

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****18 CFR Parts 4, 153, 157 and 375**

[Docket No. RM98-16-000]

Collaborative Procedures for Energy Facilities Applications; Notice of Technical Conference

October 20, 1998.

AGENCY: Federal Energy Regulatory Commission.**ACTION:** Notice of Technical Conference.

SUMMARY: The Federal Energy Regulatory Commission (Commission) intends to hold a staff technical conference on November 5, 1998 at 9:00 AM, in the Commission Meeting Room, 888 First Street, N.E., Washington, D.C., to discuss the proposed pre-filing collaborative process.

DATES: The conference will be held on November 5, 1998.

ADDRESSES: The conference will be held in the Commission Meeting Room, 888 First Street, NE., Washington, DC.

FOR FURTHER INFORMATION CONTACT:

Thomas Russo, Office of Pipeline Regulation, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 219-2792

Berne Mosley, Office of Pipeline Regulation, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208-2256

Gordon Wagner, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 219-0122

Merrill Hathaway, Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, (202) 208-0825.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in the Public Reference Room at 888 First Street, N.E., Room 2A, Washington, D.C. 20426.

The Commission Issuance Posting System (CIPS) provides access to the texts of formal documents issued by the Commission. CIPS can be accessed via Internet through FERC's Homepage (<http://www.ferc.fed.us>) using the CIPS Link or the Energy Information Online

icon. The full text of this document will be available on CIPS in ASCII on WordPerfect 6.1 format. CIPS is also available through the Commission's electronic bulletin board service at no charge to the user and may be accessed using a personal computer with a modem by dialing 202-208-1397, if dialing locally, or 1-800-856-3920, if dialing long distance. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, or 1200 bps, full duplex, no parity, 8 data bits and 1 stop bit. User assistance is available at 202-208-2474 or by E-mail to CipsMaster@FERC.fed.us.

This document is also available through the Commission's Records and Information Management System (RIMS), an electronic storage and retrieval system of documents submitted to and issued by the Commission after November 16, 1981. Documents from November 1995 to the present can be viewed and printed. RIMS is available in the Public Reference Room or remotely via Internet through FERC's Homepage using the RIMS link or the Energy Information Online icon. User assistance is available at 202-208-2222, or by E-mail to RimsMaster@FERC.fed.us.

Finally, the complete text on diskette in WordPerfect format may be purchased from the Commission's copy contractor, RVJ International, Inc. RVJ International, Inc., is located in the Public Reference Room at 888 First Street, N.E., Washington, D.C. 20426.

The Federal Energy Regulatory Commission (Commission) is proposing to expand its procedural regulations governing the authorization of natural gas facilities and services, and is considering revising its procedural regulations governing applications for licenses for hydroelectric projects.¹ The proposed regulations are intended to offer prospective applicants seeking to construct, operate or abandon natural gas facilities or services the option, in appropriate circumstances and prior to filing an application, of using a collaborative process to resolve significant issues. In addition, a significant portion of the environmental review process should be completed as part of the pre-filing collaborative process. This pre-filing collaborative process is comparable to the process the Commission recently adopted with respect to applications for hydroelectric licenses, amendments and exemptions and, like those regulations, is optional and is designed to be adaptable to the facts and circumstances of the particular

case. The proposed regulations would not delete or replace any existing regulations. Finally, the Commission is considering whether the existing collaborative process for hydroelectric license and exemption applications, as well as the proposed collaborative process for natural gas facilities and services, should be made mandatory.

A staff technical conference will be held on November 5, 1998, to provide an overview of the proposed pre-filing collaborative process and to respond to questions. Additional conferences will be held at a later date in Houston and Chicago. These conferences are designed as workshops in which Commission staff will present information and respond to questions concerning the proposed collaborative process as an aid to assist participants in developing comments in response to and as requested in the September 30, 1998 Notice of Proposed Rulemaking. Accordingly, there will be no transcript and statements made in the context of the workshops will not become part of the record in this proceeding. All parties—particularly those with experience with collaborative processes, whether at this agency or in another context—are invited to attend.

David P. Boergers,*Secretary.*

[FR Doc. 98-28546 Filed 10-23-98; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Parts 52 and 81**

[ID23-7003; FRL-6179-5]

Determination That Pre-existing National Ambient Air Quality Standards for PM-10 No Longer Apply to Ada County/Boise State of Idaho**AGENCY:** Environmental Protection Agency.**ACTION:** Proposed rule.

SUMMARY: In this action, the Environmental Protection Agency (EPA) is proposing to determine that the national ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM10) that existed before September 16, 1997, no longer apply to the Northern Ada County/Boise, Idaho area and to revoke the nonattainment designation associated with those standards. The State of Idaho has satisfied the requirements of the Clean Air Act (CAA) as well as EPA's regulations (40 CFR

¹ See 84 FERC ¶ 61,346 (September 30, 1998).

50.6(d)) and Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM-10 NAAQS dated December 29, 1997.

DATES: Comments must be postmarked on or before November 25, 1998.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the State's request and other information supporting this proposed action are available for inspection during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ-107), Seattle, Washington 98101, and State of Idaho Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83720.

FOR FURTHER INFORMATION CONTACT: Rindy Ramos, Office of Air Quality (OAQ-107), EPA, Seattle, Washington 98101, (206) 553-6510.

SUPPLEMENTARY INFORMATION:

I. Background

On July 18, 1997, EPA revised the primary and secondary NAAQS for particulate matter (PM) by establishing annual and 24-hour particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers (PM_{2.5}) standards and by changing the form of the existing 24-hour PM₁₀ standard. The existing annual PM₁₀ standard was retained; however, for the revised PM NAAQS, the requirement to correct the pressure and temperature of measured concentrations to standard reference conditions was removed. As noted in the preamble to the final rule promulgating the revised PM NAAQS, those revisions may potentially affect the effective stringency of the annual standard. These new standards became effective September 16, 1997. See 61 FR 65638 and 62 FR 38652.

EPA has developed guidance to ensure that momentum is maintained by States in their current air programs while moving toward developing their plans for implementing the new NAAQS. This document entitled *Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM₁₀ NAAQS*, dated December 29, 1997, also reflects a July 16, 1997, Presidential Directive issued to Administrator Browner on implementation of the new standards. An additional document entitled *Re-Issue of the Early Planning Guidance for the Revised Ozone and Particulate Matter (PM) National Ambient Air Quality Standards (NAAQS)* dated June 16, 1998, outlines a process for States to review their existing CAA section 110 state implementation plans (SIPs).

To provide for an effective transition from the existing to the revised PM NAAQS, the effective date of the revocation of the PM₁₀ NAAQS in effect before September 16, 1997, was delayed so that the existing standards and associated provisions would continue to apply for an interim period. See 62 FR 38701. EPA, therefore, promulgated regulatory provisions that provide for the continued applicability of the pre-existing PM₁₀ NAAQS until certain criteria are met. 40 CFR 50.6(d). Among other things, these provisions state that the pre-existing PM₁₀ NAAQS will no longer apply to an area that as of September 16, 1997, is attaining those standards once (1) a SIP applicable to the area containing all PM₁₀ control measures adopted and implemented by September 16, 1997 (i.e., the control measures that allowed the area to attain), has been approved by EPA and (2) a certification by the State that it has adequate authority and resources to implement the revised PM standards. In its December 29, 1997, guidance, EPA further stated that when the Agency had made a determination that the criteria set forth in 40 CFR 50.6(d) had been met for an area and, therefore, that the pre-existing PM₁₀ standards no longer apply, "the section 107 designation for PM₁₀ for that area will also be revoked." This is because at that time the PM₁₀ standards to which the current section 107 PM₁₀ designation for the area relate would no longer exist.

On July 24, 1998, the State of Idaho submitted a request that EPA make a determination that the pre-existing PM₁₀ NAAQS no longer apply to the Northern Ada County/Boise nonattainment area. Based on air quality data for the years 1994-1996, it is the State's position that the area has met the PM₁₀ standards that were in effect prior to September 16, 1997. Idaho also requested that the CAA section 107 nonattainment area designation for the Northern Ada County/Boise area be revoked.

II. Analysis of Determination

Why Is EPA Determining That the PM₁₀ Standards in Effect Before September 16, 1997 No Longer Apply to the Northern Ada County/Boise Nonattainment Area?

Northern Ada County/Boise has met the following requirements of 40 CFR 50.6(d): (1) The State has submitted air quality data for 1994-1996 which demonstrates that the area met the PM₁₀ standards that were in effect before September 16, 1997. The area has not monitored a exceedance or violated the PM₁₀ NAAQS during that time

period. (2) The State has an approved PM₁₀ State Implementation Plan (SIP) in place (see 59 FR 48582 and 61 FR 27019) that includes all control measures adopted and implemented at the State-level to meet the standards in effect before September 16, 1997. (3) In Idaho's July 24, 1998 request, the State has certified to EPA that it has adequate legal authority and resources to implement the revised PM NAAQS.

How Will the Determination by EPA That the PM₁₀ Standards in Effect Before September 16, 1997 No Longer Apply Affect the Northern Ada County/Boise Nonattainment Area's Conformity and New Source Review Requirements?

As noted earlier, at the time that a determination by EPA that the pre-existing PM₁₀ standards no longer apply for the area becomes effective, the section 107 PM₁₀ designation will also be revoked. The termination of the applicability of the PM₁₀ standards in effect before September 16, 1997, and the simultaneous revocation of the Northern Ada County/Boise area's current PM₁₀ nonattainment designation, will also affect requirements that currently apply in the area due to the existence of those standards and designation. Specifically, the detailed provisions of subpart 4 of part D of title 1 of the CAA, which govern implementation of the pre-existing PM₁₀ standards (PM₁₀ standards in effect prior to July 18, 1997 when the revised PM NAAQS were promulgated) in areas designated nonattainment for those standards, will no longer apply once EPA makes the determination that the pre-existing PM₁₀ standards no longer apply and the revocation of the section 107 designation become effective.

The conformity provisions of section 176(c) of the Act apply to areas that are designated nonattainment or that are subject to the requirement to submit a maintenance plan for any applicable standards under the Act. Because Northern Ada County/Boise is designated nonattainment for the pre-existing PM₁₀ standards, it is subject to the requirements of general and transportation conformity. Consequently, once the current PM₁₀ nonattainment designation is revoked for the area, these requirements will no longer be applicable.

Like conformity, the part D PM₁₀ nonattainment new source review (NSR) requirements will no longer apply for the Northern Ada County/Boise area when the determination that the pre-existing PM₁₀ standards no longer apply and the revocation of the nonattainment designation become

effective. Instead, the preconstruction review permit requirements for prevention of significant deterioration of air quality (PSD) will apply to major stationary sources seeking to construct or modify in that area. Under the PSD program, a major source which proposes to construct or modify must apply for a PSD permit if it locates in an area designated attainment or unclassifiable for any criteria pollutant, and it emits a regulated pollutant in significant amounts. The PSD requirements will apply in the Northern Ada County/Boise area, even after the pre-existing PM10 standards and the PM10 nonattainment designation are removed, because the area is currently designated attainment or unclassifiable for other criteria pollutants and because PM10 is still a regulated pollutant.

III. Summary of Action

The Northern Ada County/Boise area meets the requirements of 40 CFR 50.6(d). Accordingly, EPA is proposing to determine that the pre-existing PM10 standards no longer apply, and is proposing to revoke the nonattainment designation associated with those standards. Additionally, the State shall take steps to ensure that the measures to protect the PM NAAQS that were in place before September 16, 1997, shall stay in place and the State shall follow through in implementing its approved section 110 SIP to protect the new PM NAAQS effective after September 16, 1997, for this area.

In addition, EPA will be reformatting Idaho's 40 CFR 81.313 PM10 designation table. The table will be restructured to more accurately reflect the designation status of the area within each of Idaho's Air Quality Control Regions. However, because EPA proposes to revoke the PM10 nonattainment area designation only for the Northern Ada County/Boise nonattainment area, the designation status for all other areas within the State will remain unchanged. Restructuring of the table will not affect their status.

EPA is soliciting public comment on its proposed action. Interested parties are invited to comment on all aspects of this proposed action. Comments should be submitted to the address listed in the front of this document. Public comments postmarked by November 25, 1998, will be considered in the final rulemaking action taken by EPA.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.)

12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under E.O. 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to 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 written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 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 E.O. 12875 do not apply to this rule.

C. 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 E.O. 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 E.O. 13045 because it is not economically significant as defined under E.O. 12866, and because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects 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. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

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 action will affect the regulatory status of a geographical area and will not impose any new regulatory requirements on sources. For this reason, the Administrator certifies that this action has no significant impact on any small entities, nor will it affect a substantial number of small entities.

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective

and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the proposed action does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. Because EPA is not imposing new Federal requirements, neither State, local, or tribal governments, nor the private sector should incur costs from this action.

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

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Particulate matter.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas, Air quality control regions.

Dated: October 19, 1998.

Chuck Clarke,

Regional Administrator, Region 10.

[FR Doc. 98-28620 Filed 10-23-98; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS-50628D; FRL-6041-2]

RIN 2070-AB27

Proposed Significant New Use Rule; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Extension of comment period.

SUMMARY: EPA is extending the comment period for the proposed significant new use rule (SNUR) for twelve chemical substances. As initially published in the **Federal Register** of September 9, 1998 (63 FR 48157) (FRL-6020-8) the comments were to be received on or before October 9, 1998. One commenter requested additional time to research and submit more detailed comments concerning two of the proposed SNURs. EPA is therefore extending the comment period 30 days in order to give all interested persons the opportunity to comment fully.

DATES: Written comments must be submitted to EPA by November 9, 1998.

ADDRESSES: Each comment must bear the appropriate docket control number OPPTS-50628C. All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. G-099, East Tower, Washington, DC 20460.

Comments and data may also be submitted electronically to: oppt.ncic@epa.gov. Follow the instructions under Unit I. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

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 proposed rule. Persons submitting information on 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 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 consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-531, 401 M St., SW., Washington, DC 20460, telephone: (202) 554-1404, TDD: (202) 554-0551; e-mail: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

Electronic Availability: Electronic copies of this document are available from the EPA Home Page at the **Federal Register**-Environmental Documents entry for this document under "Laws and Regulations" (<http://www.epa.gov/fedrgrstr/>).

This extension of the comment period will allow interested parties who intend to comment on the proposed rule additional time to consider their response.

I. Public Record and Electronic Submissions

The official record for this proposed rule, as well as the public version, has been established for this proposed rule under docket control number OPPTS-

50628C (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC.

Electronic comments can be sent directly to EPA at: oppt.ncic@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 or ASCII file format. All comments and data in electronic form must be identified by the docket control number OPPTS-50628C. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous substances, Reporting and recordkeeping requirements.

Dated: October 19, 1998.

Ward Penberthy,

Acting Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 98-28619 Filed 10-23-98; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket Number NHTSA-98-4573]

School Bus Research Plan

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

ACTION: Request for comments.

SUMMARY: On August 7, 1998, NHTSA sent to Congress a report titled, "School Bus Safety: Safe Passage for America's Children." The report outlined NHTSA's current and future actions on school bus safety. A comprehensive research plan for the next generation of occupant protection in school buses was announced. This notice seeks comments