enforcement case and thus, subject to the exceptions set forth here, no special approvals are required. The special approvals apply to both administrative and judicial enforcement actions as follows:

a. Regions in which a SEP is proposed for implementation shall be given the opportunity to review and comment on the proposed SEP.

b. In all cases in which a project may not fully comply with the provisions of this Policy (e.g., see footnote 1), the SEP must be approved by the EPA Assistant Administrator for Enforcement and Compliance Assurance. If a project does not fully comply with all of the legal guidelines in this Policy, the request for approval must set forth a legal analysis supporting the conclusion that the project is within EPA's legal authority and is not otherwise inconsistent with law.

c. In all cases in which a SEP would involve activities outside the United States, the SEP must be approved in advance by the Assistant Administrator and, for judicial cases only, the Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice.

d. In all cases in which an environmental compliance promotion project (section D.6) or a project in the ''other'' category (section D.8) is contemplated, the project must be approved in advance by the appropriate office in OECA, unless otherwise delegated.

2. Documentation and Confidentiality

In each case in which a SEP is included as part of a settlement, an explanation of the SEP with supporting materials (including the PROJECT model printout, where applicable) must be included as part of the case file. The explanation of the SEP should explain how the five steps set forth in Section A.3 above have been used to evaluate the project and include a description of the expected benefits associated with the SEP. The explanation must include a description by the enforcement attorney of how nexus and the other legal guidelines are satisfied.

Documentation and explanations of a particular SEP may constitute confidential settlement information that is exempt from disclosure under the Freedom of Information Act, is outside the scope of discovery, and is protected by various privileges, including the attorney-client privilege and the attorney work-product privilege. While individual Agency evaluations of proposed SEPs are confidential, privileged documents, this Policy is a public document and may be released to anyone upon request.

This Policy is primarily for the use of U.S. EPA enforcement personnel in settling cases. EPA reserves the right to change this Policy at any time, without prior notice, or to act at variance to this Policy. This Policy does not create any rights, duties, or obligations, implied or otherwise, in any third parties.

ATTACHMENT.—SEP PENALTY CALCULATION WORKSHEET

[This worksheet should be used pursuant to section E of the Policy. Specific Applications of this Worksheet in a Case Are Privileged, Confidential Documents]

Step	Amount
STEP 1: CALCULATION OF SETTLEMENT AMOUNT WITHOUT A SEP	
1.a. BENEFIT: The applicable penalty policy is used to calculate the economic benefit of noncompliance	$
1.b. GRAVITY: The applicable penalty policy is used to calculate the gravity component of the penalty; this is gravity after all adjustments in the applicable policy.	$
1.c SETTLEMENT AMOUNT without a SEP: Sum of step 1.a plus 1.b	$
STEP 2: CALCULATION OF THE MINIMUM PENALTY AMOUNT WITH A SEP	
2.a 10% of GRAVITY: Multiply amount in step 1.b by 0.10	$
2.b BENEFIT PLUS 10% of GRAVITY: Sum of step 1.a plus step 2.a	$
2.c. 25% of GRAVITY: Multiply amount in step 1.b by 0.25	$
2.d MINIMUM PENALTY AMOUNT: Select greater of step 2.c or step 2.b	$
STEP 3: CALCULATION OF THE SEP COST USING PROJECT MODEL	$
STEP 4: CALCULATION OF MITIGATION PERCENTAGE AND MITIGATION AMOUNT	
4.a. SEP Cost Mitigation Percentage. Evaluate the project pursuant to the 6 mitigation factors in the Policy. Mitigation percentage should not exceed 80% unless one of the exceptions applies.	Percent
4.b. SEP Mitigation Amount. Multiply step 3 by step 4.a	$
STEP 5: CALCULATION OF THE FINAL SETTLEMENT PENALTY	
5.a Subtract step 4.b from step 1.c	$
5.b. Final Settlement Penalty: Select greater of step 2.d or step 5.a	$

[FR Doc. 98–11881 Filed 5–4–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6007–9]

Selections for Total Maximum Daily Load Development for the State of West Virginia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability for public comment of the selection of two waterbodies for Total Maximum Daily Load (TMDL) development in the state of West Virginia.

SUMMARY: Pursuant to the Consent Decree filed with the court resolving a citizen suit filed against EPA, *Ohio Valley Environmental Coalition, Inc, West Virginia Highlands Conservancy et al.* v. *Browner et al.*, (C.A. No. 2:95–5029 and 2:96–0091 (S.D.WV), EPA must establish TMDLs for seven water quality limited segments (''WQLS'') of waterbodies in West Virginia by September 30, 1998, if the State of West Virginia fails to establish these TMDLs itself. The Consent Decree, in Paragraph 18, contemplates that, in the first instance, West Virginia will select the waterbodies for TMDL development, but that EPA may select alternative waterbodies, if EPA is establishing the TMDLs in cooperation with West Virginia.

West Virginia, with EPA's concurrence, is in the process of announcing the selection of the following five WQLS for TMDL development for 1998: Lost River, Hurricane Lake, Mountwood Park Lake, Tomlinson Run Lake, and Burches Run Lake. Pursuant to Paragraph 18 of the Consent Decree, EPA today is providing notice that EPA has selected two additional waterbodies for TMDL

development in West Virginia. EPA has selected Ten Mile Creek of the Buckhannon River and the mainstem of the Buckhannon River in Upshur County, West Virginia, in lieu of the Cheat River and Paint Creek, which were the selections proposed by West Virginia.

This notice is intended to inform interested persons of EPA's intention to develop TMDLs for Ten Mile Creek and Buckhannon River, in lieu of the Cheat River and Paint Creek. Interested persons may provide comment on this selection to EPA. Comments should be received no later than 30 days after the date of this Notice and should be sent to the person listed in the following FOR INFORMATION CONTACT section.

FOR FURTHER INFORMATION CONTACT: Carol Ann Davis, Office of Watersheds (3WP12),USEPA Region III, 841 Chestnut Building, Philadelphia, PA 19107, at (215) 566–5738, or by email at davis.carolann@epamail.epa.gov.

Dated: April 27, 1998.

Joseph Piotrowski,

Acting Director, Water Protection Division, EPA Region III.

[FR Doc. 98–11880 Filed 5–4–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6008–4]

Notice of Transfer of Jurisdiction of National Pollutant Discharge Elimination System (NPDES) General Permit in Louisiana to Louisiana Department of Environmental Quality (LDEQ) and in Oklahoma to Oklahoma Department of Environmental Quality (ODEQ)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Transfer of Jurisdiction of NPDES General Permits.

SUMMARY: EPA Region 6 proposed and solicited comments on NPDES General Permits for Discharges Resulting From Implementing Corrective Action Plans for Cleanup of Petroleum UST Systems in Louisiana (LAG830000) and in Oklahoma (OKG830000) at 61 FR 37894 (July 22, 1996). Those permits were subsequently issued November 14, 1997 (62 FR 61116). Today, EPA Region 6 gives notice that jurisdiction over NPDES General Permit No. LAG830000 is being transferred to LDEQ and jurisdiction over NPDES General Permit No. OKG830000 is being transferred to ODEQ.

DATES: The effective date of transfer of jurisdiction of these permits is May 5, 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Wilma Turner, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7516.

SUPPLEMENTARY INFORMATION: EPA Region 6 and LDEQ have a Memorandum of Agreement (MOA), with effective date of August 27, 1996, establishing policies, responsibilities and procedures defining the manner in which the NPDES will be administered by the State of Louisiana through the LDEQ as the Louisiana Pollutant Discharge Elimination System (LPDES) program. Section II of this MOA (Jurisdiction over Permits) states that EPA shall retain permit decision-making authority over permits which are currently (as of the MOA's effective date) at EPA's public notice stage until final permit issuance. EPA will then transfer jurisdiction of those permits to LDEQ. EPA has a similar MOA with ODEQ, with an effective date of November 19, 1996, defining the manner in which the NPDES will be administered by the State of Oklahoma through the ODEQ as the Oklahoma Pollutant Discharge Elimination System (OPDES).

These two NPDES general permits were at the public notice stage on the effective dates of the Louisiana and Oklahoma MOA's; therefore, EPA retained decision-making authority over those permits and issued the final decision on the permits. EPA is now transferring jurisdiction of those permits to the respective State agencies.

After the effective date of this transfer of jurisdiction, all subsequent notifications of intent to be covered, discharge monitoring reports, and other reports required by these two permits shall no longer be sent to EPA Region 6, but shall be sent, for LAG830000, to:

Assistant Secretary for Water, Water Pollution Control Division, Louisiana Department of Environmental Quality, P.O. Box 82215, Baton Rouge, LA 70884–2215

and, for OKG830000, to:

Director, Oklahoma Department of Environmental Quality, 1000 NE 10th Street, Oklahoma City, OK 73117–1212,

William B. Hathaway,

Director, Water Quality Protection Division EPA Region 6.

[FR Doc. 98–11755 Filed 5–4–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection(s) Approved by Office of Management and Budget

April 29, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection(s) pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, 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. Questions concerning the OMB control numbers and expiration dates should be directed to Jerry Cowden, Federal Communications Commission, (202) 418–0447.

Federal Communications Commission.

OMB Control No.: 3060–0562.

Expiration Date: 4/30/2001.

Title: Section 76.916 Petition for recertification.

Form Number: Not applicable.

Estimated annual burden: 100 hours; 10 hours per response; 10 respondents.

Description: Section 76.916 provides that a franchising authority wishing to assume jurisdiction to regulate basic service and associated equipment rates after its request for certification has been denied or revoked may file a petition for recertification with the Commission. The petition must be served on the cable operator and on any interested party that participated in the proceeding denying or revoking the original certification.

OMB Control No.: 3060–0570.

Expiration Date: 4/30/2001.

Title: Section 76.982 Continuation of rate agreements.

Form Number: Not applicable.

Estimated annual burden: 13 hours; 0.5 hour per response; 25 respondents.

Description: Section 76.982 provides that franchise authorities who were regulating basic cable rates pursuant to a rate agreement executed before July 1, 1990, may continue to regulate rates during the remainder of the agreement. Franchise authorities must notify the Commission of their intentions to continue regulating rates under the rate agreement.

OMB Control No.: 3060–0609.

Expiration Date: 4/30/2001.