's preamble, and further detailed in the FPA.

The state of West Virginia is not yet authorized under the Hazardous and Solid Waste Amendments (HSWA) to implement the RCRA Subpart CC air regulations. However, West Virginia regulations, codified in 45 Code of State Regulations 25 ("WV 45 CSR 25"), contain the same technical requirements as the Federal regulations of RCRA Subpart CC. The Sistersville Plant is subject to the West Virginia State Regulations, which would include requirements that the two hazardous waste surface impoundments be operated with organic air emission controls. Thus, to implement this XL project, the WVDEP and the Sistersville Plant have negotiated and executed a consent order under the authority of W.Va. Code Sec. 22–4–5. A copy of that consent order is available in the docket for today's rulemaking. The consent order defers application of the organic air emission requirements of WV 45 CSR 25, which would otherwise be applicable to the hazardous waste surface impoundments at the Sistersville Plant. The state consent order will implement the deferral from WV 45 CSR 25 for the same effective period that today's rulemaking will implement a temporary, conditional deferral from Federal RCRA Subpart CC requirements. Essentially, the consent order implements this XL project at the State level, while today's rulemaking implements the project at the Federal level.

West Virginia is expected to adopt today's rulemaking during their 1999 State Legislative Session. After that adoption, WVDEP intends to implement the project through regulations contained in the Code of State Regulations ("CSR"), rather than

through a consent order. As with today's rulemaking, the state consent order's temporary deferral from WV 45 CSR 25 surface impoundment requirements is conditioned upon the Sistersville Plant's continuous compliance with the environmentally beneficial conditions developed under this XL project. Similarly, when today's Federal rulemaking is adopted into the West Virginia CSR, as described above, the Sistersville Plant will be required to comply with those environmentally beneficial conditions in order to maintain the temporary deferral from surface impoundment requirements of WV 45 CSR 25. The state adoption of today's rulemaking, and its use of the rule rather than the consent order to regulate the project, will result in a slight change in the way this XL project is implemented at the state level; however, that adoption will not result in any changes to the environmentally beneficial conditions to which the Sistersville Plant is subject, or to the nature of the Sistersville Plant's deferral from hazardous waste surface impoundment air emission control requirements.

It is the intent of the EPA and the WVDEP to incorporate the provisions of today's rulemaking and the WV state consent order into the Sistersville Plant's permits, as appropriate. This would be accomplished in the normal course of reissuance of the RCRA part B permit, and in any other permits when issued in their normal course. Although today's rulemaking action temporarily defers the applicability of RCRA Subpart CC air emission control requirements to the two hazardous waste surface impoundments, today's action does not affect the Sistersville Plant's RCRA permitting requirements under 40 CFR 270.27. Those permitting requirements are applicable to air emission control equipment operated in accordance with RCRA Subpart CC. Today's action temporarily defers the applicability of those air emission control requirements to the Sistersville Plant surface impoundments; but if there is a time that the Sistersville Plant installs air emission controls on those hazardous waste surface impoundments, the applicable information would be required to be reflected in the Plant's RCRA part B permit.

The only Federal regulation that today's temporary, conditional deferral affects is the RCRA Subpart CC organic air emission standards. Furthermore, the only aspect of those standards that today's rulemaking affects is the applicability of the organic air emission standards to the two hazardous waste surface impoundments at the Sistersville Plant. Similarly, the only State regulatory requirements that are affected by the state consent order are WV 45 CSR 25 requirements applicable to organic air emission controls for the two hazardous waste surface impoundments at the Sistersville Plant. The EPA emphasizes that today's rulemaking action, and the state consent order that parallels today's action, do not affect the provisions or applicability of any other existing or future regulations; furthermore, the applicability of today's rulemaking and the parallel state consent order are limited in scope to the Sistersville Plant.

6. Project Duration and Completion

As with all XL projects testing alternative environmental protection strategies, the term of the Sistersville Plant XL project is one of limited duration. Section 264.1080(f)(3) of today's rule provides that the temporary deferral of the RCRA Subpart CC air emission requirements for the surface impoundments at the Sistersville Plant will expire on the "MON Compliance Date." Today's rule defines the "MON Compliance Date" as three years after the effective date of the MON. As described in Section II.B.2 of this preamble, air emission controls for the MON source category are scheduled to become final in late 2000, and air emission controls for MON sources are anticipated to be required three years after that date. Accordingly, this XL project will not continue after that time, and the Sistersville Plant will thereafter be subject to those requirements deferred by today's rule, if applicable. However, the Sistersville Plant may propose to EPA a new Project XL to take effect after that time.

Today's rule provides for an orderly transition from the requirements of this XL project to those requirements which will apply to the facility after the project ends. Pursuant to 40 CFR 264.1080(f)(3)(iii) and 264.1080(g)(1)(ii) of today's rulemaking, the Sistersville Plant is required to submit to EPA an implementation schedule specifying how the Sistersville Plant will come into compliance with the requirements that are deferred by today's rule. The implementation schedule must be submitted to EPA eighteen months prior to the MON Compliance Date, and must meet the requirements of 40 CFR 264.1080(g)(1)(iii) of today's rule. In no event will the implementation schedule extend beyond the MON Compliance Date. The implementation schedule submitted by the Sistersville Plant must contain interim calendar, or "milestone," dates for the purchase and installation of equipment, performance testing, and other measures, as necessary for the Sistersville Plant to come into compliance with the deferred requirements.

Today's rule provides that the Sistersville Plant has the option within the above-described transitional period to either install equipment and take such other steps as may be necessary to comply with the deferred requirements (i.e., to bring the surface impoundments into compliance with 40 CFR 264.1085), or to install equipment and undertake such modifications as may be necessary so as to preclude the application of the deferred requirements (i.e., such that 40 CFR 264.1085 is no longer applicable). Regardless of which approach the Sistersville Plant selects, those changes must be fully completed and implemented by the MON Compliance Date in order to provide uninterrupted environmental benefits, and a seamless transition for the Sistersville Plant to move from its XL project requirements to its otherwise applicable requirements.

Because Project XL is a voluntary and experimental program, today's rule contains provisions that allow the project to conclude prior to the MON Compliance Date, in the event that it is desirable or necessary to do so. For example, an early conclusion (or revocation "for cause," as set forth in 40 CFR 264.1080(f)(3)(iv) of today's rule) would be warranted if the project's environmental benefits do not meet the Project XL requirement for the achievement of "superior" environmental results, or if the capper unit is removed from service at the facility and no environmental benefits are realized from the air emission controls installed on the capper unit under this XL project. In addition, new laws or regulations may become applicable to the Sistersville Plant during the project term which might render the project impractical, or might contain regulatory requirements that supersede the "superior" environmental benefits that the Sistersville Plant is achieving under this project. Finally, upon reviewing a proposed transfer of ownership under 40 CFR 264.1080(f)(7) of today's rule, the Agency might determine that a future owner or operator of the facility does not adequately implement this XL project. Similarly, the Sistersville Plant may also request that the temporary deferral be revoked prior to the MON Compliance Date if this experimental project does not provide sufficient benefits for the company to justify continued participation. If an early conclusion to the project is determined to be

appropriate, 40 CFR 264.1085(f)(3)(iv) of today's final rule provides a mechanism for EPA to legally conclude the project prior to the MON Compliance Date, which would trigger the eighteen-month transitional period described earlier in this preamble discussion.

While both EPA and the Sistersville Plant have broad discretion and latitude to initiate an early conclusion of the project, both expect to exercise their good faith and judgment in determining whether exercising this option is appropriate. In this respect, and as provided in the FPA, EPA expects that it would not be necessary to exercise its discretion under this provision to conclude this project for "minor" noncompliance by the Sistersville Plant. However, as with any failure to comply with EPA regulations, the Agency retains its full authority to bring a formal or informal enforcement action (if necessary) to bring the Sistersville Plant back into compliance. Though the Agency has the option of concluding this project for noncompliance, EPA expects that this would be appropriate in response to material noncompliance by the Sistersville Plant (e.g., substantial or repeated violations, failure to disclose material facts during the FPA development, etc.).

Finally, in the event that the XL project concludes (for whatever reason) prior to the MON Compliance Date, the Sistersville Plant must submit and comply with an implementation schedule (as described earlier in this preamble section) setting forth how the Sistersville Plant will come into compliance within the eighteen-month transitional period. The schedule shall reflect the Sistersville Plant's intent to use its best efforts to come into compliance as quickly as practicable within the eighteen-month transitional period; in no event will the implementation schedule extend beyond the MON Compliance Date. There is an important exception to the provision for an eighteen-month transitional period: if project conclusion occurs less than eighteen months prior to the MON Compliance Date, the Sistersville Plant still must come into compliance with all applicable requirements no later than the MON Compliance Date. In other words, concluding the project during the eighteen-month transitional period prior to the MON Compliance Date does not operate to extend the temporary conditional deferral beyond the MON Compliance Date.

III. Regulatory Requirements and Performance Standards

A. Capper Unit Control Requirements

Under this XL project, the Sistersville Plant will reduce air emissions and waste that would otherwise be generated by its capper unit. The organic air emission reduction will be accomplished by installing a vent system to collect the organic emissions from the capper unit process vents, and routing the organic vent stream to a thermal incinerator. The thermal vent incinerator will be required to reduce the organics in the vent stream 98% by weight. Following installation of the thermal vent incinerator, the Sistersville Plant will conduct an initial performance test for the thermal vent incinerator, to determine an operating temperature that they consider appropriate to achieve the required 98% organic reduction. At that time, the Sistersville Plant will also conduct an initial inspection of the vent system to ensure there are no leaks, so that all organics collected in the vent system are routed to the thermal vent incinerator for treatment. Throughout the duration of this project, the Sistersville Plant will continue to monitor the thermal vent incinerator operating temperature, as an indication that the thermal vent incinerator is achieving the 98% organic reduction from the process vent stream. The EPA considers it appropriate to assume that operating the thermal vent incinerator at or above the temperature determined in the initial performance test will provide an adequate level of assurance that the incinerator is achieving an organic destruction efficiency of 98% by weight. However, since the achievement of the environmental benefits from this XL project is very dependent on the effectiveness of this thermal vent incinerator, the EPA may, at some time during the project term, consider it appropriate to request that the Sistersville Plant verify that the thermal vent incinerator operating temperature is achieving the required 98% reduction in organics.

B. Methanol Recovery Operation

In addition to the organic air emission controls that the Sistersville Plant shall operate, this XL project will also result in a reduction of methanol discharged from the capper unit to the facility's wastewater treatment system. To accomplish this, the Sistersville Plant will operate a methanol recovery system that will collect the methanol that would otherwise be sent to the facility's on-site wastewater treatment system. The Sistersville Plant will attempt to recycle and re-use the collected methanol on-site, in lieu of virgin methanol. If the Sistersville Plant does not consider such re-use to be an economically feasible endeavor, it will attempt to sell the collected methanol to other facilities, for use in place of virgin methanol or for recovery. Only if these first two approaches are not viable, would the Sistersville Plant dispose of the collected methanol by routing it for thermal recovery, treatment, or bio-treatment. For the expected term of this XL project, the Sistersville Plant shall ensure that no more than five percent of the collected methanol is subject to bio-treatment; however, if the project is revoked prior to the MON Compliance Date, the Sistersville Plant is not subject to that five percent limit.

C. Waste Minimization/Pollution Prevention Study

An additional environmental benefit of this XL project is that the Sistersville Plant will conduct a WMPP study to explore new initiatives that could be employed at the facility. The Sistersville Plant shall conduct the WMPP study to identify and implement source reduction opportunities (as defined in EPA's Hazardous Waste Minimization National Plan, November 1994 (EPA 530/R–94/045) ("National Plan")). The purposes of source reduction opportunities are to: (1) Reduce the amount of any hazardous substance, pollutant, or contaminant entering a waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, or disposal; and (2) reduce the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants. For those waste streams that the Sistersville Plant concludes cannot be reduced at the source, the WMPP initiative will identify sound recycling opportunities (as defined in the National Plan), and evaluate the feasibility of implementing such recycling opportunities at the Sistersville Plant. One focus of the WMPP initiative shall be the reduction of specific constituents listed in 40 CFR 264.1080(f)(8) of today's rulemaking, to the extent that such constituents are found in waste streams at the Sistersville Plant.

IV. Summary of Response to Public Comments

EPA received two public comments on the March 6, 1998 proposed rule for the Sistersville Plant site-specific temporary deferral. One of these was a positive comment from the Tyler County Commission, supporting the XL

project initiative and the regulatory implementing mechanism. The other comment was submitted by a citizen living in the Sistersville area who had previously submitted a comment letter on the draft FPA expressing concern regarding the installation of what he believed was a toxic waste incinerator (see section II.B.4. above). This commenter expressed concern that the project would increase hazardous waste generation at the facility and increase the cancer rate in the area. The commenter was also concerned that there had been an insufficient review of the risks involved in the project and that EPA was not acting in good faith in approving the project. He suggested that EPA should focus on reducing the cancer rate in the area rather than approving projects that would increase pollution. He stated that he did not believe the regulatory process had any integrity in this case and that EPA was merely giving the project its rubber stamp. He also requested a hearing regarding the proposed rulemaking.

In response to this comment letter, representatives from EPA and the Sistersville Plant met with the commenter to explain the project further. At this meeting, representatives from EPA and the Sistersville Plant explained that the project would not increase hazardous waste generation at the facility or the cancer rate in the area; in fact, the project would result in reductions in air emissions and sludge generation at the facility. EPA assured the commenter that EPA had performed a thorough analysis of both the benefits and any potential adverse effects of the project. Copies of the detailed technical analyses EPA performed and supporting documentation have been made publicly available in the rulemaking docket. In addition, EPA explained that it had followed its guidelines regarding XL projects. These guidelines are set forth in the two descriptive documents published in the **Federal Register** (60 FR 27282, May 23, 1995 and 62 FR 19872, April 23, 1997), and the December 1, 1995 "Principles for Development of Project XL Final Project Agreements" document. EPA explained how the OSi Specialties Sistersville Plant XL project addresses the XL criteria to the commenter. A detailed description of how the project meets the XL criteria can be found in the notice of availability for this XL project (62 FR 34748, June 27, 1997) and the related documents that were noticed by that **Federal Register** action. Each of these documents is available from the docket for this action (see **ADDRESSES** section of today's preamble).

As a result of the meeting with the commenter, the commenter withdrew his request for a public hearing. He also stated that he was dropping his objections to the project. Because the retraction of the hearing request was not submitted to EPA until after notice of a public hearing had been published, EPA decided to proceed with the public hearing. The public hearing was held on Tuesday, April 28, 1998 at the Wells Inn in Sistersville, West Virginia. EPA Region 3 representatives and several Sistersville Plant personnel attended the public hearing. The public hearing was advertised in the **Federal Register** and announced on a local Sistersville radio station; however, no one from the public attended the public hearing. An EPA representative opened the hearing by describing the purpose of the hearing, and acknowledged that no one from the public was in attendance. The citizen commenter's initial letter dated March 14, 1998, was entered as Exhibit Number 1. The EPA representative explained that EPA and the Sistersville Plant had met with the commenter on April 20, 1998, to provide an overview of the XL project and address the commenter's questions. The second letter dated April 20, 1998 and retracting the commenter's request for a public hearing was entered as Exhibit Number 2. The transcript of the hearing is publicly available in the rulemaking docket.

As described in section II.B.4 of today's preamble, the EPA published a supplemental proposal regarding a proposed delay to the thermal oxidizer initial performance test deadline. See 63 FR 37309, July 10, 1998. That supplemental proposal provided a 14-day public comment period; however, no comments were received.

V. Additional Information

A. Immediate Effective Date

Pursuant to 5 U.S.C. 553(d)(3) and 42 U.S.C. 6930(b)(3), EPA finds that good cause exists to make today's site-specific rule effective immediately. The Sistersville Plant is the only regulated entity that is subject to this rule. The Sistersville Plant has had very extensive notice of this final rule for a conditional, site-specific deferral, and is prepared to comply immediately. As described in section II.B.4 of today's preamble, the public and the project stakeholder group have had several opportunities to review today's action, provide public comment, and participate in the rulemaking process. An immediate effective date will allow this XL project to proceed without delay.

B. Executive Order 12866

Executive Order 12866 (58 FR 51735, October 4, 1993) does not cover rules of particular applicability. As a result, this action does not fall within the scope of the Executive Order.

C. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This rule will not have a significant impact on a substantial number of small entities because it only affects one facility, the OSi Sistersville Plant, located near Sistersville, West Virginia. The Sistersville Plant is not a small entity. Therefore, EPA certifies that this action will not have a significant economic impact on a substantial number of small entities.

D. Congressional Review Act

The Congressional Review Act, 5 U.S.C. section 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 the Comptroller General of the United States. Section 804, however, exempts from Section 801 the following types of rules: Rules of particular applicability; rules relating to Agency management or personnel; and rules of Agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-Agency parties. 5 U.S.C. Section 804(3). EPA is not required to submit a rule report regarding today's action under Section 801 because this is a rule of particular applicability.

E. Paperwork Reduction Act

This action applies only to one company, and therefore requires no information collection activities subject to the Paperwork Reduction Act, and therefore no information collection request (ICR) will be submitted to OMB for review in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

F. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L.

104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

As noted above, this rule is applicable only to the Sistersville Plant, located near Sistersville, West Virginia. The EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. EPA has also determined that this rule 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. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

G. Applicability of Executive Order 13045

The Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (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 rule is not subject to Executive Order 13045 because it is not an economically significant rule, as defined by Executive Order 12866, and because it does not involve decisions based on environmental health or safety risks.

H. Executive Order 12875: Enhancing Intergovernmental Partnerships

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates. Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

I. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities. Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. There are no communities of Indian tribal governments located in the vicinity of the OSi facility. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

List of Subjects in 40 CFR Parts 264 and 265

Environmental protection, Air pollution control, Control device, Hazardous waste, Monitoring, Reporting and recordkeeping requirements, Surface impoundment, Treatment storage and disposal facility, Waste determination.

Dated: August 31, 1998.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, parts 264 and 265 of chapter I of title 40 of the Code of Federal Regulations are amended as follows:

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

Subpart CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers

2. Section 264.1080 is amended by adding paragraphs (f) and (g) to read as follows:

§ 264.1080 Applicability.

* * * * *

(f) This section applies only to the facility commonly referred to as the OSi Specialties Plant, located on State Route 2, Sistersville, West Virginia ("Sistersville Plant").

(1)(i) Provided that the Sistersville Plant is in compliance with the requirements of paragraph (f)(2) of this section, the requirements referenced in paragraphs (f)(1)(iii) and (f)(1)(iv) of this section are temporarily deferred, as specified in paragraph (f)(3) of this section, with respect to the two hazardous waste surface impoundments at the Sistersville Plant. Beginning on the date that paragraph (f)(1)(ii) of this section is first implemented, the temporary deferral of this paragraph shall no longer be effective.

(ii)(A) In the event that a notice of revocation is issued pursuant to paragraph (f)(3)(iv) of this section, the requirements referenced in paragraphs (f)(1)(iii) and (f)(1)(iv) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section, except as provided under paragraph (f)(1)(ii)(B) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and continuing for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section at all times during that 18-month period. In no event shall the temporary deferral continue to be effective after the MON Compliance Date.

(B) In the event that a notification of revocation is issued pursuant to paragraph (f)(3)(iv) of this section as a result of the permanent removal of the capper unit from methyl capped polyether production service, the requirements referenced in paragraphs (f)(1)(iii) and (f)(1)(iv) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi), and (g) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and continuing for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi) and (g) of this section at all times during that 18-month period. In no event shall the temporary deferral continue to be effective after the MON Compliance Date.

(iii) The standards in § 264.1085 of this part, and all requirements referenced in or by § 264.1085 that otherwise would apply to the two hazardous waste surface impoundments, including the closed-vent system and control device requirements of § 264.1087 of this part.

(iv) The reporting requirements of § 264.1090 that are applicable to surface impoundments and/or to closed-vent systems and control devices associated with a surface impoundment.

(2) Notwithstanding the effective period and revocation provisions in paragraph (f)(3) of this section, the temporary deferral provided in paragraph (f)(1)(i) of this section is effective only if the Sistersville Plant meets the requirements of paragraph (f)(2) of this section.

(i) The Sistersville Plant shall install an air pollution control device on the polyether methyl capper unit ("capper unit"), implement a methanol recovery operation, and implement a waste minimization/pollution prevention ("WMPP") project. The installation and implementation of these requirements shall be conducted according to the schedule described in paragraphs (f)(2)(i) and (f)(2)(vi) of this section.

(A) The Sistersville Plant shall complete the initial start-up of a thermal incinerator on the capper unit's process vents from the first stage vacuum pump, from the flash pot and surge tank, and from the water stripper, no later than April 1, 1998.

(B) The Sistersville Plant shall provide to the EPA and the West Virginia Department of Environmental Protection, written notification of the actual date of initial start-up of the thermal incinerator, and commencement of the methanol recovery operation. The Sistersville Plant shall submit this written notification as soon as practicable, but in no event later than 15 days after such events.

(ii) The Sistersville Plant shall install and operate the capper unit process vent thermal incinerator according to the requirements of paragraphs (f)(2)(ii)(A) through (f)(2)(ii)(D) of this section.

(A) Capper unit process vent thermal incinerator.

(*1*) Except as provided under paragraph (f)(2)(ii)(D) of this section, the Sistersville Plant shall operate the process vent thermal incinerator such that the incinerator reduces the total organic compounds ("TOC") from the process vent streams identified in paragraph (f)(2)(i)(A) of this section, by 98 weight-percent, or to a concentration of 20 parts per million by volume, on a dry basis, corrected to 3 percent oxygen, whichever is less stringent.

(*i*) Prior to conducting the initial performance test required under paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall operate the thermal incinerator at or above a minimum temperature of 1600 Fahrenheit.

(*ii*) After the initial performance test required under paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall operate the thermal incinerator at or above the minimum temperature established during that initial performance test.

(*iii*) The Sistersville Plant shall operate the process vent thermal incinerator at all times that the capper unit is being operated to manufacture product.

(*2*) The Sistersville Plant shall install, calibrate, and maintain all air pollution control and monitoring equipment described in paragraphs (f)(2)(i)(A) and (f)(2)(ii)(B)(*3*) of this section, according to the manufacturer's specifications, or other written procedures that provide adequate assurance that the equipment can reasonably be expected to control and monitor accurately, and in a manner consistent with good engineering practices during all periods when emissions are routed to the unit.

(B) The Sistersville Plant shall comply with the requirements of paragraphs (f)(2)(ii)(B)(*1*) through (f)(2)(ii)(B)(*3*) of this section for performance testing and monitoring of the capper unit process vent thermal incinerator.

(*1*) Within sixty (120) days after thermal incinerator initial start-up, the Sistersville Plant shall conduct a performance test to determine the minimum temperature at which compliance with the emission reduction requirement specified in paragraph (f)(4) of this section is achieved. This determination shall be made by measuring TOC minus methane and ethane, according to the procedures specified in paragraph (f)(2)(ii)(B) of this section.

(*2*) The Sistersville Plant shall conduct the initial performance test in accordance with the standards set forth in paragraph (f)(4) of this section.

(*3*) Upon initial start-up, the Sistersville Plant shall install, calibrate, maintain and operate, according to manufacturer's specifications and in a manner consistent with good engineering practices, the monitoring equipment described in paragraphs

(f)(2)(ii)(B)(*3*)(*i*) through (f)(2)(ii)(B)(*3*)(*iii*) of this section.

(*i*) A temperature monitoring device equipped with a continuous recorder. The temperature monitoring device shall be installed in the firebox or in the duct work immediately downstream of the firebox in a position before any substantial heat exchange is encountered.

(*ii*) A flow indicator that provides a record of vent stream flow to the incinerator at least once every fifteen minutes. The flow indicator shall be installed in the vent stream from the process vent at a point closest to the inlet of the incinerator.

(*iii*) If the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device shall be equipped with either a bypass flow indicator or a seal or locking device as specified in this paragraph. For the purpose of complying with this paragraph, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure relief valves, and other fittings used for safety purposes are not considered to be bypass devices. If a bypass flow indicator is used to comply with this paragraph, the bypass flow indicator shall be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. If a seal or locking device (e.g. car-seal or lock-and-key configuration) is used to comply with this paragraph, the device shall be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle, damper levels) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. The Sistersville Plant shall visually inspect the seal or locking device at least once every month to verify that the bypass mechanism is maintained in the closed position.

(C) The Sistersville Plant shall keep on-site an up-to-date, readily accessible record of the information described in paragraphs (f)(2)(ii)(C)(*1*) through (f)(2)(ii)(C)(*4*) of this section.

(*1*) Data measured during the initial performance test regarding the firebox temperature of the incinerator and the percent reduction of TOC achieved by the incinerator, and/or such other information required in addition to or in lieu of that information by the WVDEP in its approval of equivalent test methods and procedures.

(*2*) Continuous records of the equipment operating procedures specified to be monitored under paragraph (f)(2)(ii)(B)(*3*) of this section, as well as records of periods of operation during which the firebox temperature falls below the minimum temperature established under paragraph (f)(2)(ii)(A)(*1*) of this section.

(*3*) Records of all periods during which the vent stream has no flow rate to the extent that the capper unit is being operated during such period.

(*4*) Records of all periods during which there is flow through a bypass device.

(D) The Sistersville Plant shall comply with the start-up, shutdown, maintenance and malfunction requirements contained in paragraphs (f)(2)(ii)(D)(*1*) through (f)(2)(ii)(D)(*6*) of this section, with respect to the capper unit process vent incinerator.

(*1*) The Sistersville Plant shall develop and implement a Start-up, Shutdown and Malfunction Plan as required by the provisions set forth in paragraph (f)(2)(ii)(D) of this section. The plan shall describe, in detail, procedures for operating and maintaining the thermal incinerator during periods of start-up, shutdown and malfunction, and a program of corrective action for malfunctions of the thermal incinerator.

(*2*) The plan shall include a detailed description of the actions the Sistersville Plant will take to perform the functions described in paragraphs (f)(2)(ii)(D)(*2*)(*i*) through (f)(2)(ii)(D)(*2*)(*iii*) of this section.

(*i*) Ensure that the thermal incinerator is operated in a manner consistent with good air pollution control practices.

(*ii*) Ensure that the Sistersville Plant is prepared to correct malfunctions as soon as practicable after their occurrence in order to minimize excess emissions.

(*iii*) Reduce the reporting requirements associated with periods of start-up, shutdown and malfunction.

(*3*) During periods of start-up, shutdown and malfunction, the Sistersville Plant shall maintain the process unit and the associated thermal incinerator in accordance with the procedures set forth in the plan.

(*4*) The plan shall contain record keeping requirements relating to periods of start-up, shutdown or malfunction, actions taken during such periods in conformance with the plan, and any failures to act in conformance with the plan during such periods.

(*5*) During periods of maintenance or malfunction of the thermal incinerator, the Sistersville Plant may continue to operate the capper unit, provided that operation of the capper unit without the thermal incinerator shall be limited to no more than 240 hours each calendar year.

(*6*) For the purposes of paragraph (f)(2)(iii)(D) of this section, the Sistersville Plant may use its operating procedures manual, or a plan developed for other reasons, provided that plan meets the requirements of paragraph (f)(2)(iii)(D) of this section for the start-up, shutdown and malfunction plan.

(*iii*) The Sistersville Plant shall operate the closed-vent system in accordance with the requirements of paragraphs (f)(2)(iii)(A) through (f)(2)(iii)(D) of this section.

(A) Closed-vent system.

(*1*) At all times when the process vent thermal incinerator is operating, the Sistersville Plant shall route the vent streams identified in paragraph (f)(2)(i) of this section from the capper unit to the thermal incinerator through a closed-vent system.

(*2*) The closed-vent system will be designed for and operated with no detectable emissions, as defined in paragraph (f)(6) of this section.

(B) The Sistersville Plant will comply with the performance standards set forth in paragraph (f)(2)(iii)(A)(*1*) of this section on and after the date on which the initial performance test referenced in paragraph (f)(2)(ii)(B) of this section is completed, but no later than sixty (60) days after the initial start-up date.

(C) The Sistersville Plant shall comply with the monitoring requirements of paragraphs (f)(2)(iii)(C)(*1*) through (f)(2)(iii)(C)(*3*) of this section, with respect to the closed-vent system.

(*1*) At the time of the performance test described in paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall inspect the closed-vent system as specified in paragraph (f)(5) of this section.

(*2*) At the time of the performance test described in paragraph (f)(2)(ii)(B) of this section, and annually thereafter, the Sistersville Plant shall inspect the closed-vent system for visible, audible, or olfactory indications of leaks.

(*3*) If at any time a defect or leak is detected in the closed-vent system, the Sistersville Plant shall repair the defect or leak in accordance with the requirements of paragraphs (f)(2)(iii)(C)(*3*)(*i*) and (f)(2)(iii)(C)(*3*)(*ii*) of this section.

(*i*) The Sistersville Plant shall make first efforts at repair of the defect no later than five (5) calendar days after detection, and repair shall be completed as soon as possible but no later than forty-five (45) calendar days after detection.

(*ii*) The Sistersville Plant shall maintain a record of the defect repair in accordance with the requirements specified in paragraph (f)(2)(iii)(D) of this section.

(D) The Sistersville Plant shall keep on-site up-to-date, readily accessible records of the inspections and repairs required to be performed by paragraph (f)(2)(iii) of this section.

(iv) The Sistersville Plant shall operate the methanol recovery operation in accordance with paragraphs (f)(2)(iv)(A) through (f)(2)(iv)(C) of this section.

(A) The Sistersville Plant shall operate the condenser associated with the methanol recovery operation at all times during which the capper unit is being operated to manufacture product.

(B) The Sistersville Plant shall comply with the monitoring requirements described in paragraphs (f)(2)(B)(*1*) through (f)(2)(B)(*3*) of this section, with respect to the methanol recovery operation.

(*1*) The Sistersville Plant shall perform measurements necessary to determine the information described in paragraphs (f)(2)(iv)(B)(*1*)(*i*) and (f)(2)(iv)(B)(*1*)(*ii*) of this section to demonstrate the percentage recovery by weight of the methanol contained in the influent gas stream to the condenser.

(*i*) Information as is necessary to calculate the annual amount of methanol generated by operating the capper unit.

(*ii*) The annual amount of methanol recovered by the condenser associated with the methanol recovery operation.

(*2*) The Sistersville Plant shall install, calibrate, maintain and operate according to manufacturer specifications, a temperature monitoring device with a continuous recorder for the condenser associated with the methanol recovery operation, as an indicator that the condenser is operating.

(*3*) The Sistersville Plant shall record the dates and times during which the capper unit and the condenser are operating.

(C) The Sistersville Plant shall keep on-site up-to-date, readily-accessible records of the parameters specified to be monitored under paragraph (f)(2)(iv)(B) of this section.

(v) The Sistersville Plant shall comply with the requirements of paragraphs (f)(2)(v)(A) through (f)(2)(v)(C) of this section for the disposition of methanol collected by the methanol recovery operation.

(A) On an annual basis, the Sistersville Plant shall ensure that a minimum of 95% by weight of the methanol collected by the methanol recovery operation (also referred to as the "collected methanol") is utilized for reuse, recovery, or thermal recovery/treatment. The Sistersville Plant may use the methanol on-site, or may transfer or sell the methanol for reuse, recovery, or thermal recovery/treatment at other facilities.

(*1*) Reuse. To the extent reuse of all of the collected methanol destined for reuse, recovery, or thermal recovery is not economically feasible, the Sistersville Plant shall ensure the residual portion is sent for recovery, as defined in paragraph (f)(6) of this section, except as provided in paragraph (f)(2)(v)(A)(*2*) of this section.

(*2*) Recovery. To the extent that reuse or recovery of all the collected methanol destined for reuse, recovery, or thermal recovery is not economically feasible, the Sistersville Plant shall ensure that the residual portion is sent for thermal recovery/treatment, as defined in paragraph (f)(6) of this section.

(*3*) The Sistersville Plant shall ensure that, on an annual basis, no more than 5% of the methanol collected by the methanol recovery operation is subject to bio-treatment.

(*4*) In the event the Sistersville Plant receives written notification of revocation pursuant to paragraph (f)(3)(iv) of this section, the percent limitations set forth under paragraph (f)(2)(v)(A) of this section shall no longer be applicable, beginning on the date of receipt of written notification of revocation.

(B) The Sistersville Plant shall perform such measurements as are necessary to determine the pounds of collected methanol directed to reuse, recovery, thermal recovery/treatment and bio-treatment, respectively, on a monthly basis.

(C) The Sistersville Plant shall keep on-site up-to-date, readily accessible records of the amounts of collected methanol directed to reuse, recovery, thermal recovery/treatment and bio-treatment necessary for the measurements required under paragraph (f)(2)(iv)(B) of this section.

(vi) The Sistersville Plant shall perform a WMPP project in accordance with the requirements and schedules set forth in paragraphs (f)(2)(vi)(A) through (f)(2)(vi)(C) of this section.

(A) In performing the WMPP Project, the Sistersville Plant shall use a Study Team and an Advisory Committee as described in paragraphs (f)(2)(vi)(A)(*1*) through (f)(2)(vi)(A)(*6*) of this section.

(*1*) At a minimum, the multi-functional Study Team shall consist of Sistersville Plant personnel from appropriate plant departments (including both management and employees) and an independent contractor. The Sistersville Plant shall select a contractor that has experience and training in WMPP in the chemical manufacturing industry.

(*2*) The Sistersville Plant shall direct the Study Team such that the team performs the functions described in paragraphs (f)(2)(vi)(A)(*2*)(*i*) through (f)(2)(vi)(A)(*2*)(*v*) of this section.

(*i*) Review Sistersville Plant operations and waste streams.

(*ii*) Review prior WMPP efforts at the Sistersville Plant.

(*iii*) Develop criteria for the selection of waste streams to be evaluated for the WMPP Project.

(*iv*) Identify and prioritize the waste streams to be evaluated during the study phase of the WMPP Project, based on the criteria described in paragraph (f)(2)(vi)(A)(*2*)(*iii*) of this section.

(*v*) Perform the WMPP Study as required by paragraphs (f)(2)(vi)(A)(*3*) through (f)(2)(vi)(A)(*5*), paragraph (f)(2)(vi)(B), and paragraph (f)(2)(vi)(C) of this section.

(*3*)(*i*) The Sistersville Plant shall establish an Advisory Committee consisting of a representative from EPA, a representative from WVDEP, the Sistersville Plant Manager, the Sistersville Plant Director of Safety, Health and Environmental Affairs, and a stakeholder representative(s).

(*ii*) The Sistersville Plant shall select the stakeholder representative(s) by mutual agreement of EPA, WVDEP and the Sistersville Plant no later than 20 days after receiving from EPA and WVDEP the names of their respective committee members.

(*4*) The Sistersville Plant shall convene a meeting of the Advisory Committee no later than thirty days after selection of the stakeholder representatives, and shall convene meetings periodically thereafter as necessary for the Advisory Committee to perform its assigned functions. The Sistersville Plant shall direct the Advisory Committee to perform the functions described in paragraphs (f)(2)(vi)(A)(*4*)(*i*) through (f)(2)(vi)(A)(*4*)(*iii*) of this section.

(*i*) Review and comment upon the Study Team's criteria for selection of waste streams, and the Study Team's identification and prioritization of the waste streams to be evaluated during the WMPP Project.

(*ii*) Review and comment upon the Study Team progress reports and the draft WMPP Study Report.

(*iii*) Periodically review the effectiveness of WMPP opportunities implemented as part of the WMPP Project, and, where appropriate, WMPP opportunities previously determined to

be infeasible by the Sistersville Plant but which had potential for feasibility in the future.

(*5*) Beginning on January 15, 1998, and every ninety (90) days thereafter until submission of the final WMPP Study Report required by paragraph (f)(2)(vi)(C) of this section, the Sistersville Plant shall direct the Study Team to submit a progress report to the Advisory Committee detailing its efforts during the prior ninety (90) day period.

(B) The Sistersville Plant shall ensure that the WMPP Study and the WMPP Study Report meet the requirements of paragraphs (f)(2)(vi)(B)(*1*) through (f)(2)(vi)(B)(*3*) of this section.

(*1*) The WMPP Study shall consist of a technical, economic, and regulatory assessment of opportunities for source reduction and for environmentally sound recycling for waste streams identified by the Study Team.

(*2*) The WMPP Study shall evaluate the source, nature,.and volume of the waste streams; describe all the WMPP opportunities identified by the Study Team; provide a feasibility screening to evaluate the technical and economical feasibility of each of the WMPP opportunities; identify any cross-media impacts or any anticipated transfers of risk associated with each feasible WMPP opportunity; and identify the projected economic savings and projected quantitative waste reduction estimates for each WMPP opportunity identified.

(*3*) No later than October 19, 1998, the Sistersville Plant shall prepare and submit to the members of the Advisory Committee a draft WMPP Study Report which, at a minimum, includes the results of the WMPP Study, identifies WMPP opportunities the Sistersville Plant determines to be feasible, discusses the basis for excluding other opportunities as not feasible, and makes recommendations as to whether the WMPP Study should be continued. The members of the Advisory Committee shall provide any comments to the Sistersville Plant within thirty (30) days of receiving the WMPP Study Report.

(C) Within thirty (30) days after receipt of comments from the members of the Advisory Committee, the Sistersville Plant shall submit to EPA and WVDEP a final WMPP Study Report which identifies those WMPP opportunities the Sistersville Plant determines to be feasible and includes an implementation schedule for each such WMPP opportunity. The Sistersville Plant shall make reasonable efforts to implement all feasible WMPP opportunities in accordance with the priorities identified in the implementation schedule.

(*1*) For purposes of this section, a WMPP opportunity is feasible if the Sistersville Plant considers it to be technically feasible (taking into account engineering and regulatory factors, product line specifications and customer needs) and economically practical (taking into account the full environmental costs and benefits associated with the WMPP opportunity and the company's internal requirements for approval of capital projects). For purposes of the WMPP Project, the Sistersville Plant shall use "An Introduction to Environmental Accounting as a Business Management Tool," (EPA 742/R–95/001) as one tool to identify the full environmental costs and benefits of each WMPP opportunity.

(*2*) In implementing each WMPP opportunity, the Sistersville Plant shall, after consulting with the other members of the Advisory Committee, develop appropriate protocols and methods for determining the information required by paragraphs (f)(2)(vi)(*2*)(*i*) through (f)(2)(vi)(*2*)(*iii*) of this section.

(*i*) The overall volume of wastes reduced.

(*ii*) The quantities of each constituent identified in paragraph (f)(8) of this section reduced in the wastes.

(*iii*) The economic benefits achieved.

(*3*) No requirements of paragraph (f)(2)(vi) of this section are intended to prevent or restrict the Sistersville Plant from evaluating and implementing any WMPP opportunities at the Sistersville Plant in the normal course of its operations or from implementing, prior to the completion of the WMPP Study, any WMPP opportunities identified by the Study Team.

(vii) The Sistersville Plant shall maintain on-site each record required by paragraph (f)(2) of this section, through the MON Compliance Date.

(viii) The Sistersville Plant shall comply with the reporting requirements of paragraphs (f)(2)(viii)(A) through (f)(2)(viii)(G) of this section.

(A) At least sixty days prior to conducting the initial performance test of the thermal incinerator, the Sistersville Plant shall submit to EPA and WVDEP copies of a notification of performance test, as described in 40 CFR 63.7(b). Following the initial performance test of the thermal incinerator, the Sistersville Plant shall submit to EPA and WVDEP copies of the performance test results that include the information relevant to initial performance tests of thermal incinerators contained in 40 CFR 63.7(g)(1), 40 CFR 63.117(a)(4)(i), and 40 CFR 63.117(a)(4)(ii).

(B) Beginning in 1999, on January 31 of each year, the Sistersville Plant shall submit a semiannual written report to the EPA and WVDEP, with respect to the preceding six month period ending on December 31, which contains the information described in paragraphs (f)(2)(viii)(B)(*1*) through (f)(2)(viii)(B)(*10*) of this section.

(*1*) Instances of operating below the minimum operating temperature established for the thermal incinerator under paragraph (f)(2)(ii)(A)(*1*) of this section which were not corrected within 24 hours of onset.

(*2*) Any periods during which the paper unit was being operated to manufacture product while the flow indicator the vent streams to the thermal incinerator showed no flow.

(*3*) Any periods during which the capper unit was being operated to manufacture product while the flow indicator for any bypass device on the closed vent system to the thermal incinerator showed flow.

(*4*) Information required to be reported during that six month period under the preconstruction permit issued under the state permitting program approved under subpart XX of 40 CFR Part 52—Approval and Promulgation of Implementation Plans for West Virginia.

(*5*) Any periods during which the capper unit was being operated to manufacture product while the condenser associated with the methanol recovery operation was not in operation.

(*6*) The amount (in pounds and by month) of methanol collected by the methanol recovery operation during the six month period.

(*7*) The amount (in pounds and by month) of collected methanol utilized for reuse, recovery, thermal recovery/ treatment, or bio-treatment, respectively, during the six month period.

(*8*) The calculated amount (in pounds and by month) of methanol generated by operating the capper unit.

(*9*) The status of the WMPP Project, including the status of developing the WMPP Study Report.

(*10*) Beginning in the year after the Sistersville Plant submits the final WMPP Study Report required by paragraph (f)(2)(vi)(C) of this section, and continuing in each subsequent Semiannual Report required by paragraph (f)(2)(viii)(B) of this section, the Sistersville Plant shall report on the progress of the implementation of feasible WMPP opportunities identified in the WMPP Study Report. The Semiannual Report required by paragraph (f)(2)(viii)(B) of this section shall identify any cross-media impacts or impacts to worker safety or community health issues that have

occurred as a result of implementation of the feasible WMPP opportunities.

(C) Beginning in 1999, on July 31 of each year, the Sistersville Plant shall provide an Annual Project Report to the EPA and WVDEP Project XL contacts containing the information required by paragraphs (f)(2)(viii)(C)(*1*) through (f)(2)(viii)(C)(*8*) of this section.

(*1*) The categories of information required to be submitted under paragraphs (f)(2)(viii)(B)(*1*) through (f)(2)(viii)(B)(*8*) of this section, for the preceding 12 month period ending on June 30.

(*2*) An updated Emissions Analysis for January through December of the preceding calendar year. The Sistersville Plant shall submit the updated Emissions Analysis in a form substantially equivalent to the previous Emissions Analysis prepared by the Sistersville Plant to support Project XL. The Emissions Analysis shall include a comparison of the volatile organic emissions associated with the capper unit process vents and the wastewater treatment system (using the EPA Water 8 model or other model agreed to by the Sistersville Plant, EPA and WVDEP) under Project XL with the expected emissions from those sources absent Project XL during that period.

(*3*) A discussion of the Sistersville Plant's performance in meeting the requirements of this section, specifically identifying any areas in which the Sistersville Plant either exceeded or failed to achieve any such standard.

(*4*) A description of any unanticipated problems in implementing the XL Project and any steps taken to resolve them.

(*5*) A WMPP Implementation Report that contains the information contained in paragraphs (f)(2)(viii)(C)(*5*)(*i*) through (viii)(C)(*5*)(*vi*) of this section.

(*i*) A summary of the WMPP opportunities selected for implementation.

(*ii*) A description of the WMPP opportunities initiated and/or completed.

(*iii*) Reductions in volume of waste generated and amounts of each constituent reduced in wastes including any constituents identified in paragraph (f)(8) of this section.

(*iv*) An economic benefits analysis.

(*v*) A summary of the results of the Advisory Committee's review of implemented WMPP opportunities.

(*vi*) A reevaluation of WMPP opportunities previously determined to be infeasible by the Sistersville Plant but which had potential for future feasibility.

(*6*) An assessment of the nature of, and the successes or problems associated with, the Sistersville Plant's interaction with the federal and state agencies under the Project.

(*7*) An update on stakeholder involvement efforts.

(*8*) An evaluation of the Project as implemented against the Project XL Criteria and the baseline scenario.

(D) The Sistersville Plant shall submit to the EPA and WVDEP Project XL contacts a written Final Project Report covering the period during which the temporary deferral was effective, as described in paragraph (f)(3) of this section.

(*1*) The Final Project Report shall contain the information required to be submitted for the Semiannual Report required under paragraph (f)(2)(viii)(B) of this section, and the Annual Project Report required under paragraph (f)(2)(viii)(C) of this section.

(*2*) The Sistersville Plant shall submit the Final Project Report to EPA and WVDEP no later than 180 days after the temporary deferral of paragraph (f)(1) of this section is revoked, or 180 days after the MON Compliance Date, whichever occurs first.

(E)(*1*) The Sistersville Plant shall retain on-site a complete copy of each of the report documents to be submitted to EPA and WVDEP in accordance with requirements under paragraph (f)(2) of this section. The Sistersville Plant shall retain this record until 180 days after the MON Compliance Date. The Sistersville Plant shall provide to stakeholders and interested parties a written notice of availability (to be mailed to all persons on the Project mailing list and to be provided to at least one local newspaper of general circulation) of each such document, and provide a copy of each document to any such person upon request, subject to the provisions of 40 CFR part 2.

(*2*) Any reports or other information submitted to EPA or WVDEP may be released to the public pursuant to the Federal Freedom of Information Act (42 U.S.C. 552 *et seq.*), subject to the provisions of 40 CFR part 2.

(F) The Sistersville Plant shall make all supporting monitoring results and records required under paragraph (f)(2) of this section available to EPA and WVDEP within a reasonable amount of time after receipt of a written request from those Agencies, subject to the provisions of 40 CFR part 2.

(G) Each report submitted by the Sistersville Plant under the requirements of paragraph (f)(2) of this section shall be certified by a Responsible Corporate Officer, as defined in 40 CFR 270.11(a)(1).

(H) For each report submitted in accordance with paragraph (f)(2) of this section, the Sistersville Plant shall send one copy each to the addresses in paragraphs (f)(2)(viii) (H)(1) through (H)(3) of this section.

(*1*) U.S. EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103–2029, Attention Tad Radzinski, Mail Code 3WC11.

(*2*) U.S. EPA, 401 M Street SW, Washington, DC 20460, Attention L. Nancy Birnbaum, Mail Code 2129.

(*3*) West Virginia Division of Environmental Protection, Office of Air Quality, 1558 Washington Street East, Charleston, WV 25311–2599, Attention John H. Johnston.

(3) Effective period and revocation of temporary deferral.

(i) The temporary deferral contained in this section is effective from April 1, 1998, and shall remain effective until the MON Compliance Date. The temporary deferral contained in this section may be revoked prior to the MON Compliance Date, as described in paragraph (f)(3)(iv) of this section.

(ii) On the MON Compliance Date, the temporary deferral contained in this section will no longer be effective.

(iii) The Sistersville Plant shall come into compliance with those requirements deferred by this section no later than the MON Compliance Date. No later than 18 months prior to the MON Compliance Date, the Sistersville Plant shall submit to EPA an implementation schedule that meets the requirements of paragraph (g)(1)(iii) of this section.

(iv) The temporary deferral contained in this section may be revoked for cause, as determined by EPA, prior to the MON Compliance Date. The Sistersville Plant may request EPA to revoke the temporary deferral contained in this section at any time. The revocation shall be effective on the date that the Sistersville Plant receives written notification of revocation from EPA.

(v) Nothing in this section shall affect the provisions of the MON, as applicable to the Sistersville Plant.

(vi) Nothing in paragraph (f) or (g) of this section shall affect any regulatory requirements not referenced in paragraph (f)(1)(iii) or (f)(1)(iv) of this section, as applicable to the Sistersville Plant.

(4) The Sistersville Plant shall conduct the initial performance test required by paragraph (f)(2)(ii)(B) of this section using the procedures in paragraph (f)(4) of this section. The organic concentration and percent reduction shall be measured as TOC minus methane and ethane, according to the procedures specified in paragraph (f)(4) of this section.

(i) Method 1 or 1A of 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling sites.

(A) To determine compliance with the 98 percent reduction of TOC requirement of paragraph (f)(2)(ii)(A)(*1*) of this section, sampling sites shall be located at the inlet of the control device after the final product recovery device, and at the outlet of the control device.

(B) To determine compliance with the 20 parts per million by volume TOC limit in paragraph (f)(2)(ii)(A)(*1*) of this section, the sampling site shall be located at the outlet of the control device.

(ii) The gas volumetric flow rate shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR part 60, appendix A, as appropriate.

(iii) To determine compliance with the 20 parts per million by volume TOC limit in paragraph (f)(2)(ii)(A)(*1*) of this section, the Sistersville Plant shall use Method 18 of 40 CFR part 60, appendix A to measure TOC minus methane and ethane. Alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of 40 CFR part 63, appendix A, may be used. The following procedures shall be used to calculate parts per million by volume concentration, corrected to 3 percent oxygen:

(A) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or a minimum of four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15 minute intervals during the run.

(B) The concentration of TOC minus methane and ethane (C_{TOC}) shall be calculated as the sum of the concentrations of the individual components, and shall be computed for each run using the following equation:

$$C_{TOC} = \sum_{i=1}^{x} \frac{\left(\sum_{j=1}^{n} C_{ji}\right)}{x}$$

Where:

C_{TOC}=Concentration of TOC (minus methane and ethane), dry basis, parts per million by volume.

C_{ji}=Concentration of sample components j of sample i, dry basis, parts per million by volume.

n=Number of components in the sample.

x=Number of samples in the sample run.

(C) The concentration of TOC shall be corrected to 3 percent oxygen if a combustion device is the control device.

(*1*) The emission rate correction factor or excess air, integrated sampling and analysis procedures of Method 3B of 40 CFR part 60, appendix A shall be used to determine the oxygen concentration ($\%O_{2d}$). The samples shall be taken during the same time that the TOC (minus methane or ethane) samples are taken.

(*2*) The concentration corrected to 3 percent oxygen (C_c) shall be computed using the following equation:

$$C_c = C_m\left(\frac{17.9}{20.9 \quad \%O_{2d}}\right)$$

Where:

C_c=Concentration of TOC corrected to 3 percent oxygen, dry basis, parts per million by volume.

C_m=Concentration of TOC (minus methane and ethane), dry basis, parts per million by volume.

$\%O_{2d}$=Concentration of oxygen, dry basis, percent by volume.

(iv) To determine compliance with the 98 percent reduction requirement of paragraph (f)(2)(ii)(A)(*1*) of this section, the Sistersville Plant shall use Method 18 of 40 CFR part 60, appendix A; alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of 40 CFR part 63, appendix A may be used. The following procedures shall be used to calculate percent reduction efficiency:

(A) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or a minimum of four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time such as 15 minute intervals during the run.

(B) The mass rate of TOC minus methane and ethane (E_i, E_o) shall be computed. All organic compounds (minus methane and ethane) measured by Method 18 of 40 CFR part 60, Appendix A are summed using the following equations:

$$E_i = K_2\left(\sum_{j=1}^{n} C_{ij}M_{ij}\right)Q_i$$

$$E_o = K_2\left(\sum_{j=1}^{n} C_{oj}M_{oj}\right)Q_o$$

Where:

C_{ij}, C_{oj}=Concentration of sample component j of the gas stream at the inlet and outlet of the control device, respectively, dry basis, parts per million by volume.

E_i, E_o=Mass rate of TOC (minus methane and ethane) at the inlet and outlet of the control device, respectively, dry basis, kilogram per hour.

M_{ij}, M_{oj}=Molecular weight of sample component j of the gas stream at the inlet and outlet of the control device, respectively, gram/gram-mole.

Q_i, Q_o=Flow rate of gas stream at the inlet and outlet of the control device, respectively, dry standard cubic meter per minute.

K_2=Constant, 2.494×10^{-6} (parts per million)$^{-1}$ (gram-mole per standard cubic meter) (kilogram/gram) (minute/hour), where standard temperature (gram-mole per standard cubic meter) is 20 °C.

(C) The percent reduction in TOC (minus methane and ethane) shall be calculated as follows:

$$R = \frac{E_i E_o}{E_i}(100)$$

Where:

R=Control efficiency of control device, percent.

E_i=Mass rate of TOC (minus methane and ethane) at the inlet to the control device as calculated under paragraph (f)(4)(iv)(B) of this section, kilograms TOC per hour.

E_o=Mass rate of TOC (minus methane and ethane) at the outlet of the control device, as calculated under paragraph (f)(4)(iv)(B) of this section, kilograms TOC per hour.

(5) At the time of the initial performance test of the process vent thermal incinerator required under paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall inspect each closed vent system according to the procedures specified in paragraphs (f)(5)(i) through (f)(5)(vi) of this section.

(i) The initial inspections shall be conducted in accordance with Method 21 of 40 CFR part 60, appendix A.

(ii) (A) Except as provided in paragraph (f)(5)(ii)(B) of this section, the detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response factor criteria in section 3.1.2(a) of Method 21 of 40 CFR part 60, appendix A shall be for the average composition of the process fluid not each individual volatile organic compound in the stream. For process streams that contain nitrogen, air, or other inerts which are not organic hazardous air pollutants or volatile organic compounds, the average stream response factor shall be calculated on an inert-free basis.

(B) If no instrument is available at the plant site that will meet the performance criteria specified in

paragraph (f)(5)(ii)(A) of this section, the instrument readings may be adjusted by multiplying by the average response factor of the process fluid, calculated on an inert-free basis as described in paragraph (f)(5)(ii)(A) of this section.

(iii) The detection instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR part 60, appendix A.

(iv) Calibration gases shall be as follows:

(A) Zero air (less than 10 parts per million hydrocarbon in air); and

(B) Mixtures of methane in air at a concentration less than 10,000 parts per million. A calibration gas other than methane in air may be used if the instrument does not respond to methane or if the instrument does not meet the performance criteria specified in paragraph (f)(5)(ii)(A) of this section. In such cases, the calibration gas may be a mixture of one or more of the compounds to be measured in air.

(v) The Sistersville Plant may elect to adjust or not adjust instrument readings for background. If the Sistersville Plant elects to not adjust readings for background, all such instrument readings shall be compared directly to the applicable leak definition to determine whether there is a leak. If the Sistersville Plant elects to adjust instrument readings for background, the Sistersville Plant shall measure background concentration using the procedures in 40 CFR 63.180(b) and (c). The Sistersville Plant shall subtract background reading from the maximum concentration indicated by the instrument.

(vi) The arithmetic difference between the maximum concentration indicated by the instrument and the background level shall be compared with 500 parts per million for determining compliance.

(6) Definitions of terms as used in paragraphs (f) and (g) of this section.

(i) Closed vent system is defined as a system that is not open to the atmosphere and that is composed of piping, connections and, if necessary, flow-inducing devices that transport gas or vapor from the capper unit process vent to the thermal incinerator.

(ii) No detectable emissions means an instrument reading of less than 500 parts per million by volume above background as determined by Method 21 in 40 CFR part 60.

(iii) Reuse includes the substitution of collected methanol (without reclamation subsequent to its collection) for virgin methanol as an ingredient (including uses as an intermediate) or as an effective substitute for a commercial product.

(iv) Recovery includes the substitution of collected methanol for virgin methanol as an ingredient (including uses as an intermediate) or as an effective substitute for a commercial product following reclamation of the methanol subsequent to its collection.

(v) Thermal recovery/treatment includes the use of collected methanol in fuels blending or as a feed to any combustion device to the extent permitted by federal and state law.

(vi) Bio-treatment includes the treatment of the collected methanol through introduction into a biological treatment system, including the treatment of the collected methanol as a waste stream in an on-site or off-site wastewater treatment system. Introduction of the collected methanol to the on-site wastewater treatment system will be limited to points downstream of the surface impoundments, and will be consistent with the requirements of federal and state law.

(vii) Start-up shall have the meaning set forth at 40 CFR 63.2.

(viii) Flow indicator means a device which indicates whether gas flow is present in the vent stream, and, if required by the permit for the thermal incinerator, which measures the gas flow in that stream.

(ix) Continuous Recorder means a data recording device that records an instantaneous data value at least once every fifteen minutes.

(x) MON means the National Emission Standards for Hazardous Air Pollutants for the source category Miscellaneous Organic Chemical Production and Processes ("MON"), promulgated under the authority of Section 112 of the Clean Air Act.

(xi) MON Compliance Date means the date 3 years after the effective date of the National Emission Standards for Hazardous Air Pollutants for the source category Miscellaneous Organic Chemical Production and Processes ("MON").

(7) OSi Specialties, Incorporated, a subsidiary of Witco Corporation ("OSi"), may seek to transfer its rights and obligations under this section to a future owner of the Sistersville Plant in accordance with the requirements of paragraphs (f)(7)(i) through (f)(7)(iii) of this section.

(i) OSi will provide to EPA a written notice of any proposed transfer at least forty-five days prior to the effective date of any such transfer. The written notice will identify the proposed transferee.

(ii) The proposed transferee will provide to EPA a written request to assume the rights and obligations under this section at least forty-five days prior to the effective date of any such transfer. The written request will describe the transferee's financial and technical capability to assume the obligations under this section, and will include a statement of the transferee's intention to fully comply with the terms of this section and to sign the Final Project Agreement for this XL Project as an additional party.

(iii) Within thirty days of receipt of both the written notice and written request described in paragraphs (f)(7)(i) and (f)(7)(ii) of this section, EPA will determine, based on all relevant information, whether to approve a transfer of rights and obligations under this section from OSi to a different owner.

(8) The constituents to be identified by the Sistersville Plant pursuant to paragraphs (f)(2)(vi)(C)(2)(ii) and (f)(2)(viii)(C)(5)(iii) of this section are: 1 Naphthalenamine; 1,2,4 Trichlorobenzene; 1,1 Dichloroethylene; 1,1,1 Trichloroethane; 1,1,1,2 Tetrachloroethane; 1,1,2 Trichloro 1,2,2 Triflouroethane; 1,1,2 Trichloroethane; 1,1,2,2 Tetrachloroethane; 1,2 Dichlorobenzene; 1,2 Dichloroethane; 1,2 Dichloropropane; 1,2 Dichloropropanone; 1,2 Transdichloroethene; 1,2, Trans— Dichloroethene; 1,2,4,5 Tetrachlorobenzine; 1,3 Dichlorobenzene; 1,4 Dichloro 2 butene; 1,4 Dioxane; 2 Chlorophenol; 2 Cyclohexyl 4,6 dinitrophenol; 2 Methyl Pyridine; 2 Nitropropane; 2, 4-Di-nitrotoluene; Acetone; Acetonitrile; Acrylonitrile; Allyl Alcohol; Aniline; Antimony; Arsenic; Barium; Benzene; Benzotrichloride; Benzyl Chloride; Beryllium; Bis (2 ethyl Hexyl) Phthalate; Butyl Alcohol, n; Butyl Benzyl Phthalate; Cadmium; Carbon Disulfide; Carbon Tetrachloride; Chlorobenzene; Chloroform; Chloromethane; Chromium; Chrysene; Copper; Creosol; Creosol, m-; Creosol, o; Creosol, p; Cyanide; Cyclohexanone; Di-n-octyl phthalate; Dichlorodiflouromethane; Diethyl Phthalate; Dihydrosafrole; Dimethylamine; Ethyl Acetate; Ethyl benzene; Ethyl Ether; Ethylene Glycol Ethyl Ether; Ethylene Oxide; Formaldehyde; Isobutyl Alcohol; Lead; Mercury; Methanol; Methoxychlor; Methyl Chloride; Methyl Chloroformate; Methyl Ethyl Ketone; Methyl Ethyl Ketone Peroxide; Methyl Isobutyl Ketone; Methyl Methacrylate; Methylene Bromide; Methylene Chloride; Naphthalene; Nickel; Nitrobenzene; Nitroglycerine; p-Toluidine; Phenol; Phthalic Anhydride; Polychlorinated Biphenyls; Propargyl Alcohol; Pyridine; Safrole; Selenium; Silver; Styrene; Tetrachloroethylene;

Tetrahydrofuran; Thallium; Toluene; Toluene 2,4 Diisocyanate; Trichloroethylene; Trichloroflouromethane; Vanadium; Vinyl Chloride; Warfarin; Xylene; Zinc.

(g) This section applies only to the facility commonly referred to as the OSi Specialties Plant, located on State Route 2, Sistersville, West Virginia ("Sistersville Plant").

(1)(i) No later than 18 months from the date the Sistersville Plant receives written notification of revocation of the temporary deferral for the Sistersville Plant under paragraph (f) of this section, the Sistersville Plant shall, in accordance with the implementation schedule submitted to EPA under paragraph (g)(1)(ii) of this section, either come into compliance with all requirements of this subpart which had been deferred by paragraph (f)(1)(i) of this section, or complete a facility or process modification such that the requirements of § 264.1085 are no longer applicable to the two hazardous waste surface impoundments. In any event, the Sistersville Plant must complete the requirements of the previous sentence no later than the MON Compliance Date; if the Sistersville Plant receives written notification of revocation of the temporary deferral after the date 18 months prior to the MON Compliance Date, the date by which the Sistersville Plant must complete the requirements of the previous sentence will be the MON Compliance Date, which would be less than 18 months from the date of notification of revocation.

(ii) Within 30 days from the date the Sistersville Plant receives written notification of revocation under paragraph (f)(3)(iv) of this section, the Sistersville Plant shall enter and maintain in the facility operating record an implementation schedule. The implementation schedule shall demonstrate that within 18 months from the date the Sistersville Plant receives written notification of revocation under paragraph (f)(3)(iv) of this section (but no later than the MON Compliance Date), the Sistersville Plant shall either come into compliance with the regulatory requirements that had been deferred by paragraph (f)(1)(i) of this section, or complete a facility or process modification such that the requirements of § 264.1085 are no longer applicable to the two hazardous waste surface impoundments. Within 30 days from the date the Sistersville Plant receives written notification of revocation under paragraph (f)(3)(iv) of this section, the Sistersville Plant shall submit a copy of the implementation schedule to the EPA and WVDEP Project XL contacts identified in paragraph (f)(2)(viii)(H) of this section. The implementation schedule shall reflect the Sistersville Plant's effort to come into compliance as soon as practicable (but no later than 18 months after the date the Sistersville Plant receives written notification of revocation, or the MON Compliance Date, whichever is sooner) with all regulatory requirements that had been deferred under paragraph (f)(1)(i) of this section, or to complete a facility or process modification as soon as practicable (but no later than 18 months after the date the Sistersville Plant receives written notification of revocation, or the MON Compliance Date, whichever is sooner) such that the requirements of § 264.1085 are no longer applicable to the two hazardous waste surface impoundments.

(iii) The implementation schedule shall include the information described in either paragraph (g)(1)(iii)(A) or (B) of this section.

(A) Specific calendar dates for: Award of contracts or issuance of purchase orders for the control equipment required by those regulatory requirements that had been deferred by paragraph (f)(1)(i) of this section; initiation of on-site installation of such control equipment; completion of the control equipment installation; performance of any testing to demonstrate that the installed control equipment meets the applicable standards of this subpart; initiation of operation of the control equipment; and compliance with all regulatory requirements that had been deferred by paragraph (f)(1)(i) of this section.

(B) Specific calendar dates for the purchase, installation, performance testing and initiation of operation of equipment to accomplish a facility or process modification such that the requirements of § 264.1085 are no longer applicable to the two hazardous waste surface impoundments.

(2) Nothing in paragraphs (f) or (g) of this section shall affect any regulatory requirements not referenced in paragraph (f)(2)(i) or (ii) of this section, as applicable to the Sistersville Plant.

(3) In the event that a notification of revocation is issued pursuant to paragraph (f)(3)(iv) of this section, the requirements referenced in paragraphs (f)(1)(iii) and (f)(1)(iv) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section, except as provided under paragraph (g)(4) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and subject to paragraph (g)(5) of this section, shall continue to be effective for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section at all times during that 18-month period.

(4) In the event that a notification of revocation is issued pursuant to paragraph (f)(3)(iv) of this section as a result of the permanent removal of the capper unit from methyl capped polyether production service, the requirements referenced in paragraphs (f)(1)(iii) and (f)(1)(iv) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi), and (g) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and subject to paragraph (g)(5) of this section, shall continue to be effective for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi) and (g) of this section at all times during that 18-month period.

(5) In no event shall the temporary deferral provided under paragraph (g)(3) or (g)(4) of this section be effective after the MON Compliance Date.

* * * * *

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

3. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

Subpart CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers

4. Section 265.1080 is amended by adding paragraphs (f) and (g) to read as follows:

§ 265.1080 Applicability.

* * * * *

(f) This section applies only to the facility commonly referred to as the OSi Specialties Plant, located on State Route 2, Sistersville, West Virginia ("Sistersville Plant").

(1)(i) Provided that the Sistersville Plant is in compliance with the requirements of paragraph (f)(2) of this section, the requirements referenced in paragraph (f)(1)(iii) of this section are temporarily deferred, as specified in paragraph (f)(3) of this section, with respect to the two hazardous waste surface impoundments at the Sistersville Plant. Beginning on the date that paragraph (f)(1)(ii) of this section is first implemented, the temporary deferral of this paragraph shall no longer be effective.

(ii)(A) In the event that a notice of revocation is issued pursuant to paragraph (f)(3)(iv) of this section, the requirements referenced in paragraph (f)(1)(iii) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section, except as provided under paragraph (f)(1)(ii)(B) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and continuing for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section at all times during that 18-month period. In no event shall the temporary deferral continue to be effective after the MON Compliance Date.

(B) In the event that a notification of revocation is issued pursuant to paragraph (f)(3)(iv) of this section as a result of the permanent removal of the capper unit from methyl capped polyether production service, the requirements referenced in paragraph (f)(1)(iii) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi), and (g) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and continuing for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi) and (g) of this section at all times during that 18-month period. In no event shall the temporary deferral continue to be effective after the MON Compliance Date.

(iii) The standards in § 265.1086 of this part, and all requirements referenced in or by § 265.1086 that otherwise would apply to the two hazardous waste surface impoundments, including the closed-vent system and control device requirements of § 265.1088 of this part.

(2) Notwithstanding the effective period and revocation provisions in paragraph (f)(3) of this section, the temporary deferral provided in paragraph (f)(1)(i) of this section is effective only if the Sistersville Plant meets the requirements of paragraph (f)(2) of this section.

(i) The Sistersville Plant shall install an air pollution control device on the polyether methyl capper unit ("capper unit"), implement a methanol recovery operation, and implement a waste minimization/pollution prevention ("WMPP") project. The installation and implementation of these requirements shall be conducted according to the schedule described in paragraphs (f)(2)(i) and (f)(2)(vi) of this section.

(A) The Sistersville Plant shall complete the initial start-up of a thermal incinerator on the capper unit's process vents from the first stage vacuum pump, from the flash pot and surge tank, and from the water stripper, no later than April 1, 1998.

(B) The Sistersville Plant shall provide to the EPA and the West Virginia Department of Environmental Protection, written notification of the actual date of initial start-up of the thermal incinerator, and commencement of the methanol recovery operation. The Sistersville Plant shall submit this written notification as soon as practicable, but in no event later than 15 days after such events.

(ii) The Sistersville Plant shall install and operate the capper unit process vent thermal incinerator according to the requirements of paragraphs (f)(2)(ii)(A) through (f)(2)(ii)(D) of this section.

(A) Capper unit process vent thermal incinerator.

(*1*) Except as provided under paragraph (f)(2)(ii)(D) of this section, the Sistersville Plant shall operate the process vent thermal incinerator such that the incinerator reduces the total organic compounds ("TOC") from the process vent streams identified in paragraph (f)(2)(i)(A) of this section, by 98 weight-percent, or to a concentration of 20 parts per million by volume, on a dry basis, corrected to 3 percent oxygen, whichever is less stringent.

(*i*) Prior to conducting the initial performance test required under paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall operate the thermal incinerator at or above a minimum temperature of 1600 Fahrenheit.

(*ii*) After the initial performance test required under paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall operate the thermal incinerator at or above the minimum temperature established during that initial performance test.

(*iii*) The Sistersville Plant shall operate the process vent thermal incinerator at all times that the capper unit is being operated to manufacture product.

(*2*) The Sistersville Plant shall install, calibrate, and maintain all air pollution control and monitoring equipment described in paragraphs (f)(2)(i)(A) and (f)(2)(ii)(B)(*3*) of this section, according to the manufacturer's specifications, or other written procedures that provide adequate assurance that the equipment can reasonably be expected to control and monitor accurately, and in a manner consistent with good engineering practices during all periods when emissions are routed to the unit.

(B) The Sistersville Plant shall comply with the requirements of paragraphs (f)(2)(ii)(B)(*1*) through (f)(2)(ii)(B)(*3*) of this section for performance testing and monitoring of the capper unit process vent thermal incinerator.

(*1*) Within sixty (120) days after thermal incinerator initial start-up, the Sistersville Plant shall conduct a performance test to determine the minimum temperature at which compliance with the emission reduction requirement specified in paragraph (f)(4) of this section is achieved. This determination shall be made by measuring TOC minus methane and ethane, according to the procedures specified in paragraph (f)(2)(ii)(B) of this section.

(*2*) The Sistersville Plant shall conduct the initial performance test in accordance with the standards set forth in paragraph (f)(4) of this section.

(*3*) Upon initial start-up, the Sistersville Plant shall install, calibrate, maintain and operate, according to manufacturer's specifications and in a manner consistent with good engineering practices, the monitoring equipment described in paragraphs (f)(2)(ii)(B)(*3*)(*i*) through (f)(2)(ii)(B)(*3*)(*iii*) of this section.

(*i*) A temperature monitoring device equipped with a continuous recorder. The temperature monitoring device shall be installed in the firebox or in the duct work immediately downstream of the firebox in a position before any substantial heat exchange is encountered.

(*ii*) A flow indicator that provides a record of vent stream flow to the incinerator at least once every fifteen minutes. The flow indicator shall be installed in the vent stream from the process vent at a point closest to the inlet of the incinerator.

(*iii*) If the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device shall be equipped with either a bypass flow indicator or a seal or locking device as specified in this paragraph. For the purpose of complying with this paragraph, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure relief valves, and other fittings used for safety purposes are not considered to be bypass devices. If a bypass flow indicator is used to comply with this paragraph, the bypass flow indicator shall be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. If a seal or locking device (e.g. car-seal or lock-and-key configuration) is used to comply with this paragraph, the device shall be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle, damper levels) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. The Sistersville Plant shall visually inspect the seal or locking device at least once every month to verify that the bypass mechanism is maintained in the closed position.

(C) The Sistersville Plant shall keep on-site an up-to-date, readily accessible record of the information described in paragraphs (f)(2)(ii)(C)(*1*) through (f)(2)(ii)(C)(*4*) of this section.

(*1*) Data measured during the initial performance test regarding the firebox temperature of the incinerator and the percent reduction of TOC achieved by the incinerator, and/or such other information required in addition to or in lieu of that information by the WVDEP in its approval of equivalent test methods and procedures.

(*2*) Continuous records of the equipment operating procedures specified to be monitored under paragraph (f)(2)(ii)(B)(*3*) of this section, as well as records of periods of operation during which the firebox temperature falls below the minimum temperature established under paragraph (f)(2)(ii)(A)(*1*) of this section.

(*3*) Records of all periods during which the vent stream has no flow rate to the extent that the capper unit is being operated during such period.

(*4*) Records of all periods during which there is flow through a bypass device.

(D) The Sistersville Plant shall comply with the start-up, shutdown, maintenance and malfunction requirements contained in paragraphs (f)(2)(ii)(D)(*1*) through (f)(2)(ii)(D)(*6*) of this section, with respect to the capper unit process vent incinerator.

(*1*) The Sistersville Plant shall develop and implement a Start-up, Shutdown and Malfunction Plan as required by the provisions set forth in paragraph (f)(2)(ii)(D) of this section. The plan shall describe, in detail, procedures for operating and maintaining the thermal incinerator during periods of start-up, shutdown and malfunction, and a program of corrective action for malfunctions of the thermal incinerator.

(*2*) The plan shall include a detailed description of the actions the Sistersville Plant will take to perform the functions described in paragraphs (f)(2)(ii)(D)(*2*)(*i*) through (f)(2)(ii)(D)(*2*)(*iii*) of this section.

(*i*) Ensure that the thermal incinerator is operated in a manner consistent with good air pollution control practices.

(*ii*) Ensure that the Sistersville Plant is prepared to correct malfunctions as soon as practicable after their occurrence in order to minimize excess emissions.

(*iii*) Reduce the reporting requirements associated with periods of start-up, shutdown and malfunction.

(*3*) During periods of start-up, shutdown and malfunction, the Sistersville Plant shall maintain the process unit and the associated thermal incinerator in accordance with the procedures set forth in the plan.

(*4*) The plan shall contain record keeping requirements relating to periods of start-up, shutdown or malfunction, actions taken during such periods in conformance with the plan, and any failures to act in conformance with the plan during such periods.

(*5*) During periods of maintenance or malfunction of the thermal incinerator, the Sistersville Plant may continue to operate the capper unit, provided that operation of the capper unit without the thermal incinerator shall be limited to no more than 240 hours each calendar year.

(*6*) For the purposes of paragraph (f)(2)(iii)(D) of this section, the Sistersville Plant may use its operating procedures manual, or a plan developed for other reasons, provided that plan meets the requirements of paragraph (f)(2)(iii)(D) of this section for the start-up, shutdown and malfunction plan.

(iii) The Sistersville Plant shall operate the closed-vent system in accordance with the requirements of paragraphs (f)(2)(iii)(A) through (f)(2)(iii)(D) of this section.

(A) Closed-vent system.

(*1*) At all times when the process vent thermal incinerator is operating, the Sistersville Plant shall route the vent streams identified in paragraph (f)(2)(i) of this section from the capper unit to the thermal incinerator through a closed-vent system.

(*2*) The closed-vent system will be designed for and operated with no detectable emissions, as defined in paragraph (f)(6) of this section.

(B) The Sistersville Plant will comply with the performance standards set forth in paragraph (f)(2)(iii)(A)(*1*) of this section on and after the date on which the initial performance test referenced in paragraph (f)(2)(ii)(B) of this section is completed, but no later than sixty (60) days after the initial start-up date.

(C) The Sistersville Plant shall comply with the monitoring requirements of paragraphs (f)(2)(iii)(C)(*1*) through (f)(2)(iii)(C)(*3*) of this section, with respect to the closed-vent system.

(*1*) At the time of the performance test described in paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall inspect the closed-vent system as specified in paragraph (f)(5) of this section.

(*2*) At the time of the performance test described in paragraph (f)(2)(ii)(B) of this section, and annually thereafter, the Sistersville Plant shall inspect the closed-vent system for visible, audible, or olfactory indications of leaks.

(*3*) If at any time a defect or leak is detected in the closed-vent system, the Sistersville Plant shall repair the defect or leak in accordance with the requirements of paragraphs (f)(2)(iii)(C)(*3*)(*i*) and (f)(2)(iii)(C)(*3*)(*ii*) of this section.

(*i*) The Sistersville Plant shall make first efforts at repair of the defect no later than five (5) calendar days after detection, and repair shall be completed as soon as possible but no later than forty-five (45) calendar days after detection.

(*ii*) The Sistersville Plant shall maintain a record of the defect repair in accordance with the requirements specified in paragraph (f)(2)(iii)(D) of this section.

(D) The Sistersville Plant shall keep on-site up-to-date, readily accessible records of the inspections and repairs required to be performed by paragraph (f)(2)(iii) of this section.

(iv) The Sistersville Plant shall operate the methanol recovery operation in accordance with paragraphs (f)(2)(iv)(A) through (f)(2)(iv)(C) of this section.

(A) The Sistersville Plant shall operate the condenser associated with the methanol recovery operation at all times during which the capper unit is being operated to manufacture product.

(B) The Sistersville Plant shall comply with the monitoring requirements described in paragraphs (f)(2)(B)(*1*) through (f)(2)(B)(*3*) of this section, with respect to the methanol recovery operation.

(*1*) The Sistersville Plant shall perform measurements necessary to determine the information described in paragraphs (f)(2)(iv)(B)(*1*)(*i*) and (f)(2)(iv)(B)(*1*)(*ii*) of this section to demonstrate the percentage recovery by weight of the methanol contained in the influent gas stream to the condenser.

(*i*) Information as is necessary to calculate the annual amount of methanol generated by operating the capper unit.

(*ii*) The annual amount of methanol recovered by the condenser associated with the methanol recovery operation.

(*2*) The Sistersville Plant shall install, calibrate, maintain and operate according to manufacturer specifications, a temperature monitoring device with a continuous recorder for the condenser associated with the methanol recovery operation, as an indicator that the condenser is operating.

(*3*) The Sistersville Plant shall record the dates and times during which the capper unit and the condenser are operating.

(C) The Sistersville Plant shall keep on-site up-to-date, readily-accessible records of the parameters specified to be monitored under paragraph (f)(2)(iv)(B) of this section.

(v) The Sistersville Plant shall comply with the requirements of paragraphs (f)(2)(v)(A) through (f)(2)(v)(C) of this section for the disposition of methanol collected by the methanol recovery operation.

(A) On an annual basis, the Sistersville Plant shall ensure that a minimum of 95% by weight of the methanol collected by the methanol recovery operation (also referred to as the "collected methanol") is utilized for reuse, recovery, or thermal recovery/ treatment. The Sistersville Plant may use the methanol on-site, or may transfer or sell the methanol for reuse, recovery, or thermal recovery/treatment at other facilities.

(*1*) Reuse. To the extent reuse of all of the collected methanol destined for reuse, recovery, or thermal recovery is not economically feasible, the Sistersville Plant shall ensure the residual portion is sent for recovery, as defined in paragraph (f)(6) of this section, except as provided in paragraph (f)(2)(v)(A)(*2*) of this section.

(*2*) Recovery. To the extent that reuse or recovery of all the collected methanol destined for reuse, recovery, or thermal recovery is not economically feasible, the Sistersville Plant shall ensure that the residual portion is sent for thermal recovery/treatment, as defined in paragraph (f)(6) of this section.

(*3*) The Sistersville Plant shall ensure that, on an annual basis, no more than 5% of the methanol collected by the methanol recovery operation is subject to bio-treatment.

(*4*) In the event the Sistersville Plant receives written notification of revocation pursuant to paragraph (f)(3)(iv) of this section, the percent limitations set forth under paragraph (f)(2)(v)(A) of this section shall no longer be applicable, beginning on the date of receipt of written notification of revocation.

(B) The Sistersville Plant shall perform such measurements as are necessary to determine the pounds of collected methanol directed to reuse, recovery, thermal recovery/treatment and bio-treatment, respectively, on a monthly basis.

(C) The Sistersville Plant shall keep on-site up-to-date, readily accessible records of the amounts of collected methanol directed to reuse, recovery, thermal recovery/treatment and bio-treatment necessary for the measurements required under paragraph (f)(2)(iv)(B) of this section.

(vi) The Sistersville Plant shall perform a WMPP project in accordance with the requirements and schedules set forth in paragraphs (f)(2)(vi)(A) through (f)(2)(vi)(C) of this section.

(A) In performing the WMPP Project, the Sistersville Plant shall use a Study Team and an Advisory Committee as described in paragraphs (f)(2)(vi)(A)(*1*) through (f)(2)(vi)(A)(*6*) of this section.

(*1*) At a minimum, the multi-functional Study Team shall consist of Sistersville Plant personnel from appropriate plant departments (including both management and employees) and an independent contractor. The Sistersville Plant shall select a contractor that has experience and training in WMPP in the chemical manufacturing industry.

(*2*) The Sistersville Plant shall direct the Study Team such that the team performs the functions described in paragraphs (f)(2)(vi)(A)(*2*)(*i*) through (f)(2)(vi)(A)(*2*)(*v*) of this section.

(*i*) Review Sistersville Plant operations and waste streams.

(*ii*) Review prior WMPP efforts at the Sistersville Plant.

(*iii*) Develop criteria for the selection of waste streams to be evaluated for the WMPP Project.

(*iv*) Identify and prioritize the waste streams to be evaluated during the study phase of the WMPP Project, based on the criteria described in paragraph (f)(2)(vi)(A)(*2*)(*iii*) of this section.

(*v*) Perform the WMPP Study as required by paragraphs (f)(2)(vi)(A)(*3*) through (f)(2)(vi)(A)(*5*), paragraph (f)(2)(vi)(B), and paragraph (f)(2)(vi)(C) of this section.

(*3*)(*i*) The Sistersville Plant shall establish an Advisory Committee consisting of a representative from EPA, a representative from WVDEP, the Sistersville Plant Manager, the Sistersville Plant Director of Safety, Health and Environmental Affairs, and a stakeholder representative(s).

(*ii*) The Sistersville Plant shall select the stakeholder representative(s) by mutual agreement of EPA, WVDEP and the Sistersville Plant no later than 20 days after receiving from EPA and WVDEP the names of their respective committee members.

(*4*) The Sistersville Plant shall convene a meeting of the Advisory Committee no later than thirty days after selection of the stakeholder representatives, and shall convene meetings periodically thereafter as necessary for the Advisory Committee to perform its assigned functions. The Sistersville Plant shall direct the Advisory Committee to perform the functions described in paragraphs (f)(2)(vi)(A)(*4*)(*i*) through (f)(2)(vi)(A)(*4*)(*iii*) of this section.

(*i*) Review and comment upon the Study Team's criteria for selection of waste streams, and the Study Team's identification and prioritization of the waste streams to be evaluated during the WMPP Project.

(*ii*) Review and comment upon the Study Team progress reports and the draft WMPP Study Report.

(*iii*) Periodically review the effectiveness of WMPP opportunities implemented as part of the WMPP Project, and, where appropriate, WMPP opportunities previously determined to be infeasible by the Sistersville Plant but which had potential for feasibility in the future.

(*5*) Beginning on January 15, 1998, and every ninety (90) days thereafter until submission of the final WMPP Study Report required by paragraph (f)(2)(vi)(C) of this section, the Sistersville Plant shall direct the Study Team to submit a progress report to the

Advisory Committee detailing its efforts during the prior ninety (90) day period.

(B) The Sistersville Plant shall ensure that the WMPP Study and the WMPP Study Report meet the requirements of paragraphs (f)(2)(vi)(B)(*1*) through (f)(2)(vi)(B)(*3*) of this section.

(*1*) The WMPP Study shall consist of a technical, economic, and regulatory assessment of opportunities for source reduction and for environmentally sound recycling for waste streams identified by the Study Team.

(*2*) The WMPP Study shall evaluate the source, nature, and volume of the waste streams; describe all the WMPP opportunities identified by the Study Team; provide a feasibility screening to evaluate the technical and economical feasibility of each of the WMPP opportunities; identify any cross-media impacts or any anticipated transfers of risk associated with each feasible WMPP opportunity; and identify the projected economic savings and projected quantitative waste reduction estimates for each WMPP opportunity identified.

(*3*) No later than October 19, 1998, the Sistersville Plant shall prepare and submit to the members of the Advisory Committee a draft WMPP Study Report which, at a minimum, includes the results of the WMPP Study, identifies WMPP opportunities the Sistersville Plant determines to be feasible, discusses the basis for excluding other opportunities as not feasible, and makes recommendations as to whether the WMPP Study should be continued. The members of the Advisory Committee shall provide any comments to the Sistersville Plant within thirty (30) days of receiving the WMPP Study Report.

(C) Within thirty (30) days after receipt of comments from the members of the Advisory Committee, the Sistersville Plant shall submit to EPA and WVDEP a final WMPP Study Report which identifies those WMPP opportunities the Sistersville Plant determines to be feasible and includes an implementation schedule for each such WMPP opportunity. The Sistersville Plant shall make reasonable efforts to implement all feasible WMPP opportunities in accordance with the priorities identified in the implementation schedule.

(*1*) For purposes of this section, a WMPP opportunity is feasible if the Sistersville Plant considers it to be technically feasible (taking into account engineering and regulatory factors, product line specifications and customer needs) and economically practical (taking into account the full environmental costs and benefits associated with the WMPP opportunity and the company's internal requirements for approval of capital projects). For purposes of the WMPP Project, the Sistersville Plant shall use "An Introduction to Environmental Accounting as a Business Management Tool," (EPA 742/R–95/001) as one tool to identify the full environmental costs and benefits of each WMPP opportunity.

(*2*) In implementing each WMPP opportunity, the Sistersville Plant shall, after consulting with the other members of the Advisory Committee, develop appropriate protocols and methods for determining the information required by paragraphs (f)(2)(vi)(*2*)(*i*) through (f)(2)(vi)(*2*)(*iii*) of this section.

(*i*) The overall volume of wastes reduced.

(*ii*) The quantities of each constituent identified in paragraph (f)(8) of this section reduced in the wastes.

(*iii*) The economic benefits achieved.

(*3*) No requirements of paragraph (f)(2)(vi) of this section are intended to prevent or restrict the Sistersville Plant from evaluating and implementing any WMPP opportunities at the Sistersville Plant in the normal course of its operations or from implementing, prior to the completion of the WMPP Study, any WMPP opportunities identified by the Study Team.

(vii) The Sistersville Plant shall maintain on-site each record required by paragraph (f)(2) of this section, through the MON Compliance Date.

(viii) The Sistersville Plant shall comply with the reporting requirements of paragraphs (f)(2)(viii)(A) through (f)(2)(viii)(G) of this section.

(A) At least sixty days prior to conducting the initial performance test of the thermal incinerator, the Sistersville Plant shall submit to EPA and WVDEP copies of a notification of performance test, as described in 40 CFR 63.7(b). Following the initial performance test of the thermal incinerator, the Sistersville Plant shall submit to EPA and WVDEP copies of the performance test results that include the information relevant to initial performance tests of thermal incinerators contained in 40 CFR 63.7(g)(1), 40 CFR 63.117(a)(4)(i), and 40 CFR 63.117(a)(4)(ii).

(B) Beginning in 1999, on January 31 of each year, the Sistersville Plant shall submit a semiannual written report to the EPA and WVDEP, with respect to the preceding six month period ending on December 31, which contains the information described in paragraphs (f)(2)(viii)(B)(*1*) through (f)(2)(viii)(B)(*10*) of this section.

(*1*) Instances of operating below the minimum operating temperature established for the thermal incinerator under paragraph (f)(2)(ii)(A)(*1*) of this section which were not corrected within 24 hours of onset.

(*2*) Any periods during which the capper unit was being operated to manufacture product while the flow indicator for the vent streams to the thermal incinerator showed no flow.

(*3*) Any periods during which the capper unit was being operated to manufacture product while the flow indicator for any bypass device on the closed vent system to the thermal incinerator showed flow.

(*4*) Information required to be reported during that six month period under the preconstruction permit issued under the state permitting program approved under subpart XX of 40 CFR Part 52—Approval and Promulgation of Implementation Plans for West Virginia.

(*5*) Any periods during which the capper unit was being operated to manufacture product while the condenser associated with the methanol recovery operation was not in operation.

(*6*) The amount (in pounds and by month) of methanol collected by the methanol recovery operation during the six month period.

(*7*) The amount (in pounds and by month) of collected methanol utilized for reuse, recovery, thermal recovery/treatment, or bio-treatment, respectively, during the six month period.

(*8*) The calculated amount (in pounds and by month) of methanol generated by operating the capper unit.

(*9*) The status of the WMPP Project, including the status of developing the WMPP Study Report.

(*10*) Beginning in the year after the Sistersville Plant submits the final WMPP Study Report required by paragraph (f)(2)(vi)(C) of this section, and continuing in each subsequent Semiannual Report required by paragraph (f)(2)(viii)(B) of this section, the Sistersville Plant shall report on the progress of the implementation of feasible WMPP opportunities identified in the WMPP Study Report. The Semiannual Report required by paragraph (f)(2)(viii)(B) of this section shall identify any cross-media impacts or impacts to worker safety or community health issues that have occurred as a result of implementation of the feasible WMPP opportunities.

(C) Beginning in 1999, on July 31 of each year, the Sistersville Plant shall provide an Annual Project Report to the EPA and WVDEP Project XL contacts containing the information required by paragraphs (f)(2)(viii)(C)(*1*) through (f)(2)(viii)(C)(*8*) of this section.

(*1*) The categories of information required to be submitted under

paragraphs (f)(2)(viii)(B)(*1*) through (f)(2)(viii)(B)(*8*) of this section, for the preceding 12 month period ending on June 30.

(*2*) An updated Emissions Analysis for January through December of the preceding calendar year. The Sistersville Plant shall submit the updated Emissions Analysis in a form substantially equivalent to the previous Emissions Analysis prepared by the Sistersville Plant to support Project XL. The Emissions Analysis shall include a comparison of the volatile organic emissions associated with the capper unit process vents and the wastewater treatment system (using the EPA Water 8 model or other model agreed to by the Sistersville Plant, EPA and WVDEP) under Project XL with the expected emissions from those sources absent Project XL during that period.

(*3*) A discussion of the Sistersville Plant's performance in meeting the requirements of this section, specifically identifying any areas in which the Sistersville Plant either exceeded or failed to achieve any such standard.

(*4*) A description of any unanticipated problems in implementing the XL Project and any steps taken to resolve them.

(*5*) A WMPP Implementation Report that contains the information contained in paragraphs paragraphs (f)(2)(viii)(C)(5)(i) through (viii)(C)(5)(vi) of this section.

(*i*) A summary of the WMPP opportunities selected for implementation.

(*ii*) A description of the WMPP opportunities initiated and/or completed.

(*iii*) Reductions in volume of waste generated and amounts of each constituent reduced in wastes including any constituents identified in paragraph (f)(8) of this section.

(*iv*) An economic benefits analysis.

(*v*) A summary of the results of the Advisory Committee's review of implemented WMPP opportunities.

(*vi*) A reevaluation of WMPP opportunities previously determined to be infeasible by the Sistersville Plant but which had potential for future feasibility.

(*6*) An assessment of the nature of, and the successes or problems associated with, the Sistersville Plant's interaction with the federal and state agencies under the Project.

(*7*) An update on stakeholder involvement efforts.

(*8*) An evaluation of the Project as implemented against the Project XL Criteria and the baseline scenario.

(D) The Sistersville Plant shall submit to the EPA and WVDEP Project XL contacts a written Final Project Report covering the period during which the temporary deferral was effective, as described in paragraph (f)(3) of this section.

(*1*) The Final Project Report shall contain the information required to be submitted for the Semiannual Report required under paragraph (f)(2)(viii)(B) of this section, and the Annual Project Report required under paragraph (f)(2)(viii)(C) of this section.

(*2*) The Sistersville Plant shall submit the Final Project Report to EPA and WVDEP no later than 180 days after the temporary deferral of paragraph (f)(1) of this section is revoked, or 180 days after the MON Compliance Date, whichever occurs first.

(E)(*1*) The Sistersville Plant shall retain on-site a complete copy of each of the report documents to be submitted to EPA and WVDEP in accordance with requirements under paragraph (f)(2) of this section. The Sistersville Plant shall retain this record until 180 days after the MON Compliance Date. The Sistersville Plant shall provide to stakeholders and interested parties a written notice of availability (to be mailed to all persons on the Project mailing list and to be provided to at least one local newspaper of general circulation) of each such document, and provide a copy of each document to any such person upon request, subject to the provisions of 40 CFR part 2.

(*2*) Any reports or other information submitted to EPA or WVDEP may be released to the public pursuant to the Federal Freedom of Information Act (42 U.S.C. 552 *et seq.*), subject to the provisions of 40 CFR part 2.

(F) The Sistersville Plant shall make all supporting monitoring results and records required under paragraph (f)(2) of this section available to EPA and WVDEP within a reasonable amount of time after receipt of a written request from those Agencies, subject to the provisions of 40 CFR Part 2.

(G) Each report submitted by the Sistersville Plant under the requirements of paragraph (f)(2) of this section shall be certified by a Responsible Corporate Officer, as defined in 40 CFR 270.11(a)(1).

(H) For each report submitted in accordance with paragraph (f)(2) of this section, the Sistersville Plant shall send one copy each to the addresses in paragraphs (f)(2)(viii) (H)(1) through (H)(3) of this section.

(*1*) U.S. EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103–2029, Attention Tad Radzinski, Mail Code 3WC11.

(*2*) U.S. EPA, 401 M Street SW, Washington, DC 20460, Attention L. Nancy Birnbaum, Mail Code 2129.

(*3*) West Virginia Division of Environmental Protection, Office of Air Quality, 1558 Washington Street East, Charleston, WV 25311–2599, Attention John H. Johnston.

(3) Effective period and revocation of temporary deferral.

(i) The temporary deferral contained in this section is effective from April 1, 1998, and shall remain effective until the MON Compliance Date. The temporary deferral contained in this section may be revoked prior to the MON Compliance Date, as described in paragraph (f)(3)(iv) of this section.

(ii) On the MON Compliance Date, the temporary deferral contained in this section will no longer be effective.

(iii) The Sistersville Plant shall come into compliance with those requirements deferred by this section no later than the MON Compliance Date. No later than 18 months prior to the MON Compliance Date, the Sistersville Plant shall submit to EPA an implementation schedule that meets the requirements of paragraph (g)(1)(iii) of this section.

(iv) The temporary deferral contained in this section may be revoked for cause, as determined by EPA, prior to the MON Compliance Date. The Sistersville Plant may request EPA to revoke the temporary deferral contained in this section at any time. The revocation shall be effective on the date that the Sistersville Plant receives written notification of revocation from EPA.

(v) Nothing in this section shall affect the provisions of the MON, as applicable to the Sistersville Plant.

(vi) Nothing in paragrahs (f) or (g) of this section shall affect any regulatory requirements not referenced in paragraph (f)(1)(iii) of this section, as applicable to the Sistersville Plant.

(4) The Sistersville Plant shall conduct the initial performance test required by paragraph (f)(2)(ii)(B) of this section using the procedures in paragraph (f)(4) of this section. The organic concentration and percent reduction shall be measured as TOC minus methane and ethane, according to the procedures specified in paragraph (f)(4) of this section.

(i) Method 1 or 1A of 40 CFR part 60, appendix A, as appropriate, shall be used for selection of the sampling sites.

(A) To determine compliance with the 98 percent reduction of TOC requirement of paragraph (f)(2)(ii)(A)(*1*) of this section, sampling sites shall be located at the inlet of the control device after the final product recovery device, and at the outlet of the control device.

(B) To determine compliance with the 20 parts per million by volume TOC limit in paragraph (f)(2)(ii)(A)(*1*) of this section, the sampling site shall be located at the outlet of the control device.

(ii) The gas volumetric flow rate shall be determined using Method 2, 2A, 2C, or 2D of 40 CFR part 60, appendix A, as appropriate.

(iii) To determine compliance with the 20 parts per million by volume TOC limit in paragraph (f)(2)(ii)(A)(*1*) of this section, the Sistersville Plant shall use Method 18 of 40 CFR part 60, appendix A to measure TOC minus methane and ethane. Alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of 40 CFR part 63, appendix A, may be used. The following procedures shall be used to calculate parts per million by volume concentration, corrected to 3 percent oxygen:

(A) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or a minimum of four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15 minute intervals during the run.

(B) The concentration of TOC minus methane and ethane (C_{TOC}) shall be calculated as the sum of the concentrations of the individual components, and shall be computed for each run using the following equation:

$$C_{TOC} = \sum_{i=1}^{x} \frac{\left(\sum_{j=1}^{n} C_{ji}\right)}{x}.$$

Where:

C_{TOC}=Concentration of TOC (minus methane and ethane), dry basis, parts per million by volume.

C_{ji}=Concentration of sample components j of sample i, dry basis, parts per million by volume.

n=Number of components in the sample.

x=Number of samples in the sample run.

(C) The concentration of TOC shall be corrected to 3 percent oxygen if a combustion device is the control device.

(*1*) The emission rate correction factor or excess air, integrated sampling and analysis procedures of Method 3B of 40 CFR part 60, appendix A shall be used to determine the oxygen concentration ($\%O_{2d}$). The samples shall be taken during the same time that the TOC (minus methane or ethane) samples are taken.

(*2*) The concentration corrected to 3 percent oxygen (C_c) shall be computed using the following equation:

$$C_c = C_m\left(\frac{17.9}{20.9 \quad \%O_{2d}}\right)$$

Where:

C_c=Concentration of TOC corrected to 3 percent oxygen, dry basis, parts per million by volume.

C_m=Concentration of TOC (minus methane and ethane), dry basis, parts per million by volume.

$\%O_{2d}$=Concentration of oxygen, dry basis, percent by volume.

(iv) To determine compliance with the 98 percent reduction requirement of paragraph (f)(2)(ii)(A)(*1*) of this section, the Sistersville Plant shall use Method 18 of 40 CFR part 60, appendix A; alternatively, any other method or data that has been validated according to the applicable procedures in Method 301 of 40 CFR part 63, appendix A may be used. The following procedures shall be used to calculate percent reduction efficiency:

(A) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or a minimum of four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time such as 15 minute intervals during the run.

(B) The mass rate of TOC minus methane and ethane (E_i, E_o) shall be computed. All organic compounds (minus methane and ethane) measured by Method 18 of 40 CFR part 60, Appendix A are summed using the following equations:

$$E_i = K_2\left(\sum_{j=1}^{n} C_{ij}M_{ij}\right)Q_i$$

$$E_o = K_2\left(\sum_{j=1}^{n} C_{oj}M_{oj}\right)Q_o$$

Where:

C_{ij}, C_{oj}=Concentration of sample component j of the gas stream at the inlet and outlet of the control device, respectively, dry basis, parts per million by volume.

E_i, E_o=Mass rate of TOC (minus methane and ethane) at the inlet and outlet of the control device, respectively, dry basis, kilogram per hour.

M_{ij}, M_{oj}=Molecular weight of sample component j of the gas stream at the inlet and outlet of the control device, respectively, gram/gram-mole.

Q_i, Q_o=Flow rate of gas stream at the inlet and outlet of the control device, respectively, dry standard cubic meter per minute.

K_2=Constant, 2.494×10^{-6} (parts per million)$^{-1}$ (gram-mole per standard cubic meter) (kilogram/gram) (minute/hour), where standard temperature (gram-mole per standard cubic meter) is 20 °C.

(C) The percent reduction in TOC (minus methane and ethane) shall be calculated as follows:

$$R = \frac{E_i E_o}{E_i}(100)$$

where:

R=Control efficiency of control device, percent.

E_i=Mass rate of TOC (minus methane and ethane) at the inlet to the control device as calculated under paragraph (f)(4)(iv)(B) of this section, kilograms TOC per hour.

E_o=Mass rate of TOC (minus methane and ethane) at the outlet of the control device, as calculated under paragraph (f)(4)(iv)(B) of this section, kilograms TOC per hour.

(5) At the time of the initial performance test of the process vent thermal incinerator required under paragraph (f)(2)(ii)(B) of this section, the Sistersville Plant shall inspect each closed vent system according to the procedures specified in paragraphs (f)(5)(i) through (f)(5)(vi) of this section.

(i) The initial inspections shall be conducted in accordance with Method 21 of 40 CFR part 60, appendix A.

(ii)(A) Except as provided in paragraph (f)(5)(ii)(B) of this section, the detection instrument shall meet the performance criteria of Method 21 of 40 CFR part 60, appendix A, except the instrument response factor criteria in section 3.1.2(a) of Method 21 of 40 CFR part 60, appendix A shall be for the average composition of the process fluid not each individual volatile organic compound in the stream. For process streams that contain nitrogen, air, or other inerts which are not organic hazardous air pollutants or volatile organic compounds, the average stream response factor shall be calculated on an inert-free basis.

(B) If no instrument is available at the plant site that will meet the performance criteria specified in paragraph (f)(5)(ii)(A) of this section, the instrument readings may be adjusted by multiplying by the average response factor of the process fluid, calculated on an inert-free basis as described in paragraph (f)(5)(ii)(A) of this section.

(iii) The detection instrument shall be calibrated before use on each day of its use by the procedures specified in

Method 21 of 40 CFR part 60, appendix A.

(iv) Calibration gases shall be as follows:

(A) Zero air (less than 10 parts per million hydrocarbon in air); and

(B) Mixtures of methane in air at a concentration less than 10,000 parts per million. A calibration gas other than methane in air may be used if the instrument does not respond to methane or if the instrument does not meet the performance criteria specified in paragraph (f)(5)(ii)(A) of this section. In such cases, the calibration gas may be a mixture of one or more of the compounds to be measured in air.

(v) The Sistersville Plant may elect to adjust or not adjust instrument readings for background. If the Sistersville Plant elects to not adjust readings for background, all such instrument readings shall be compared directly to the applicable leak definition to determine whether there is a leak. If the Sistersville Plant elects to adjust instrument readings for background, the Sistersville Plant shall measure background concentration using the procedures in 40 CFR 63.180(b) and (c). The Sistersville Plant shall subtract background reading from the maximum concentration indicated by the instrument.

(vi) The arithmetic difference between the maximum concentration indicated by the instrument and the background level shall be compared with 500 parts per million for determining compliance.

(6) Definitions of terms as used in paragraphs (f) and (g) of this section.

(i) Closed vent system is defined as a system that is not open to the atmosphere and that is composed of piping, connections and, if necessary, flow-inducing devices that transport gas or vapor from the capper unit process vent to the thermal incinerator.

(ii) No detectable emissions means an instrument reading of less than 500 parts per million by volume above background as determined by Method 21 in 40 CFR part 60.

(iii) Reuse includes the substitution of collected methanol (without reclamation subsequent to its collection) for virgin methanol as an ingredient (including uses as an intermediate) or as an effective substitute for a commercial product.

(iv) Recovery includes the substitution of collected methanol for virgin methanol as an ingredient (including uses as an intermediate) or as an effective substitute for a commercial product following reclamation of the methanol subsequent to its collection.

(v) Thermal recovery/treatment includes the use of collected methanol in fuels blending or as a feed to any combustion device to the extent permitted by federal and state law.

(vi) Bio-treatment includes the treatment of the collected methanol through introduction into a biological treatment system, including the treatment of the collected methanol as a waste stream in an on-site or off-site wastewater treatment system. Introduction of the collected methanol to the on-site wastewater treatment system will be limited to points downstream of the surface impoundments, and will be consistent with the requirements of federal and state law.

(vii) Start-up shall have the meaning set forth at 40 CFR 63.2.

(viii) Flow indicator means a device which indicates whether gas flow is present in the vent stream, and, if required by the permit for the thermal incinerator, which measures the gas flow in that stream.

(ix) Continuous Recorder means a data recording device that records an instantaneous data value at least once every fifteen minutes.

(x) MON means the National Emission Standards for Hazardous Air Pollutants for the source category Miscellaneous Organic Chemical Production and Processes ("MON"), promulgated under the authority of Section 112 of the Clean Air Act.

(xi) MON Compliance Date means the date 3 years after the effective date of the National Emission Standards for Hazardous Air Pollutants for the source category Miscellaneous Organic Chemical Production and Processes ("MON").

(7) OSi Specialties, Incorporated, a subsidiary of Witco Corporation ("OSi"), may seek to transfer its rights and obligations under this section to a future owner of the Sistersville Plant in accordance with the requirements of paragraphs (f)(7)(i) through (f)(7)(iii) of this section.

(i) OSi will provide to EPA a written notice of any proposed transfer at least forty-five days prior to the effective date of any such transfer. The written notice will identify the proposed transferee.

(ii) The proposed transferee will provide to EPA a written request to assume the rights and obligations under this section at least forty-five days prior to the effective date of any such transfer. The written request will describe the transferee's financial and technical capability to assume the obligations under this section, and will include a statement of the transferee's intention to fully comply with the terms of this section and to sign the Final Project Agreement for this XL Project as an additional party.

(iii) Within thirty days of receipt of both the written notice and written request described in paragraphs (f)(7)(i) and (f)(7)(ii) of this section, EPA will determine, based on all relevant information, whether to approve a transfer of rights and obligations under this section from OSi to a different owner.

(8) The constituents to be identified by the Sistersville Plant pursuant to paragraphs (f)(2)(vi)(C)(*2*)(*ii*) and (f)(2)(viii)(C)(*5*)(*iii*) of this section are: 1 Naphthalenamine; 1, 2, 4 Trichlorobenzene; 1,1 Dichloroethylene; 1,1,1 Trichloroethane; 1,1,1,2 Tetrachloroethane; 1,1,2 Trichloro 1,2,2 Triflouroethane; 1,1,2 Trichloroethane; 1,1,2,2 Tetrachloroethane; 1,2 Dichlorobenzene; 1,2 Dichloroethane; 1,2 Dichloropropane; 1,2 Dichloropropanone; 1,2 Transdichloroethene; 1,2, Trans— Dichloroethene; 1,2,4,5 Tetrachlorobenzine; 1,3 Dichlorobenzene; 1,4 Dichloro 2 butene; 1,4 Dioxane; 2 Chlorophenol; 2 Cyclohexyl 4,6 dinitrophenol; 2 Methyl Pyridine; 2 Nitropropane; 2, 4-Di-nitrotoluene; Acetone; Acetonitrile; Acrylonitrile; Allyl Alcohol; Aniline; Antimony; Arsenic; Barium; Benzene; Benzotrichloride; Benzyl Chloride; Beryllium; Bis (2 ethyl Hexyl) Phthalate; Butyl Alcohol, n; Butyl Benzyl Phthalate; Cadmium; Carbon Disulfide; Carbon Tetrachloride; Chlorobenzene; Chloroform; Chloromethane; Chromium; Chrysene; Copper; Creosol; Creosol, m-; Creosol, o; Creosol, p; Cyanide; Cyclohexanone; Di-n-octyl phthalate; Dichlorodiflouromethane; Diethyl Phthalate; Dihydrosafrole; Dimethylamine; Ethyl Acetate; Ethyl benzene; Ethyl Ether; Ethylene Glycol Ethyl Ether; Ethylene Oxide; Formaldehyde; Isobutyl Alcohol; Lead; Mercury; Methanol; Methoxychlor; Methyl Chloride; Methyl Chloroformate; Methyl Ethyl Ketone; Methyl Ethyl Ketone Peroxide; Methyl Isobutyl Ketone; Methyl Methacrylate; Methylene Bromide; Methylene Chloride; Naphthalene; Nickel; Nitrobenzene; Nitroglycerine; p-Toluidine; Phenol; Phthalic Anhydride; Polychlorinated Biphenyls; Propargyl Alcohol; Pyridine; Safrole; Selenium; Silver; Styrene; Tetrachloroethylene; Tetrahydrofuran; Thallium; Toluene; Toluene 2,4 Diisocyanate; Trichloroethylene; Trichloroflouromethane; Vanadium; Vinyl Chloride; Warfarin; Xylene; Zinc.

(g) This section applies only to the facility commonly referred to as the OSi Specialties Plant, located on State Route

2, Sistersville, West Virginia ("Sistersville Plant").

(1)(i) No later than 18 months from the date the Sistersville Plant receives written notification of revocation of the temporary deferral for the Sistersville Plant under paragraph (f) of this section, the Sistersville Plant shall, in accordance with the implementation schedule submitted to EPA under paragraph (g)(1)(ii) of this section, either come into compliance with all requirements of this subpart which had been deferred by paragraph (f)(1)(i) of this section, or complete a facility or process modification such that the requirements of § 265.1086 are no longer applicable to the two hazardous waste surface impoundments. In any event, the Sistersville Plant must complete the requirements of the previous sentence no later than the MON Compliance Date; if the Sistersville Plant receives written notification of revocation of the temporary deferral after the date 18 months prior to the MON Compliance Date, the date by which the Sistersville Plant must complete the requirements of the previous sentence will be the MON Compliance Date, which would be less than 18 months from the date of notification of revocation.

(ii) Within 30 days from the date the Sistersville Plant receives written notification of revocation under paragraph (f)(3)(iv) of this section, the Sistersville Plant shall enter and maintain in the facility operating record an implementation schedule. The implementation schedule shall demonstrate that within 18 months from the date the Sistersville Plant receives written notification of revocation under paragraph (f)(3)(iv) of this section (but no later than the MON Compliance Date), the Sistersville Plant shall either come into compliance with the regulatory requirements that had been deferred by paragraph (f)(1)(i) of this section, or complete a facility or process modification such that the requirements of § 265.1086 are no longer applicable to the two hazardous waste surface impoundments. Within 30 days from the date the Sistersville Plant receives written notification of revocation under paragraph (f)(3)(iv) of this section, the Sistersville Plant shall submit a copy of the implementation schedule to the EPA and WVDEP Project XL contacts identified in paragraph (f)(2)(viii)(H) of this section. The implementation schedule shall reflect the Sistersville Plant's effort to come into compliance as soon as practicable (but no later than 18 months after the date the Sistersville Plant receives written notification of revocation, or the MON Compliance Date, whichever is sooner) with all regulatory requirements that had been deferred under paragraph (f)(1)(i) of this section, or to complete a facility or process modification as soon as practicable (but no later than 18 months after the date the Sistersville Plant receives written notification of revocation, or the MON Compliance Date, whichever is sooner) such that the requirements of § 265.1086 are no longer applicable to the two hazardous waste surface impoundments..

(iii) The implementation schedule shall include the information described in either paragraph (g)(1)(iii)(A) or (B) of this section.

(A) Specific calendar dates for: award of contracts or issuance of purchase orders for the control equipment required by those regulatory requirements that had been deferred by paragraph (f)(1)(i) of this section; initiation of on-site installation of such control equipment; completion of the control equipment installation; performance of any testing to demonstrate that the installed control equipment meets the applicable standards of this subpart; initiation of operation of the control equipment; and compliance with all regulatory requirements that had been deferred by paragraph (f)(1)(i) of this section.

(B) Specific calendar dates for the purchase, installation, performance testing and initiation of operation of equipment to accomplish a facility or process modification such that the requirements of § 265.1086 are no longer applicable to the two hazardous waste surface impoundments.

(2) Nothing in paragraphs (f) or (g) of this section shall affect any regulatory requirements not referenced in paragraph (f)(2)(i) or (ii) of this section, as applicable to the Sistersville Plant.

(3) In the event that a notification of revocation is issued pursuant to paragraph (f)(3)(iv) of this section, the requirements referenced in paragraph (f)(1)(iii) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section, except as provided under paragraph (g)(4) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and subject to paragraph (g)(5) of this section, shall continue to be effective for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(ii), (f)(2)(iii), (f)(2)(iv), (f)(2)(v), (f)(2)(vi) and (g) of this section at all times during that 18-month period.

(4) In the event that a notification of revocation is issued pursuant to paragraph (f)(3)(iv) of this section as a result of the permanent removal of the capper unit from methyl capped polyether production service, the requirements referenced in paragraph (f)(1)(iii) of this section are temporarily deferred, with respect to the two hazardous waste surface impoundments, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi), and (g) of this section. The temporary deferral of the previous sentence shall be effective beginning on the date the Sistersville Plant receives written notification of revocation, and subject to paragraph (g)(5) of this section, shall continue to be effective for a maximum period of 18 months from that date, provided that the Sistersville Plant is in compliance with the requirements of paragraphs (f)(2)(vi) and (g) of this section at all times during that 18-month period.

(5) In no event shall the temporary deferral provided under paragraph (g)(3) or (g)(4) of this section be effective after the MON Compliance Date.

* * * * *

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Federal Register

Tuesday
September 15, 1998

Part III

Department of Labor

Employment and Training Administration

Workforce Investment Act of 1998; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act of 1998

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice; request for comments.

SUMMARY: The purpose of this notice is to encourage comments on the Department of Labor's approach to the implementation of titles I, III, and V of the Workforce Investment Act of 1998 (WIA) (Pub. L. 105–220) (dated August 7, 1998). See Conference Report on H.R. 1385, Workforce Investment Act of 1998 and the Congressional Record, July 29, 1998, pp. H6604—H6694. Implementation of the title V provisions will be conducted in conjunction with the Department of Education. Comments are welcome on a variety of subjects, including: (1) issues and concerns that should be addressed in regulations; (2) issues and concerns that should be addressed in policy guidance; (3) questions relating to provisions in titles I, III, or V of the Act; and (4) suggestions or comments on the overall implementation plan, such as consultation strategies. This notice is not a proposed rule. The Department will consider comments an regulations through the rulemaking process.

DATES: The Department invites written comments on the WIA in response to this notice. Comments received on or before November 30, 1998 will be considered in the development of regulations and policy guidance, as well as the overall implementation strategy. The Interim Final Rule will be published by February 2, 1999. The Department has already begun consultation with various individuals within the workforce investment system and will continue these consultations throughout the implementation process.

ADDRESSES: Submit written comments to the Employment and Training Administration, Workforce Investment Implementation Taskforce, 200 Constitution Avenue, NW, Room S5513, Washington, D.C. 20210, Attention: Mr. Eric Johnson.

All comments will be available for public inspection and copying during normal business hours at the address listed above. Copies of the WIA are available at the address above, as well as on the WIA web site at http://usworkforce.org. Comments may be submitted electronically to that web address. Commenters wishing acknowledgment of receipt of their comments must submit them by certified mail, return receipt requested.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Johnson, Workforce Investment Implementation Taskforce Office, U.S. Department of Labor, 200 Constitution Avenue, NW, Room S5513, Washington, D.C. 20210, Telephone: (202) 219–0316 (voice) (This is not a toll-free number), or 1–800–326–2577 (TDD).

SUPPLEMENTARY INFORMATION: Signed into Law on August 7, 1998, the WIA of 1998 is the first major bill enacted to reform the nation's job training system in over 15 years. The purpose of the WIA is to provide workforce investment activities through statewide and local workforce investment systems that increase the employment, retention and earnings of participants, and increase occupational skill attainment by participants, and as a result improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation.

The Department will seek comments regarding ways to build strong Workforce Investment Boards (WIB) with sustained support by the community's major business leaders and with broad workforce development authority. The WIB will also take advantage of the flexibility in the Workforce Investment Act to examine the labor market and its needs, and develop an integrated system that is responsive to employers, youth and adult job seekers.

Timeline

The following timetable is proposed for implementing the Workforce Investment Act of 1998:

Establish the Website	September 1998.
Publish White Paper: Goals and Principles	September 1998.
Begin Consultations on Planning/Program/Policy Guidance	September 1998.
Regions and States Identify Closeout Issues	October 1998.
Publish Planning Guidance	November 1998.
Publish Interim Final Rule	February 1, 1999.
Early States Submit Plans	April 1, 1999.
Early State Implementation and Operation	July 1, 1999.
Publish Final Rule	December 31, 1999.
All States Implementing Workforce Investment Act	July 1, 2000.

Signed at Washington, D.C., this 8th day of September, 1998.

Raymond L. Bramucci,

Assistant Secretary of Labor.

[FR Doc. 98–24692 Filed 9–14–98; 8:45 am]

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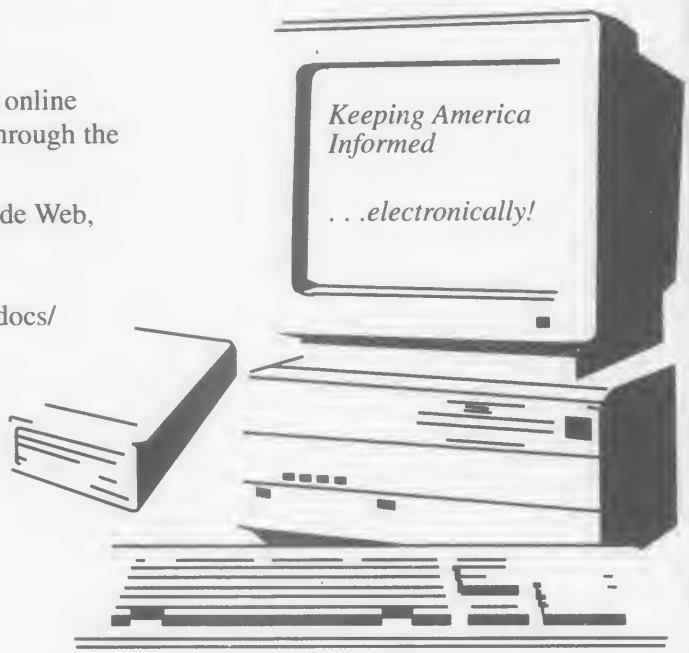

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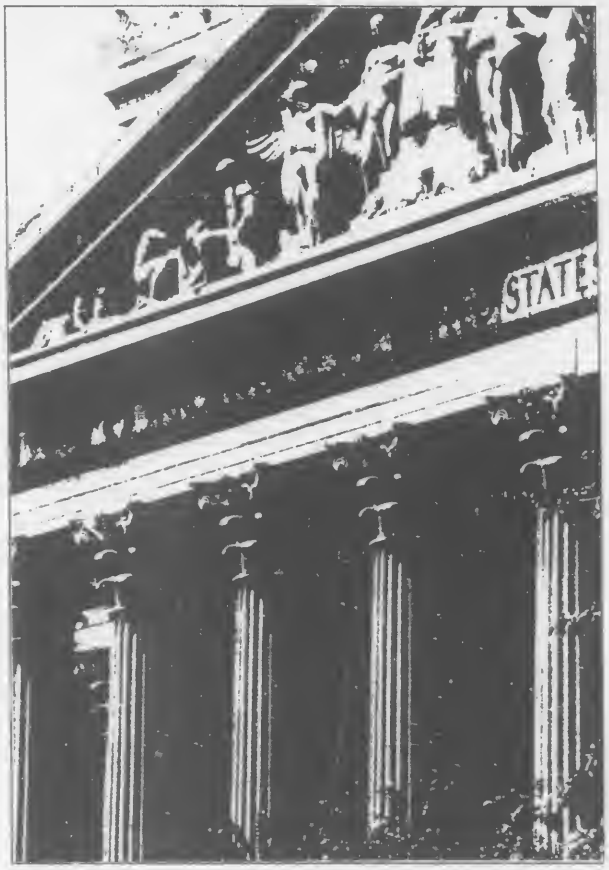

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