DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–208299–90]

RIN 1545–AP01

Allocation and Sourcing of Income and Deductions Among Taxpayers Engaged in a Global Dealing Operation; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections, including a change to the date of the public hearing, to the notice of proposed rulemaking (REG–208299–90) which was published in the **Federal Register** on Friday, March 6, 1998 (63 FR 11177). The notice of proposed rulemaking relates to the allocation among controlled taxpayers and sourcing of income, deductions, gains and losses from a global dealing operation; rules applying these allocation and sourcing rules to foreign currency transactions and to foreign corporations engaged in a U.S. trade or business; and rules concerning the mark-to-market treatment resulting from hedging activities of a global dealing operation.

DATES: The public hearing originally scheduled for July 9, 1998, has been rescheduled for July 14, 1998.

ADDRESSES: The public hearing will be held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ginny Chung, (202) 622–3870 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is subject to these corrections is under sections 482 and 864 of the Internal Revenue Code.

Need for Correction

As published, the notice of proposed rulemaking (REG–208299–90) contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the notice of proposed rulemaking (REG–208299–90) which is the subject of FR Doc. 98–5674 is corrected as follows:

1. On page 11182, column 2, in the preamble under the heading ''K. Source of Global Dealing Income'', in the second paragraph, line 5, the language ''§ 1.863–3 which sources income from a'' is corrected to read ''§ 1.863–3(h) which sources income from a''.

2. On page 11185, column 2, in the preamble under the heading ''Comments and Public Hearing'', in the second paragraph, line 2, the language ''for July 9, 1998, at 10 a.m. in room 2615,'' is corrected to read ''for July 14, 1998, at 10 a.m. in room 2615,''.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 98–10381 Filed 4–20–98; 8:45 am]

BILLING CODE 4830–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA 66–7141a; FRL–5998–2]

Approval and Promulgation of State Implementation Plans: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve several minor revisions to the state of Washington Implementation Plan (SIP). Pursuant to section 110(a) of the Clean Air Act (CAA), the Director of the Washington Department of Ecology (Ecology) submitted a request to EPA dated December 30, 1997, to revise certain regulations of a local air pollution control agency, namely, the Puget Sound Air Pollution Control Agency (PSAPCA). In the Final Rules Section of this **Federal Register**, the EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If the EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

DATES: Comments on this proposed rule must be received in writing by May 21, 1998.

ADDRESSES: Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (OAQ–107), Office of Air Quality, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Environmental Protection Agency, Region 10, Office of Air Quality, 1200 6th Avenue, Seattle, WA 98101. The State of Washington Department of Ecology, P.O. Box 47600, Olympia, Washington 98504.

FOR FURTHER INFORMATION CONTACT: Christi Lee, Washington Operations Office, EPA, 300 Desmond Drive, Suite #102, Lacey, Washington 98503, (360) 753–9079.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Dated: April 6, 1998.

Chuck Clarke,

Regional Administrator, Region X.

[FR Doc. 98–10400 Filed 4–20–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 799

[OPPTS–42187N; FRL–5780–6]

RIN 2070–AC76

Amended Proposed Test Rule for Hazardous Air Pollutants; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amended proposed rule; extension of comment period.

SUMMARY: EPA is proposing additional amendments to the proposed test rule (61 FR 33178, June 26, 1996, as amended at 62 FR 67466, December 24, 1997) that was issued under section 4(a) of the Toxic Substances Control Act (TSCA) that would require manufacturers (including importers) and processors to test the hazardous air pollutants (HAPs) specified in the amended proposed test rule for certain health effects. This second amended proposed test rule modifies the provisions identifying the persons that would be required to test under the HAPs rule, and provides additional guidance to persons in determining what their responsibilities would be

under the rule. In addition, EPA is extending the public comment period in order to provide interested persons with sufficient time to consider the changes described in this proposed rule and to comment accordingly.

DATES: Written comments on this proposed rule must be received by EPA on or before June 22, 1998. The public comment period on the June 26, 1996, proposed rule and the December 24, 1997, amended proposed rule is being extended from May 11, 1998 to June 22, 1998.

ADDRESSES: Submit three copies of written comments on the second amended proposed HAPs test rule, identified by document control number (OPPTS–42187A; FRL–4869–1) to: U.S. Environmental Protection Agency, Office of Pollution Prevention and Toxics (OPPT), Document Control Office (7407), Rm. G–099, 401 M St., SW., Washington, DC 20460. See Unit IV. of this preamble for further instructions. The Document Control Office telephone number is (202) 260–7093.

Comments and data may also be submitted electronically to oppt.ncic@epamail.epa.gov. Follow the instructions under Unit IV. of this document. No confidential business information (CBI) should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: For general information: Susan B. Hazen, Director, Environmental Assistance Division (7408), Rm. ET–543B, Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 554–1404; TDD: (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov. For technical information: Richard W. Leukroth, Jr. , Project Manager, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC, 20460; telephone: (202) 260–0321; fax: (202) 260–1096; e-mail: leukroth.rich@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Electronic Availability:

Internet: Electronic copies of this document and various support documents are available from the EPA Home Page at the **Federal Register**—Environmental Document service entry for this document under ''Laws and Regulations'' (http://www.epa.gov/fedrgstr/EPA–TOX/1998/).

Fax-On-Demand: Using a faxphone call 202–401–0527 and select item 4640 for an index of available material and corresponding item numbers related to this document.

II. Background

On June 26, 1996 (61 FR 33178), EPA issued a proposed test rule under TSCA section 4(a), 15 U.S.C. 2603(a), (the ''original HAPs proposal'') to require health effects testing of the following hazardous air pollutant chemicals: 1,1'-biphenyl (CAS No. 92–52–4), carbonyl sulfide (CAS No. 463–58–1), chlorine (CAS No. 7782–50–5), chlorobenzene (CAS No. 108–90–7), chloroprene (CAS No. 126–99–8), *ortho*-cresol (CAS No. 95–48–7), *meta*-cresol (CAS No. 108–39–4), *para*-cresol (CAS No. 106–44–5), diethanolamine (CAS No. 111–42–2), ethylbenzene (CAS No. 100–41–4), ethylene dichloride (CAS No. 107–06–2), ethylene glycol (CAS No. 107–21–1), hydrochloric acid (CAS No. 7647–01–0), hydrogen fluoride (CAS No. 7664–39–3), maleic anhydride (CAS No. 108–31–6), methyl isobutyl ketone (CAS No. 108–10–1), methyl methacrylate (CAS No. 80–62–6), naphthalene (CAS No. 91–20–3), phenol (CAS No. 108–95–2), phthalic anhydride (CAS No. 85–44–9), 1,2,4-trichlorobenzene (CAS No. 120–82–1), 1,1,2-trichloroethane (CAS No. 79–00–5), and vinylidene chloride (CAS No. 75–35–4). The proposal also invited the submission of proposals for enforceable consent agreements (ECAs) for the HAPs chemicals which would include pharmacokinetics (PK) studies (61 FR 33178, 33189).

The deadline for written comments on the proposed HAPs test rule contained in the June 26, 1996 **Federal Register** proposal was December 23, 1996. EPA has successively extended the comment period on this proposed rule as follows: on October 18, 1996 (61 FR 54383) (FRL–5571–3), the comment period was extended from December 23, 1996 to January 31, 1997; on December 23, 1996 (61 FR 67516) (FRL–5580–6), it was extended from January 31, 1997 to March 31, 1997; on February 28, 1997 (62 FR 9142) (FRL–5592–1), it was extended from March 31, 1997 to April 30, 1997; on March 28, 1997 (62 FR 14850) (FRL–5598–4), it was extended from April 30, 1997 to June 30, 1997; on May 30, 1997 (62 FR 29318) (FRL–5831–6), it was extended from June 30, 1997 to August 15, 1997; on July 15, 1997 (62 FR 37833) (FRL–5732–2), it was extended from August 15, 1997 to September 30, 1997; on September 26, 1997 (62 FR 50546) (FRL–5748–8), it was extended from September 30, 1997 to December 1, 1997; on November 28, 1997 (62 FR 63299) (FRL–5759–2), it was extended from December 1, 1997 to January 9, 1998; and on February 5, 1998 (63 FR 5915)(FRL–5769–3), it was extended from January 9, 1998 to May 11, 1998. These extensions to the comment period were necessary to allow the Agency more time to finalize eleven TSCA health effects test guidelines to be cross-referenced in the amended HAPs test rule proposal, and to respond to the ECA proposals for PK studies submitted by industry.

An amended proposed HAPs test rule was published on December 24, 1997 (62 FR 67466) (FRL–5742–2) (the ''first amended proposal'') that: Used test guidelines codified at 40 CFR part 799, subpart H; removed the testing requirements for phenol; specified export notification requirements; reviewed the status of proposals for PK ECAs and invited ECA proposals for all HAPs chemicals for which proposals had not yet been received; discussed revisions to the economic assessment; referenced additional support documents in the rulemaking record; described modifications to the ''Persons Required To Test'' portion of the proposed rule; and made other changes and clarifications to the original proposal. The amended proposed HAPs test rule extended the comment period from January 9, 1998 to February 9, 1998. On February 5, 1998 (63 FR 5915)(FRL–5769–3), the comment period was extended from February 9, 1998 to May 11, 1998. This extension was granted by the Agency in response to requests by the public for additional time in which to fully consider the changes effected by the first amended proposal and to adjust industry alliances. Also, in this document, the Agency clarified the ''Persons Required To Test'' section of the amended proposed HAPs preamble and the corresponding proposed regulatory text.

In this second amended proposal, EPA is modifying the provision regarding the persons that would be required to test under the HAPs rule and is providing additional information to persons to assist them in determining what their responsibilities would be under the rule. The Agency is also extending the public comment period on the amended HAPs proposed rule from May 11, 1998 to June 22, 1998. This extension is needed to provide commenters with sufficient time to consider the changes described in this proposed rule, and to comment accordingly.

For all aspects of the first amended HAPs test rule proposal that are not addressed by this second amendment to the HAPs proposal, the discussion in the preamble of the first amended HAPs test rule proposal continues to apply.

III. Modifications and Clarifications

EPA is proposing to modify Unit III.C., the ''Persons Required To Test'' portion of the preamble to the first amended proposed rule (62 FR 67466, 67469–72) and the corresponding section in the proposed regulatory text at 40 CFR 799.5053(a)(2), ''Persons required to submit study plans, conduct tests, and submit data'' (62 FR 67466, 67481). The Agency is also proposing to modify the clarification contained in the document published at 63 FR 5915, February 5, 1998, and is requesting comment on the modification. In addition, EPA is making clarifications concerning the physical states of the HAPs chemicals that are covered under the proposal, as amended. The clarifications and modifications are described in detail below.

A. Timeframe During Which Persons Would Be Subject to the Rule

The original HAPs proposal stated that persons who manufacture (including import) or process, or who intend to manufacture (including import) or process, any of the HAPs chemicals included in the rule, other than as an impurity, would be subject to the rule (61 FR 33178, 33189). The original proposal did not distinguish among persons subject to the rule based on low-volume production beyond the provisions of 40 CFR 790.42(a). The regulations at 40 CFR 790.42(a) provide that, while legally subject to a test rule, processors, persons who manufacture less than 500 kg (1,100 lbs) of the chemical annually, and persons who manufacture small quantities of the chemical solely for research and development, are not required to comply with the rule unless directed to do so by EPA in a subsequent **Federal Register** document if no manufacturer has submitted a notice of its intent to conduct testing. Under the original HAPs proposal, all other manufacturers (including importers) of HAPs chemicals would have been required to comply with the rule when promulgated (''initially comply'') (61 FR 33178, 33189–33190).

In the first amended HAPs proposal, EPA specified the timeframe during which manufacturing and processing volume calculations would be made to determine who would be subject to the rule (both those who would have to initially comply and others). EPA stated in the preamble and in the proposed regulatory text (40 CFR 799.5053 (a)(2)(ii), (a)(2)(iv), and (a)(2)(v)) that this timeframe consisted of the last complete corporate fiscal year prior to the publication of the final rule (62 FR 67466, 67470, 67481). EPA now proposes that the timeframe be changed to the last complete calendar year prior to the publication of the final rule or any successive complete calendar year prior to the end of the reimbursement period, as defined in 40 CFR 791.3(h). The Agency would base its determination concerning which persons would be subject to the rule on the amount of manufacturing (including importing) or processing of a HAP chemical at a facility during the last complete calendar year prior to the publication of the final rule or during any complete calendar year until the expiration of the rule at the end of the reimbursement period. In the past, EPA has covered persons under test rules where they manufactured (including imported) or processed a test rule chemical between the effective date of the rule and the end of the reimbursement period. See, e.g., 40 CFR 799.1053(b)(1); 40 CFR 799.1560(b); 40 CFR 799.1575(b); 40 CFR 799.1645(b); 40 CFR 799.1700(b); 40 CFR 799.2155(b). The Agency believes that determining which persons would be subject to the test rule based on the period during which the rule is in effect is more appropriate for purposes of obtaining the needed testing and reimbursement than restricting the timeframe to one year alone, as would have been the result under the first amended proposal.

EPA is proposing to use the calendar year as the time period within which to measure chemical manufacturing (including importing) and processing rather than the corporate fiscal year as a more convenient time period for potentially regulated persons to determine whether they are subject to the rule. This approach would be consistent with reporting requirements in other regulations, such as the Toxic Release Inventory reporting regulations (40 CFR 372.30(a)), under the Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. 11023. EPA invites comment on this modification to the ''Persons Required To Test'' provisions of the first amended proposed rule.

B. Threshold and De Minimis Provisions

As EPA discussed in its clarification of February 5, 1998 (63 FR 5915, 5917), the language in both the preamble and proposed regulatory text of § 799.5053 of the first amended proposal that indicates what persons would be subject to the HAPs test rule and when they would have to comply is ambiguous.

Those persons who would be required to initially comply with the HAPs rule are: Any person who, during the last complete calendar year prior to the publication of the final rule in the **Federal Register**, and any person who, in any successive complete calendar year prior to the end of the reimbursement period, manufactures (including imports) at a particular facility any of the HAPs chemicals included in the first amended proposed rule in an amount of 25,000 lbs or more (regardless of the form of the HAP chemical, e.g., as a Class 1 substance, as a component of a mixture, as a byproduct, as an impurity, as a component of a Class 2 substance, or as an isolated intermediate). ''Naturally occurring substances,'' as described at 40 CFR 710.4(b), and non-isolated intermediates, as defined at 40 CFR 704.3, are not to be considered in determining whether a person is responsible for HAP chemical testing. In determining whether the 25,000 lbs threshold has been met for a particular HAP chemical, persons are not to take into account the amount of a HAP chemical that is manufactured (including imported) as a component of a chemical substance or mixture at a concentration of less than 1 percent by weight of the chemical substance or mixture.

For example, if a person manufactures 9,000,000 lbs of a petroleum refinery stream during a given calendar year at a particular facility, 30,000 lbs of which is a HAP chemical that is a component of the stream, that person would not take into account this amount of HAP chemical when determining whether the 25,000 lbs threshold has been met for the year at that facility because the HAP chemical component consists of less than 1 percent by weight of the total stream. Similarly, if a person manufactures 500,000 lbs of a complex mixture during a given calendar year at a facility, 10,000 lbs of which is a HAP chemical byproduct that is a component of the complex mixture, that person would not be required to initially comply with the rule on the basis of its manufacture of the HAP chemical in the complex mixture alone. This result is due to the fact that, although the HAP chemical component consists of at least 1 percent by weight of the total complex mixture, the total amount of HAP chemical manufactured at that facility is less than 25,000 lbs. (Note that his answer assumes that the person is not manufacturing the same HAP in other forms at the same facility.) In this second amended proposal, EPA is proposing regulatory language (40 CFR 799.5053 (a)(2)(ii) and (a)(2)(iv)) that would replace the language that was proposed in the first amended proposed

rule at 40 CFR 799.5053 (a)(2)(ii), (a)(2)(iv) and (a)(2)(v) (62 FR 67466, 67481).

C. Physical State of Chemical

EPA is clarifying that the persons that would be subject to the proposed HAPs test rule, as amended, are those who manufacture (including import) or process a chemical included in the proposed rule, as amended, in any physical state (i.e., solid, liquid, or gas). Persons should refer to the Chemical Abstracts Service Registry Numbers in the proposed rule, as amended, to determine which chemicals would be covered under the rule.

IV. Public Record and Electronic Submissions

The official record for this rulemaking, including the public version, which does not include any information claimed as CBI, has been established for this rulemaking under document control number (OPPTS–42187A; FRL–4869–1). This docket also includes all material and submissions filed under docket number OPPTS–42193 (FRL–5719–5), the record for the rulemaking for the TSCA test guidelines, and all material and submissions filed under docket number OPPTS–42187B (FRL–4869–1), the record for the receipt of proposals for developing ECAs for alternative testing of HAPs chemicals. This record contains the basic information considered by EPA in developing this second amended proposed rule and appropriate **Federal Register** documents. The public version of this record, including printed, paper versions of electronic comments, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center, Rm. NE–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 file format or ASCII file format. All comments and data in electronic form must be identified by document control number (OPPTS–42187A; FRL–4869–1). Electronic comments on this second amended proposal may be filed online at many Federal Depository Libraries.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this rulemaking. Persons submitting information any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will make the information available to the public without further notice to the submitter. No CBI should be submitted electronically.

V. Regulatory Assessment Requirements

EPA's analysis in the first amended proposed rule of the regulatory assessment requirements for the HAPs rulemaking (62 FR 67466, 67477–81) is not altered by the amendments proposed in this second amended proposed rule. The discussion provided in the first amended proposed rule regarding the applicable regulatory assessment requirements is still applicable. This second amended proposed rule includes new sections to address the requirements of Executive Order 12875 and the National Technology Transfer Advancement Act.

A. Economic Assessment

In conjunction with the issuance of the first amended HAPs proposal, EPA prepared a revised economic assessment entitled ''Economic Assessment for the Amended Proposed TSCA Section 4(a) Test Rule for 21 Hazardous Air Pollutants,'' OPPT/EETD/EPAB, November 14, 1997. (See document referenced in Unit V.H.1 of the preamble to the first amended HAPs proposal (62 FR 67466, 67476), located in the docket for this rulemaking). This report evaluates the potential for significant economic impacts as a result of the testing on the HAPs chemicals required under the first amended HAPs proposal, which is identical to the testing required under this second amended HAPs proposal. Although the number of manufacturers (including importers) and processors subject to the HAPs test rule under the second amended proposal may be greater than under the first amended proposal, the conclusions of the economic assessment are not affected. The economic assessment analyzes the economic effect of testing on a chemical-by-chemical basis by comparing unit test costs to the chemical sales price. (The analysis for carbonyl sulfide is similar, but uses the sales price of a related chemical. See U.S. EPA, ''Economic Assessment for the Amended Proposed TSCA Section 4(a) Test Rule for 21 Hazardous Air Pollutants.'') This measure of economic impact depends on total annualized test costs, total supply of the chemical, and the sales price of the chemical (none of which is affected by the second amended HAPs proposal). This measure is unrelated to the number of persons subject to the rule. Therefore, the Agency continues to believe that the HAPs test rule, if finalized according to this second amended proposal, will not impose any significant economic impact.

B. Executive Order 12866 and Executive Order 12898; Unfunded Mandates Reform Act; Executive Order 12875

Because the overall costs associated with testing under this second amended HAPs proposal are expected to be the same as those associated with testing under the first amended proposal, the second amended proposal does not contain any provisions that would require additional consideration by the Office of Management and Budget (OMB) under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993) or Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994). Similarly, the second amended proposal does not require any actions under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). The Agency's activities related to these regulatory assessment requirements are discussed in the original proposed rule (61 FR 33178, 33195–96). In addition, the obligations imposed by Executive Order 12875, entitled ''Enhancing the Intergovernmental Partnership'' (58 FR 58093, October 28, 1993) are addressed in the discussion of UMRA in the original proposed rule (61 FR 33178, 33196).

C. Regulatory Flexibility Act

For the original proposed HAPs test rule, EPA determined under section 605(b) of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, that the HAPs test rule, if finalized as proposed, would not result in a significant impact on small businesses. See Unit XI.B. of the preamble to the original HAPs proposal (61 FR 33178, 33196). An additional document was prepared under the first amended proposal to provide information on small entity impacts. (See document referenced at

Unit V.H.3 of the preamble to the first amended HAPs proposal (62 FR 67466, 67476–77)). The analysis contained in that document, which is in the record for this proposed rule, also applies to this second amended proposed rule. This analysis used the most recent single year of data available at the time of the analysis to provide further information on the potential economic impact of the proposed test rule on small entities. EPA believes that these data are representative of the universe of manufacturers and importers of the HAPs chemicals that would be subject to the second amended proposed rule.

As indicated in the first amended proposal (62 FR 67466, 67479), EPA does not believe that the impacts described in the analysis constitute a significant economic impact on a substantial number of small entities. The analysis states that the worst-case estimate shows that, on a HAP chemical by HAP chemical basis, a total of 8 manufacturers/importers (out of 365 manufacturers/importers initially burdened) may be affected by the rule. No manufacturers/importers for whom revenue data were available would be impacted by test costs that exceed 1 percent of their sales. For 8 manufacturers/importers whose revenues could not be determined, the size of the testing burden could not be determined and, therefore, the potential for impacts at greater than 1 percent of sales could not be ruled out. Nevertheless, in this context the rule would not likely have a significant economic impact on a substantial number of small entities because any impacts of 1 percent or greater would affect fewer than 100 small entities. While some small entities not identified in EPA's analysis may become subject in subsequent years as a result of the changes made in the second amended HAPs proposal, EPA believes that it is unlikely that sufficient numbers of small entities would begin manufacturing or importing the HAPs chemicals in sufficient amounts to alter the conclusions of this analysis.

Therefore, the Agency continues to certify that the HAPs test rule, if finalized according to this second amended proposal, will not have a significant economic impact on a substantial number of small entities.

Any comments regarding the impacts that this proposed rule may impose on small entities should be transmitted to the Agency in the manner specified under ''ADDRESSES'' at the beginning of this document.

D. Paperwork Reduction Act

The information collection requirements associated with test rules under TSCA section 4(a) in general have been approved by OMB pursuant to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* (PRA), under OMB control number 2070–0033 (EPA Information Collection Request (ICR) No. 1139). The information collection requirements contained in this second amended proposed rule, however, are not effective until the final rule is published, at which point the total estimated burden hours will be added to the total burden approved by OMB under control number 2070–0033. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information subject to OMB approval under the PRA, unless it has been approved by OMB and displays a currently valid OMB control number. The OMB control numbers for EPA's regulations, after initial display in the preamble of the final rules, are listed in 40 CFR part 9.

The list of public reporting burdens for the collection of information for chemical substances under the first amended proposed HAPs test rule, as well as the figures for the total public reporting burden and the overall average per chemical (see Unit VI.D. of the preamble, ''Paperwork Reduction Act,'' 62 FR 67466, 67479–80), were different from the figures used in the original HAPs proposal (see Unit XI.C. of the preamble, ''Paperwork Reduction Act,'' 61 FR 33178, 33196). However, the public reporting burdens under the first amended proposed HAPs test rule and the second amended proposed HAPs test rule are anticipated by EPA to be the same. The burdens calculated for the first amended proposal were based on the tests required for each chemical. The testing requirements are not changed by the second amended proposed rule.

Comments are requested on the Agency's need for the information set out in the first amended HAPs proposal, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques. Send comments to EPA as part of your overall comments on this proposed rule in the manner specified under ''ADDRESSES'' at the beginning of this document, or to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (Mail Code 2137), 401 M Street, SW., Washington, DC 20460, with a copy to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., N.W., Washington, DC 20503, marked ''Attention: Desk Officer for EPA.'' Please remember to include the OMB control number in any correspondence. In developing the final rule, the Agency will address any comments received regarding the information collection requirements contained in this proposal, as amended.

E. Executive Order 13045

As stated in the first amended HAPs proposal (62 FR 67466, 67480–81), the proposed HAPs test rule does not require special consideration by OMB pursuant to the terms of Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997).

F. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. No. 104–113, section 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 requires EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

EPA is required under section 4 of TSCA to impose prescriptive test requirements in test rules developed under section 4 and to review their adequacy periodically. The testing that would be required under this rulemaking would be conducted according to enforceable test standards based on the health effects test guidelines (40 CFR part 799, subpart H) that are cross-referenced in the first amended HAPs proposal (62 FR 67466, 67467–67469, December 24, 1997). These guidelines are based on harmonized guidelines that were developed through a process that included informal opportunity for public input, and that are, in some cases, internationally accepted. The guidelines were issued on August 15, 1997 (62 FR 43820). Both the August 15, 1997 and the December 24, 1997 **Federal Register** documents discuss the background to the guidelines.

The acute testing guideline is modified in the proposed regulatory text at § 799.5053(b)(2) (62 FR 67466, 67484–

67485) to require the appraisal of pulmonary irritation during exposure to a HAP chemical through the use of the mouse respiratory sensory irritation assay method developed by the American Society for Testing and Materials (ASTM), a voluntary consensus standard body (ASTM. ''Standard Test Method for Estimating Sensory Irritancy of Airborne Chemicals'' In: 1984 Annual Book of ASTM Standards. Water and Environmental Technology. Section 11. Volume 11.04 Designation E–981–84, pp. 572–584 (1984)). This method assesses the breathing patterns of test animals.

The testing of bronchoalveolar lavage fluid under the subchronic testing guideline is modified as described in the proposed regulatory text at § 799.5053(b)(3)(ii) (62 FR 67466, 67485) to include a phagocytosis assay using the procedure of Burleson (Burleson, G.R. et al. ''Poly (I): poly (C)-enhanced alveolar peritoneal macrophage phagocytosis: Quantification by a new method utilizing fluorescent beads.'' Proceedings of the Society for Experimental Biology and Medicine. 184:468–476 (1987)) or Gilmour and Selgrade (Gilmour, G.I., and Selgrade, M.K. ''A Comparison of the Pulmonary Defenses against Streptococcal Infection in Rats and Mice Following O3 Exposure: Differences in Disease Susceptibility and Neutrophil Recruitment.'' Toxicology and Applied Pharmacology. 123:211–218 (1993)) to determine macrophage activity.

EPA is not aware of any other potentially applicable voluntary consensus standards which needed to be considered in lieu of the guidelines at 40 CFR part 799, subpart H, that are cross-referenced in this rulemaking. The Agency invites comment on the potential use of voluntary consensus standards in this rulemaking, including the identification of and information about other standards which the Agency could consider.

List of Subjects in 40 CFR Part 799

Environmental protection, Chemicals, Hazardous substances, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: April 13, 1998.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Accordingly, EPA is extending the comment period on the proposed rule and the first amended proposed rule from May 11, 1998 to June 22, 1998.

Therefore, it is proposed that 40 CFR chapter I, subchapter R, be amended as follows:

PART 799—[AMENDED]

1. The authority citation for part 799 would continue to read as follows:

Authority: 15 U.S.C. 2603, 2611, 2625.

2. Section 799.5053, as proposed to be added at 62 FR 67481–67485, December 24, 1997, is amended by revising paragraphs (a)(2)(ii) and (a)(2)(iv) and removing paragraph (a)(2)(v) as follows:

(*Note:* The regulatory text changes proposed in this second amended proposal supersede the corresponding changes proposed in the first amended proposal. All other regulatory text changes proposed in the first amended proposal that are not changed by this second amended proposal continue to apply to this rulemaking.)

§ 799.5053 Chemical testing requirements for hazardous air pollutants.

(a) *General testing provisions.* * * *

* * * *

(2) *Persons required to submit study plans, conduct tests, and submit data.* * * *

* * * *

(ii) All persons who, during the last complete calendar year prior to the effective date specified in Table 1 in paragraph (a)(6) of this section or in any successive complete calendar year prior to the end of the reimbursement period, as defined at 40 CFR 791.3(h), manufacture (including import, manufacture as a byproduct as defined in 40 CFR 791.3(c), and manufacture, including import, as an impurity as defined in 40 CFR 790.3) or process or intend to manufacture or process any chemical substance specified in Table 1 in the form of a Class 1 substance (as described in 40 CFR 720.45(a)(1)(i)), or a component of a Class 2 substance (as described in 40 CFR 720.45(a)(1)(i)) or mixture (as defined in TSCA section 3(8)), but not as a component of a naturally-occurring substance (as defined in 40 CFR 710.4(b)) or a non-isolated intermediate (as defined in 40 CFR 704.3), at a facility shall, with respect to such substance: submit letters of intent to conduct testing, submit study plans, conduct testing under TSCA Good Laboratory Practice Standards, and submit data, as specified in this section and part 792 of this chapter, or submit exemption applications, as specified in part 790 of this chapter.

* * * *

(iv) Manufacturers (including importers) of a chemical substance specified in Table 1 who, during the last complete calendar year prior to the effective date specified in Table 1 or in any successive complete calendar year prior to the end of the reimbursement period, at no facility manufactured (including imported) such substance in an amount equal to or in excess of 25,000 lbs must comply with the requirements of the rule with regard to such substance only if directed to do so by EPA in a subsequent notice if no manufacturer has submitted a notice of its intent to conduct testing. A chemical substance specified in Table 1 that is manufactured (including imported) as a component of another chemical substance or mixture in which the proportion of the substance specified in Table 1 is less than one percent by weight is not to be taken into account in determining whether the 25,000 lbs threshold specified in this paragraph has been met.

* * * *

[FR Doc. 98–10494 Filed 4–20–98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–50, RM–9247]

Radio Broadcasting Services; Healdton, OK, Krum, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Lake Country Communications, Inc., seeking the substitution of Channel 229C3 for Channel 229C2 at Healdton, OK, the reallotment of Channel 229C3 to Krum, TX, as the community's first local aural service, and the modification of Station KICM's license to specify Krum as its community of license. Channel 229C3 can be allotted to Krum in compliance with the Commission's minimum distance separation requirements with a site restriction of 22.3 kilometers (13.9 miles) northeast of the community, at coordinates 33–26–34 North Latitude; 97–08–08 West Longitude, to accommodate petitioner's desired transmitter site.

DATES: Comments must be filed on or before June 1, 1998, and reply comments on or before June 16, 1998.