

governments in the aggregate, or to the private sector. This federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

The Regional Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)-(K) and part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: May 13, 1998

Herbert Barrack,

Acting Regional Administrator for Policy and Management.

[FR Doc. 98-13610 Filed 5-20-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 194

[FRL-6100-9]

RIN 2060-AG85

Opportunity To Comment on Documents Used by the Department of Energy To Certify the Rocky Flats Environmental Technology Site To Ship Transuranic Waste to WIPP, as Required in: Criteria for the Certification and Re-certification of the Waste Isolation Pilot Plant's Compliance With the Disposal Regulations: Certification Decision

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability; opening of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the availability of, and soliciting public comments for 30 days on, Department of Energy (DOE) documents used to certify the Rocky Flats Environmental Technology Site (RFETS) to ship transuranic radioactive waste to the Waste Isolation Pilot Plant (WIPP). The documents include: "Rocky Flats Environmental Technology Site Transuranic (TRU) Waste Management Manual" (dated January 7, 1998) and "Rocky Flats Environmental Technology

Site Waste Isolation Pilot Plant Quality Assurance Project Plan" (dated May 14, 1997). These documents are available for review in the public dockets listed in **ADDRESSES**. The EPA will be using these documents to evaluate RFETS's quality assurance and waste characterization programs and processes. The EPA will perform an inspection at RFETS the week of June 22-26, 1998.

DATES: EPA is requesting public comment on these documents. Comments must be received by EPA's official Air Docket on or before June 22, 1998.

ADDRESSES: Comments should be submitted to: Docket No. A-93-02, Air Docket, Room M-1500 (LE-131), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

The DOE documents, "Rocky Flats Environmental Technology Site Transuranic (TRU) Waste Management Manual" (dated January 7, 1998) and "Rocky Flats Environmental Technology Site Waste Isolation Pilot Plant Quality Assurance Project Plan" (dated May 14, 1997) are available for review in the official EPA Air Docket in Washington DC, Docket No. A-93-02, Category X-B, and at the following three EPA WIPP informational docket locations in New Mexico: in Carlsbad at the Municipal Library, Hours: Monday-Thursday, 10am-9pm, Friday-Saturday, 10am-6pm, and Sunday 1pm-5pm; in Albuquerque at the Government Publications Department, Zimmerman Library, University of New Mexico, Hours: Monday-Thursday, 8am-9pm, Friday, 8am-5pm, Saturday-Sunday, 1pm-5pm; and in Santa Fe at the Fogelson Library, College of Santa Fe, Hours: Monday-Thursday, 8am-12am, Friday, 8am-5pm, Saturday, 9am-5pm, and Sunday, 1pm-9pm.

As provided in EPA's regulations at 40 CFR Part 2, and in accordance with normal EPA docket procedures, if copies of any docket materials are requested, a reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Chuck Byrum, Office of Radiation and Indoor Air, (505) 665-7555 or call EPA's 24-hour toll-free WIPP Information Line, 1-800-331-WIPP.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Department of Energy (DOE) is developing the Waste Isolation Pilot Plant (WIPP) near Carlsbad in southeastern New Mexico as a potential deep geologic repository for disposal of transuranic (TRU) radioactive waste. As defined by the WIPP Land Withdrawal

Act (LWA) of 1992, as amended (Pub. L. No. 102-579), TRU waste consists of materials containing elements having atomic numbers greater than 92 (with half-lives greater than twenty years), in concentrations greater than 100 nanocuries of alpha-emitting TRU isotopes per gram of waste. Most TRU waste consists of items contaminated during the production of nuclear weapons, e.g., rags, equipment, tools, and organic and inorganic sludges.

On May 13, 1998, the U.S.

Environmental Protection Agency (EPA) announced its final compliance certification decision to the Secretary of Energy. This decision states that the WIPP will comply with EPA's radioactive waste disposal regulations at 40 CFR Part 191 and the WIPP Compliance Criteria at 40 CFR Part 194.

The final WIPP certification decision includes conditions that (1) prohibit shipment of TRU waste for disposal at WIPP from any site other than the Los Alamos National Laboratory (LANL) until EPA determines that the site has established and executed a quality assurance program, in accordance with §§ 194.22(a)(2)(i), 194.24(c)(3), and 194.24(c)(5) for waste characterization activities and assumptions; and (2) prohibit shipment of TRU waste for disposal at WIPP from any site other than LANL until EPA has approved, in accordance with the approval process set forth at § 194.8(b), the procedures developed to comply with the waste characterization requirements of § 194.24(c)(4). As part of the EPA's decision-making process, DOE is required to submit to EPA appropriate documentation used to certify each DOE waste generator site for shipment of transuranic radioactive waste to WIPP. In accordance with § 194.8, EPA will place such documentation in the official Air Docket in Washington, D.C., and informational dockets in the State of New Mexico for public review and comment.

The documents submitted to EPA include: "Rocky Flats Environmental Technology Site Transuranic (TRU) Waste Management Manual" (dated January 7, 1998) and "Rocky Flats Environmental Technology Site Waste Isolation Pilot Plant Quality Assurance Project Plan" (dated May 14, 1997). The "Rocky Flats Environmental Technology Site Transuranic (TRU) Waste Management Manual" sets forth the waste characterization procedures for TRU wastes at Rocky Flats. The "Rocky Flats Environmental Technology Site Waste Isolation Pilot Plant Quality Assurance Project Plan" sets forth the quality assurance program that DOE purports to comply with the

requirements of § 194.22. After EPA reviews these documents for adequacy, EPA will conduct an inspection of a DOE audit of the site to determine whether the requirements set out in these documents are being adequately implemented in accordance with Conditions 2 and 3 of EPA's WIPP certification decision (Criteria for the Certification and Recertification of the Waste Isolation Pilot Plant's Compliance With the 40 CFR Part 191 Disposal Regulations: Certification Decision). Section 194.8 of the WIPP Compliance Criteria (as amended by the final certification decision) provides the public at least 30 days to comment on the documents placed in EPA's docket relevant to the site approval process.

If EPA determines that the provisions in the documents are adequately implemented, EPA will notify DOE by letter and place the letter in the official Air Docket in Washington DC, and in the informational docket locations in New Mexico. A positive approval letter will allow DOE to begin shipping TRU waste from RFETS. EPA will not make a determination of compliance before the inspection or before the 30-day comment period has closed.

Information on EPA's radioactive waste disposal standards (40 CFR Part 191), the compliance criteria (40 CFR Part 194), and EPA's certification decision is filed in the official EPA Air Docket, Dockets No. R-89-01, A-92-56, and A-93-02, respectively, and is available for review in Washington DC, and at the three EPA WIPP informational docket locations in New Mexico. The dockets in New Mexico contain only major items from the official Air Docket in Washington, DC, plus those documents added to the official Air Docket since the October 1992 enactment of the WIPP LWA.

Dated: May 14, 1998.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 98-13606 Filed 5-20-98; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98-64; RM-9272]

Radio Broadcasting Services; St. Anne, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by STARadio Corporation proposing the allotment of Channel 293A at St. Anne, Illinois, as the community's first local aural transmission service. Channel 293A can be allotted to St. Anne in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.6 kilometers (6.6 miles) southeast to avoid short-spacings to the licensed sites of Station WYBA(FM), Channel 292A, Lansing, Illinois, and Station WGCY(FM), Channel 292A, Gibson City, Illinois. The coordinates for Channel 293A at St. Anne are North Latitude 40-56-20 and West Longitude 87-39-10.

DATES: Comments must be filed on or before July 6, 1998, and reply comments on or before July 21, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Michael Ruger, Esq., Baker & Hostetler, LLP, 1050 Connecticut Ave., NW., Suite 1100, Washington, DC 20036-5304 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-64, adopted May 6, 1998, and released May 15, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-13567 Filed 5-20-98; 8:45 am]

BILLING CODE 6712-01-P

OFFICE OF PERSONNEL MANAGEMENT

48 CFR Part 1609

RIN 3206-AI27

Prohibition of "Gag Clauses" in the Federal Employees Health Benefits Program

AGENCY: Office of Personnel Management.

ACTION: Notice of proposed rule making.

SUMMARY: The Office of Personnel Management (OPM) is proposing to amend the regulations to prohibit health benefit carriers participating in the Federal Employees Health Benefits (FEHB) Program from entering into contractual provisions with health care providers or health care workers that would include a provision for incentive payments as an inducement to reduce or limit communication with, or the delivery of health care services to, FEHB enrollees. The rule is intended to ensure providers' and health care workers' ability to communicate with, and advise patients of, any medically necessary treatment options.

DATES: Comments must be received on or before July 20, 1998.

ADDRESSES: Comments should be directed to Abby L. Block, Chief, Insurance Policy and Information Division, OPM, Room 3425, 1900 E Street, NW., Washington, DC 20415-0001.

FOR FURTHER INFORMATION CONTACT: Michael W. Kaszynski, (202) 606-0004.

SUPPLEMENTARY INFORMATION: You may submit comments and data by sending electronic mail (E-mail) to: MWKASZYN@OPM.Gov.

On February 20, 1998, the President signed an Executive Memorandum directing the Office of Personnel Management (OPM) to take the necessary steps to bring the FEHB Program into contractual compliance with the Consumer (Patient) Bill of Rights and Responsibilities by no later than year end 1999. The Memorandum specifically directed OPM to propose regulations within 90 days to prohibit practices that restrict physician-patient communications about medically necessary treatment options. This action will prohibit FEHB participating carriers