

been distributed to appropriate federal, state and local officials and other interested parties announcing a 30-day public comment period on the proposed deletion from the NPL; and

4. EPA has made all relevant documents available at the information repositories.

5. EPA will respond to significant comments, if any, submitted during the public comment period.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes to assist Agency management. EPA will prepare a Responsiveness Summary, if necessary, which will address the comments received during the public comment period.

A deletion occurs when the Regional Administrator places a Notice of Deletion in the **Federal Register**. Any deletions from the NPL will be reflected in the next NPL update. Public notices and copies of the Responsiveness Summary, if necessary, will be made available to local residents by the Regional office.

#### IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the intention to delete this Site from the NPL.

The Beulah Landfill Site in Pensacola, Escambia County, Florida, is located 10 miles northwest of Pensacola. The Site is located on approximately 102 acres, 80 acres of which comprise the landfill itself. The Site is separated into two sections (northern-half and the southern-half). The northern-half of the Site operated from 1950 to 1960, and accepted mostly municipal trash. The northern-half is now closed. The wastes are covered with 4 to 6 inches of native soil.

The southern-half was a borrow pit for sand prior to 1965. In 1968 a 10 acre area of the southern-half was excavated and bermed for the purpose of disposing of domestic sewage and wastewater treatment sludges. Initial deposition rates were approximately 5000 gallons a day and increased to 20,000 gallons a day prior to closure in 1984.

Preliminary analytical results of groundwater, surface water, sludge and soil samples indicated the presence of zinc, copper, chlordane, pentachlorophenol, PCB 1260 and several polynuclear aromatic compounds, including anthracene, fluoranthene, naphthalene and pyrene. The wastes disposed at the Site potentially threatened the nearby surface water bodies, Coffee Creek and Eleven Mile Creek, the shallow

groundwater system, and the local sand and gravel aquifer.

Based on those threats the Site was proposed for listing on the National Priorities List on June 24, 1988, 53 FR 23988. The listing became final effective February 21, 1990, 55 FR 6154, with a Hazardous Ranking Score of 38.15.

On July 7, 1989, the FDEP, formerly the Florida Department of Environmental Regulation, issued a permit for the closure of the landfill, Permit Number SF17-151349. However, the permit was not implemented immediately because of the Site's listing on the NPL. The State is now in the process of closing the landfill.

In September 1991, EPA entered into an Administrative Order on Consent (AOC) for the Remedial Investigation/Feasibility Study (RI/FS) for the Site with several Potentially Responsible Parties (PRPs).

The purpose of the RI is to define the nature and extent of the threat to human health and the environment. Information obtained in the RI were also used to develop the Baseline Risk Assessment. The purpose of the FS is to develop and evaluate alternatives for the remedial action if any is required.

On August 7, 1993, the completed RI and Baseline Risk Assessment along with the Proposed Plan for the Site were made available to the public. On August 17, 1993, a Public Meeting was held at the George Stone Vocational School to discuss the RI, Baseline Risk Assessment and Proposed Plan. At the meeting, representatives from EPA and the Agency for Toxic Substances and Disease Registry (ATSDR) were present to answer questions.

Based on the results of the RI and the Baseline Risk Assessment for the Site, EPA determined that no further action was necessary to ensure the protection of human health and the environment. Therefore, on September 16, 1993, EPA issued its Record of Decision (ROD) for the Site finding that, with the exception of groundwater monitoring, its response at the Site was complete. The PRPs have collected and analyzed groundwater samples since 1995, and found all contaminant levels to be below the ATSDR comparison values.

Proper closure of the landfill is being completed by the State of Florida and does not impact EPA's intent to delete the Site from the NPL. A five-year review will be conducted by EPA in 1998 to confirm that the remedy remains effective.

EPA, with concurrence of FDEP, has determined that all appropriate actions at the Beulah Landfill Site have been completed, and that no further remedial action is necessary. Therefore, EPA is

proposing deletion of the Site from the NPL.

Dated: April 7, 1998.

**A. Stanley Meiburg,**

*Acting Regional Administrator, USEPA Region 4.*

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 18

[ET Docket 98-42; FCC 98-53]

#### Regulations for RF Lighting Devices

**AGENCY:** Federal Communications Commission

**ACTION:** Proposed rule.

**SUMMARY:** By this *Notice of Proposed Rulemaking*, the Commission is proposing to update the regulations for RF lighting devices. This action is taken in response to new developments in RF lighting technology. It is intended to support the development of new more efficient RF lighting products for consumer and commercial applications.

**DATES:** Comments are due July 8, 1998. Reply comments are due August 7, 1998.

**FOR FURTHER INFORMATION CONTACT:** Office of Engineering and Technology, Anthony Serafini at (202) 418-2456.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rulemaking adopted April 1, 1998 and released April 9, 1998. The full text of this decision is available for inspection and copying during regular business hours in the FCC Reference Center, Room 239, 1919 M Street, NW, Washington, DC. The complete text of this decision also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

#### Summary of the Notice of Proposed Rulemaking

1. By this action, the Commission proposes to amend part 18 of its rules to update the regulations for radio frequency (RF) lighting devices. Recent developments and advances in RF lighting technology offer potential economic and environmental benefits for consumers and industry. The current FCC rules, however, may not easily accommodate these technological advancements and thus hinder the further development and implementation of these new products. This action seeks to reduce unnecessary

regulatory burden and to support the introduction of new and beneficial products while ensuring that spectrum-based communications services continue to be protected from interference. Accordingly, the Commission proposes to relax the line-conducted emission limits and to adopt radiated emission limits above 1 GHz for RF lighting devices and solicits comments on these proposals.

2. RF lighting technology has been typically designed to operate at relatively low frequencies around 150 kHz. The new products we are considering are designed to operate at much higher frequencies and therefore were not taken into account when the existing rules were adopted. The new consumer RF light operates in the 2.2-2.8 MHz band. This product is more efficient and longer lasting than existing incandescent bulbs. We propose to amend our rules to allow for this new technology without causing potential harmful interference to spectrum-based services. We propose to relax the consumer line-conducted emission limit in Section 18.307(c) by 22 dB in the 2.2-2.8 MHz band to the existing non-consumer limit of 3000 microvolts.

3. The new commercial use product is a high-power RF lamp that operates in the 2400-2500 MHz Industrial, Scientific, and Medical (ISM) band and offers benefits similar to the consumer lighting product. Although this product is an RF lamp, it uses a magnetron power source similar to magnetrons used in microwave ovens operating in the same band. Therefore, it does not easily fit under our rules for either RF lighting or microwave ovens. We propose to amend the RF lighting rules to consider the requirements of this new technology. Specifically, we seek comment on whether the non-consumer line-conducted limits in Section 18.307(c) should be relaxed 10 dB for RF lighting products. We also propose to adopt out-of-band radiated limits above 1 GHz.

#### **Initial Regulatory Flexibility Analysis**

4. As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the expected significant economic impact on small entities by the policies and rules proposed in this Notice of Proposed Rule Making ("Notice"). Written public comments are requested on the IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Notice. The Commission will send a copy of the Notice, including this IRFA, to the Chief

Counsel for Advocacy of the Small Business Administration. See 5 U.S.C. 603(a). In addition, the Notice and IRFA (or summaries thereof) will be published in the Federal Register.

#### **Need for and Objectives of the Proposed Rules**

5. This rule making proceeding is initiated to obtain comment regarding proposals to change the conducted line emission limits for RF lighting. Recent developments and advances in RF lighting technology offer potential economic and environmental benefits for consumers and industry. The current FCC rules, however, do not easily accommodate these technological advancements and thus hinder the further development and implementation of these promising new products. This action seeks to relax the part 18 regulations to accommodate new and beneficial products while ensuring that other important communications services continue to be protected from interference. This action will potentially benefit all entities using RF lighting technologies, including small entities.

#### **Legal Basis**

6. The proposed action is authorized under Sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307.

#### **Description and Estimate of the Number of Small Entities to Which the Proposed Rule Will Apply**

7. The RFA generally defines a "small entity" as having the same meaning as the terms "small business," "small organization," and "small government jurisdiction." In addition, the term "small business" is the same meaning as the term "small business concern" under the Small Business Act ("SBA"), 15 U.S.C. 632, unless the Commission has developed one or more definitions that are appropriate to its activities. Under the SBA, a "small business concern" is one that (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any individual criteria established by the Small Business Administration (SBA).

8. The Commission has not developed a definition of small entities applicable to RF Lighting Devices. Therefore, the applicable definition of small entity is the definition under the Small Business Administration (SBA) rules applicable to Communications Services, Not Elsewhere Classified. This definition provides that a small entity is one with \$11.0 million or less in annual receipts.

According to Census Bureau data, there are 848 firms that fall under the category of Communications Services, Not Elsewhere Classified. Of those, approximately 775 reported annual receipts of \$11 million or less and qualify as small entities.

9. This Notice seeks comment to help the Commission determine the appropriate regulations necessary to protect communications services while facilitating development and use of the new generation of energy saving RF lighting devices. We also request comment on the description and the number of small entities that may be significantly impacted by this proposal.

#### **Description of Projected Reporting, Recordkeeping and Other Compliance Requirements**

10. Under part 18 of the FCC rules, consumer ISM equipment must be approved under the FCC certification process and non-consumer equipment is subject to verification. No changes are proposed to the testing and approval process requirements for RF lighting product.

#### **Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered**

11. U.S. manufacturers have developed new RF lighting technologies that offer potential economic and environmental benefits to consumers and industry. General Electric (GE) has developed and Electrodeless Fluorescent Lamp (EFL) that operates between 2.2-2.8 MHz. This a more efficient, longer lasting consumer lamp that is an alternative to normal incandescent light bulbs. EFL lamps represent a new generation of technology beyond the existing low frequency RF lights known as Compact Fluorescent Lamps (CFL), which are limited in their applications due to their non-traditional design using curved tubing. EFL lamps are nearly identical in size and shape to incandescent bulbs and therefore, are expected to have greater consumer applications and acceptance over CFL lamps.

12. The existing RF lighting rules were adopted many years ago for products operating at relatively low frequencies and do not easily accommodate new state-of-the-art RF lighting technologies. We believe it is appropriate to examine and modify our rules to accommodate these new technologies to the extent possible while still ensuring that communications services are protected from harmful interference.

13. Fusion Lighting, Inc. (Fusion) has developed an efficient, longer-lasting,

high-power commercial lamp that is suitable for lighting coverage of large, commercial areas, such as warehouses, parking lots and shopping malls. Fusion's efforts were supported by the Department of Energy (DOE), the Environmental Protection Agency (EPA) and the National Air and Space Administration (NASA). Fusion states that its sulfur based lamp is over four times more efficient than incandescent lighting, yet does not have the color drawbacks of present mercury based high intensity discharge lamps used in typical outside lighting and commercial environments. The lamp produces a spectra closely matching that of the sun, but with very little heat or ultraviolet rays. In testing demonstrations, two Fusion lamps, shining light from both ends into a reflective light tube 240 feet long, were able to replace the light of 240 and 175 watt mercury lamps at the DOE headquarters. At the National Air and Space Museum, three Fusion lamps shining into three separate 90-foot tubes replaced 94 conventional lights.

14. Fusion states that the cost of complying with the current line-conducted limits for RF lighting devices is excessive. The Fusion lamp must use a line filter to come into compliance with the line-conducted limits for commercial RF lighting devices. Fusion argues that although existing line filters will permit Fusion's lamp to pass the current FCC limits, they are not designed for the operating temperatures of the lamp and therefore fail to meet Underwriter Laboratories (UL) safety requirements. Additionally, Fusion solicited data from power supply manufacturers and notes that a custom line filter needed to make their product meet both the FCC and UL requirements would add approximately 15 percent to the final cost.

15. At this time, we are proposing no additional, alternative RF rule modifications beyond those generally described by GE and Fusion. We seek comment on any additional alternatives.

#### **Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rule**

16. None.

#### **List of Subjects in 47 CFR Part 18**

Business and industry.

Federal Communications Commission.

**Magalie Roman Salas,**  
*Secretary.*

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## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Parts 22 and 64**

[CC Docket No. 96-115, FCC 98-27]

#### **Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission is issuing this Notice of Proposed Rulemaking (NPRM) seeking comment on three issues involving carrier duties and obligations relating to the use of Customer Proprietary Network Information (CPNI) and other customer information established under sections 222(a) and (b) of the Telecommunications Act of 1996. We are doing this based on various responses from parties in the proceeding.

**DATES:** Comments are due on or before March 30, 1998 and Reply Comments are due on or before April 14, 1998.<sup>1</sup> Written comments by the public on the proposed information collections are due March 30, 1998. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collections on or before July 6, 1998.

**ADDRESSES:** Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, with a copy to Janice Myles of the Common Carrier Bureau, 1919 M Street, N.W., Room 544, Washington, D.C. 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc., 1231 20th St., N.W., Washington, D.C. 20036. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, D.C. 20554, or via the Internet to jboley@fcc.gov, and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725—17th Street, N.W., Washington, D.C. 20503 or via the Internet to fain\_t@al.eop.gov.

**FOR FURTHER INFORMATION CONTACT:** Lisa Choi, Attorney, Common Carrier

<sup>1</sup> Editorial Note: This document was received at the Office of the Federal Register on April 17, 1998.

Bureau, Policy and Program Planning Division, (202) 418-1580. For additional information concerning the information collections contained in this NPRM contact Judy Boley at (202) 418-0214, or via the Internet at jboley@fcc.gov.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Further Notice of Proposed Rulemaking (FNPRM) adopted February 19, 1998 and released February 26, 1998 (FCC 98-27). This FNPRM contains proposed information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the OMB for review under the PRA. The OMB, the general public, and other Federal agencies are invited to comment on the proposed information collections contained in this proceeding. The full text of this Further Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M St., N.W., Room 239, Washington, D.C. The complete text also may be obtained through the World Wide Web, at <http://www.fcc.gov/Bureaus/CommonCarrier/Orders/fcc9827.wp>, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th St., N.W., Washington, D.C. 20036.

#### **Paperwork Reduction Act**

This NPRM contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collections contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13. Public and agency comments are due at the same time as other comments on this NPRM; OMB notification of action is due 70 days from date of publication of this NPRM in the **Federal Register**. Comments should address: (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 estimates; (c) ways to enhance the quality, utility, and 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 collection techniques or other forms of information technology.

**OMB Approval Number:** 3060-0715.  
**Title:** Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of