

review conducted by EPA as a condition of permit coverage. This documentation must be retained on site.

2. Endangered Species Act

The proposed general permits will authorize no discharge, other than during catastrophic or chronic rainfall events which are relatively infrequent occurrences. Therefore, reissuance of these general permits is unlikely to adversely affect any listed threatened or endangered species or designated critical habitat. EPA will conduct an environmental review for each new CAFO with 1000 or more animal units and all existing CAFOs planning to expand to the numbers of animals specified in Part VII.I(a) of the draft permits [40 CFR part 122, Appendix B(a)]. This review will include an evaluation of the potential impact on endangered species due to the proposed activities.

EPA Region 6 has submitted copies of the proposed permits to the U.S. Fish & Wildlife Service. During the comment period of these proposed permits, EPA will seek the Fish & Wildlife Service's concurrence in its "unlikely to adversely affect" determination. In the absence of such concurrence, EPA will initiate formal consultation in accordance with Section 7(a)(2) of the Endangered Species Act.

3. National Historic Preservation Act

Facilities which adversely affect properties listed or eligible for listing in the National Register of Historical Places are not eligible for coverage under these draft permits. During the application process, EPA will conduct an environmental review for each new CAFO with 1000 or more animal units and all existing CAFOs planning to expand to the number and types of animals specified in Part VII.I(a) of the draft permits [40 CFR Part 122, Appendix B(a)]. This review will include an evaluation of the potential effects on historic sites and properties due to the proposed activities. If, at any time during the operation of the CAFO, a permittee becomes aware that historic properties may be affected by CAFO-related activities not identified during the application process, the permittee must contact the State Historic Preservation Officer (SHPO) or the Tribal Historic Preservation Officer (THPO) to determine whether additional actions are required to meet the eligibility requirements of the draft permits. This may result in initiation of consultation with the SHPO or THPO and the development or modification of a written agreement or the PPP. Therefore, reissuance of these general

permits will not adversely affect any listed properties or properties that are eligible for listing in the National Register of Historical Places.

All existing CAFOs with less than 1000 AUs will not be eligible for coverage under the reissued permit if such facilities are already affecting properties that are listed in the National Register of Historic Properties. Existing CAFOs must comply with Part I.D(3) of the draft permit.

4. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements related to the NOI and discharge monitoring activities under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* (OMB Nos. 2040-0086 and 2040-0004, respectively). EPA is currently developing the information collection request (ICR) (EPA ICR no.1868.01) for the PPP-related activities and will submit the ICR to OMB for approval.

5. Coastal Zone Management Act Reauthorization Amendment

Pursuant to Section 307 of the Coastal Zone Management Act (CZMA), federal agency activities that affect the coastal zone of a state with an approved coastal zone management plan must be carried out in a manner consistent, to the maximum extent practicable, with the enforceable policies of that plan. To assure such consistency, EPA is proposing to require individual permits for CAFOs located within a mile of the Texas Coastal Zone Management Area. Applications for such individual permits will be subject to CZMA Section 307(c)(3)(A) and will receive the same type of review by the Coastal Coordination Council of the Texas General Land Office (Administrator of Texas' approved Coastal Zone Management Program) as corresponding permits issued by the Texas Natural Resources Conservation Commission receive under 31 Texas Administrative Code Section 505(11)(a)(6).

6. Unfunded Mandates Reform Act

Section 201 of the Unfunded Mandates Reform Act (UMRA), P.L. 104-4, generally requires Federal agencies to assess the effects of their "regulatory actions" on State, local, and tribal governments and the private sector. UMRA uses the term "regulatory actions" to refer to regulations. (See, e.g., UMRA section 201, "Each agency shall * * * assess the effects of Federal regulatory actions * * * (other than to the extent that such regulations incorporate requirements specifically set forth in law)" (emphasis added)).

UMRA section 102 defines "regulation" by reference to section 658 of Title 2 of the U.S. Code, which in turn defines "regulation" and "rule" by reference to section 601(2) of the Regulatory Flexibility Act (RFA). That section of the RFA defines "rule" as "any rule for which the agency publishes a notice of proposed rulemaking pursuant to section 553(b) of [the Administrative Procedure Act (APA)], or any other law * * *".

NPDES general permits are not "rules" under the APA and thus not subject to the APA requirement to publish a notice of proposed rulemaking. NPDES general permits are also not subject to such a requirement under the CWA. While EPA publishes a notice to solicit public comment on draft general permits, it does so pursuant to the CWA section 402(a) requirement to provide "an opportunity for a hearing." Thus, NPDES general permits are not "rules" for RFA or UMRA purposes but are treated with rule-like procedures.

Signed this 18, day of June, 1998.

Oscar Ramirez, Jr.,

Deputy Director, Water Quality Protection Division (6WQ), EPA Region 6.

[FR Doc. 98-16943 Filed 6-23-98; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) submitted to OMB for Review and Approval

June 18, 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, Pub. L. 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 July 27, 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., NW., 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 202-418-0214 or via internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060-0072.

Title: Airborne Mobile Radiotelephone License Application.

Form Number: FCC 409.

Type of Review: Revision of a currently approved collection.

Respondents: Business and other for-profit entities.

Number of Respondents: 3,000.

Estimated Time Per Response: 5 minutes.

Frequency of Response: On occasion reporting requirement.

Cost to Respondents: \$135,000 (\$45.00 filing fee).

Total Annual Burden: 252 hours.

Needs and Uses: The FCC Form 409 is used in applying for authority to operate an airborne mobile radio telephone by individual users who intend to become subscribers to a common carrier service. The form is subsequently used for modification and renewal of such licenses.

Form 409 is required by 47 CFR Part 22. The applicant may be subject to requirements in addition to those specified on the form.

The form has been redesigned to remove the fee filing data. FCC Form 159, Fee Remittance Advice, is required to be submitted with any payment to the FCC. Thus, we are removing the duplicative data collection from the FCC Form 409. This change will not affect the average estimated completion time of the form.

OMB Approval Number: 3060-0640.

Title: Construction of SMR Stations Request for Additional Information.

Form Number: FCC 800-I.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Business and other for-profit entities; Not-for-profit institutions; State, Local or Tribal Governments.

Number of Respondents: 300.

Estimated Time Per Response: 2 hours 30 minutes.

Frequency of Response: On occasion reporting requirement; Others as requested.

Cost to Respondents: \$0.

Total Annual Burden: 750 hours.

Needs and Uses: This data collection (letter format) is used as a method of verifying if licensee has placed station into operation and for notifying the Commission of the actual number of mobile units placed in operation after license grant. When a licensee provides conflicting information regarding the construction or operational status of radio facilities authorized to it, the Commission requires clarification/validation/explanation to substantiate the facilities' status so that it may enforce its regulatory responsibilities.

Such responsibilities include the allocation and assignment of radio frequency spectrum and determining the viability of the underlying radio license authorizations which provide for use of that spectrum.

The data requested in this collection are being revised to include requesting purchase order/invoices for the base station, transmitter(s) and antenna; Work order/invoices demonstrating completion of station construction; Name, address and phone number of individual(s) performing the station construction; model and serial numbers of mobiles in operation; and a list of users and phone numbers on this system at the time of construction.

The Commission's requirement that systems be permanently constructed and placed in operation is contained in 47 CFR, Rule Section 90.155, 90.313, 90.631, 90.633, 90.651, 90.725 and 90.737.

OMB Approval Number: 3060-XXXX.

Title: Application for DTV Broadcast Station License.

Form Number: FCC 302-DTV.

Type of Review: New collection.

Respondents: Business and other for-profit entities; Not-for-profit institutions.

Number of Respondents: 50.

Estimated Time Per Response: 19 hours (1.5 hours for applicant; 17.5 hours for engineer consultant).

Frequency of Response: On occasion reporting requirement.

Cost to Respondents: \$163,625 (Consulting engineers and \$210.00 license application fee).

Total Annual Burden: 75 hours.

Needs and Uses: Licensees and permittees of DTV broadcast stations are required to file FCC Form 302-DTV to obtain a new or modified station license, and/or to notify the Commission of certain changes in the licensed facilities of these stations.

The data are used by Commission staff to confirm that the station has been built to terms specified in the outstanding construction permit, and to update FCC station files. Data are then extracted from FCC Form 302-DTV for inclusion in the subsequent license to operate the station.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98-17078 Filed 6-25-98; 8:45 am]

BILLING CODE 6712-01-F

FEDERAL COMMUNICATIONS COMMISSION

[DA 98-1194]

Notice of Telecommunication Relay Services (TRS) Certification; CC Docket No. 90-571

Released: June 19, 1998.

Notice is hereby given that the applications for certification of state Telecommunication Relay Services (TRS) programs of the states listed below have been granted, subject to the condition described below, pursuant to Title IV of the Americans with Disabilities Act of 1990, 47 U.S.C. 225(f)(2), and section 64.605(b) of the Commission's rules, 47 CFR 64.605(b). The Commission will provide further Public Notice of the certification of the remaining applications for certification once review of those states' applications has been completed. On the basis of the states applications, the Commission has determined that:

(1) The TRS program of the listed states meet or exceed all operational, technical, and functional minimum standards contained in section 64.604 of the Commission's rules, 47 CFR 64.604;

(2) The TRS programs of the listed states make available adequate procedures and remedies for enforcing the requirements of the state program; and,

(3) The TRS programs of the listed states in no way conflict with federal law.

The Commission also has determined that, where applicable, the intrastate funding mechanisms of the listed states are labeled in a manner that promotes national understanding of TRS and does not offend the public, consistent with