

agency, which will, in turn, verify the record correction with the originating agency (assuming the originating agency has not already notified the denying agency of the correction) and take all necessary steps to correct the record in the NICS.

(d) As an alternative to the above procedure, the individual may elect to direct his or her challenge to the accuracy of the record, in writing, to the FBI, NICS Operations Center, Criminal Justice Information Services Division, 1000 Custer Hollow Road, Module C-3, Clarksburg, West Virginia 26306-0147. Upon receipt of the information, the FBI will investigate the matter by contacting the POC that denied the transaction or the data source. The FBI will request the POC or the data source to verify that the record in question pertains to the individual who was denied or verify or correct the challenged record. The FBI will consider the information it receives from the individual and the response it receives from the POC or the data source. If the record is corrected as a result of the challenge, the FBI shall so notify the individual, correct the erroneous information in the NICS, and give notice of the error to any Federal department or agency or any state that was the source of such erroneous records.

(e) Upon receipt of notice of the correction of a contested record from the originating agency, the FBI or the agency that contributed the record shall correct the data in the NICS and the denying agency shall provide a written confirmation of the correction of the erroneous data to the individual for presentation to the FFL. If the appeal of a contested record is successful and less than thirty (30) days have transpired since the initial check, and there are no other disqualifying records upon which the denial was based, the NICS will communicate a "proceed" response to the FFL. If the appeal is successful and more than thirty (30) days have transpired since the initial check, the FFL must recheck the NICS (without being charged a fee) before allowing the sale to continue. In cases where multiple disqualifying records are the basis for the denial, the individual must pursue a correction for each record.

(f) An individual may also contest the accuracy or validity of a disqualifying record by bringing an action against the state or political subdivision responsible for providing the contested information, or responsible for denying the transfer, or against the United States, as the case may be, for an order directing that the contested information be corrected or that the firearm transfer be approved.

§ 25.11 Prohibited activities and penalties.

(a) State or local agencies, FFLs, or individuals violating this subpart A shall be subject to a fine not to exceed \$10,000 and subject to cancellation of NICS inquiry privileges.

(b) Misuse or unauthorized access includes, but is not limited to, the following:

(1) State or local agencies', FFLs', or individuals' purposefully furnishing incorrect information to the system to obtain a "proceed" response, thereby allowing a firearm transfer;

(2) State or local agencies', FFLs', or individuals' purposefully using the system to perform a check for unauthorized purposes; and

(3) Any unauthorized person's accessing the NICS.

Dated: May 28, 1998.

Janet Reno,

Attorney General.

[FR Doc. 98-14795 Filed 6-1-98; 8:45 am]

BILLING CODE 4410-02-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 69 and 80

[FRL-6107-7]

State of Alaska Petition for Exemption From Diesel Fuel Sulfur Requirement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of public comment period.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is extending the public comment period on the Notice of Proposed Rulemaking (NPRM), which proposes to grant the State of Alaska an exemption from the requirements of EPA's low-sulfur diesel fuel program for motor vehicles. The NPRM was published in the **Federal Register** on April 28, 1998 (63 FR 23241). The purpose of this notice is to extend the comment period from May 28, 1998 to June 12, 1998, to allow commenters additional time to respond to the NPRM.

DATES: EPA will accept comments on the NPRM until June 12, 1998.

ADDRESSES: Comments should be submitted in duplicate to Mr. Richard Babst, Fuels and Energy Division (6406-J), 401 M Street SW., Washington, DC 20460. Copies of information relevant to this NPRM are available for inspection in public docket A-96-26 at the Air Docket of the EPA, first floor, Waterside Mall, room M-1500, 401 M Street SW., Washington, DC 20460, (202) 260-7548,

between the hours of 8:00 a.m. to 5:30 p.m. Monday through Friday. A duplicate public docket has been established at EPA Alaska Operations Office-Anchorage, Federal Building, room 537, 222 W. Seventh Avenue, #19, Anchorage, AK 99513-7588, and is available from 8:00 a.m. to 5:00 p.m. Monday through Friday. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: For information concerning the NPRM, contact Mr. Richard Babst, Fuels and Energy Division (6406-J), 401 M Street SW., Washington, DC 20460, 202-564-9473.; fax 202-565-2085; electronic mail babst.richard@epa.gov.

Dated: June 1, 1998.

Richard D. Wilson,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 98-14850 Filed 6-3-98; 8:45 am]

BILLING CODE 6560-50-P

NATIONAL SCIENCE FOUNDATION

45 CFR Parts 672 and 673

RIN 3145-AA36

Antarctic Tourism

AGENCY: National Science Foundation (NSF).

ACTION: Proposed Rule.

SUMMARY: NSF proposes issuing regulations to implement the amendments to the Antarctic Conservation Act of 1978 contained in the Antarctic Science, Tourism, and Conservation Act of 1996. These regulations will require U.S. tour operators using non-U.S. flagged vessels for Antarctic expeditions to ensure that the vessel owner has an emergency response plan. The regulation also requires U.S. tour operators to notify their passengers and crew of their Antarctic Conservation Act obligations.

DATES: Comments must be received by August 3, 1998.

ADDRESSES: Comments should be sent to Anita Eisenstadt, Assistant General Counsel, National Science Foundation, 4201 Wilson Boulevard, Room 1265, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Anita Eisenstadt, Office of the General Counsel, at 703-306-1060.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 1996, the Antarctic Science Tourism and Conservation Act of 1996 (ASTCA) (Pub. L. 104-227)

became law. This Act implements the Protocol on Environmental Protection to the Antarctic Treaty done at Madrid on October 4, 1991, by amending the Antarctic Conservation Act of 1978 (ACA) (16 U.S.C. 2401 *et seq.*). Article 15 of the Protocol, "Emergency Response Action", requires that each Party provide for prompt and effective response action to such emergencies as might arise from activities in the Antarctic, including tourism and other non-governmental activities. On April 14, 1997, the Coast Guard issued regulations to implement Article 15 of the Protocol with respect to U.S.-flagged vessels operating in the Antarctic. The Coast Guard regulations are found at 33 CFR part 151. Because some U.S. tour operators may also charter non-U.S. flagged vessels for their Antarctic expeditions, a regulation must still be issued which ensures that non-U.S. flagged vessels used by U.S. tour operators have emergency response plans that are consistent with Article 15. The ASTCA also amends the ACA to require U.S. tour operators to notify their passengers and crew of their obligations under the Antarctic Conservation Act.

As the lead U.S. Government agency in Antarctica, NSF has long had responsibility for ensuring that United States tourism and its supporting logistics operations in the Antarctic are conducted in a manner compatible with preserving the unique values of the Antarctic. 16 USC 2401(a)(3). Section 6 of the ACA, as amended by the ASTCA, directs the Director of the National Science Foundation to issue such regulations as are necessary and appropriate to implement the Protocol and the ACA. NSF is therefore amending its regulations to add provisions that address these new requirements for tour operators.

Summary of Provisions

NSF is adding a new part 673 to its regulations to encompass the new notification and Article 15 requirements for U.S. tour operators. Tour operators using non-U.S. flagged vessels for Antarctic expeditions are required to ensure that the vessel owner or operator has an emergency response plan for such emergencies as might arise in the performance of the vessel's activities in Antarctica. Since the vessels currently being used by U.S. tour operators already have a shipboard oil pollution emergency plan (SOPEP), this rule simply requires them to amend their existing SOPEP to include a plan for prompt and effective response action to emergencies arising in the performance of the vessel's activities. The Coast

Guard's regulations implementing Article 15 for U.S. flagged vessels contain the identical requirement and any plan which satisfies the requirements contained in 33 CFR 151.26 of the Coast Guard regulations will also satisfy the requirements of this rule.

Part 673 also requires U.S. tour operators to notify their crew and passengers of the environmental protection obligations of the ACA. A related requirement presently contained in Part 672 for U.S. tour operators to distribute educational materials to their passengers and crew provided by NSF is being moved to part 673 for organizational clarity.

Determinations

NSF has determined, under the criteria set forth in Executive Order 12866, that this rule is not a significant regulatory action requiring review by the Office of Information and Regulatory Affairs. As required by the Regulatory Flexibility Act, it is hereby certified this rule will not have significant impact on a substantial number of small businesses. NSF has been advised by the International Association of Antarctica Tour Operators that all vessels which are currently being used to transport passengers to Antarctica already have shipboard oil emergency plans (SOPEP) in compliance with Regulation 26 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78). Consequently, this rule will merely require amending the existing SOPEP.

In issuing its rule, the Coast Guard conducted an industry cost analysis for preparation of an emergency response plan. 62 FR 18043, 18044 (April 14, 1997). The Coast Guard estimated the total cost for incorporating the new SOPEP amendments to range from \$500 to \$1400 per plan. The analysis indicated that the amendments needed to be incorporated into a vessel's current SOPEP would be approximately 5 to 10 pages and that they would take no more than five days to draft. The Coast Guard estimated that the cost per page of additions to the SOPEP is approximately \$100 to \$140 (\$35/hr x \$40hr./week/10). Since the requirements under the Coast Guard rule are the same as the requirements under this rule, the estimates from this recent Coast Guard analysis are applicable to this rule.

Consistent with the Coast Guard rule, this rule does not require that specific equipment be carried on board the ship. It simply requires that vessels used by U.S. tour operators have plans for

prompt and effective responses to emergencies which may arise in the performance of their vessels in the Antarctic. However, for purposes of estimating costs, the Coast Guard assumed that vessels would most likely choose to carry a complement of materials estimated to cost \$1122 per vessel.

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) does not apply because there are less than ten U.S. tour operators chartering non-U.S. flagged vessels for Antarctic expeditions. Finally, NSF has reviewed this rule in light of section 2 of Executive Order 12778 and I certify for the National Science Foundation that this rule meets the applicable standards provided in sections 2(a) and 2(b) of that order.

List of Subjects

45 CFR Part 672

Administrative practice and procedure, Antarctica.

45 CFR Part 673

Administrative practice and procedure, Antarctica, Oil pollution, Vessels.

Dated: May 22, 1998.

Lawrence Rudolph,

General Counsel, National Science Foundation.

For the reasons set forth in the preamble, the National Science Foundation proposes to amend 45 CFR Part 672, and add 45 CFR Part 673 as follows:

1. The authority citation for Part 672 continues to read as follows:

Authority: 16 U.S.C. 2401 *et seq.*

2. The Part Heading to Part 672 is revised to read as follows:

PART 672—ENFORCEMENT AND HEARING PROCEDURES

§ 672.3 [Amended]

3. In § 672.3, remove paragraph (h) and redesignate paragraph (i) as (h).

4. Part 673 is added to read as follows:

PART 673—ANTARCTIC TOURISM

Sec.

673.1 Purpose of regulations.

673.2 Scope.

673.3 Definitions.

673.4 Environmental protection information.

673.5 Emergency response plan.

Authority: 16 U.S.C. 2401 *et seq.*

§ 673.1 Purpose of regulations.

The purpose of the regulations in this part is to implement the Antarctic Conservation Act of 1978, Public Law

95-541, as amended by the Antarctic Science, Tourism and Conservation Act of 1996, Public Law 104-227, and Article 15 of the Protocol on Environmental Protection to the Antarctic Treaty done at Madrid on October 4, 1991. Specifically, this part is designed to ensure that non-U.S. flagged vessels supporting non-governmental expeditions to Antarctica will have appropriate emergency response plans. This part is also designed to ensure that expedition members are informed of their environmental protection obligations under the Antarctic Conservation Act.

§ 673.2 Scope.

The requirements in this part apply to non-governmental expeditions to or within the Antarctic Treaty area for which the United States is required to give advance notice under Paragraph (5) of Article VII of the Antarctic Treaty.

§ 673.3 Definitions.

In this part:

Antarctica means the area south of 60 degrees south latitude

Expedition means an activity undertaken by one or more nongovernmental persons organized within or proceeding from the United States to or within the Antarctic Treaty area for which advance notification is required under Paragraph 5 of Article VII of the Antarctic Treaty.

Person has the meaning given that term in section 1 of title 1, United States Code, and includes any person subject to the jurisdiction of the United States except that the term does not include any department, agency, or other instrumentality of the Federal Government.

§ 673.4 Environmental protection information.

(a) Any person organizing a non-governmental expedition to or within Antarctica and who does business in the United States shall notify expedition members of the environmental protection obligations of the Antarctic Conservation Act. Upon request by the National Science Foundation, the person organizing such an expedition shall provide the National Science Foundation Office of Polar Programs with copies of materials used to meet this notification obligation.

(b) The National Science Foundation Office of Polar Programs may prepare for publication and distribution explanation of the prohibited acts set forth in the Antarctic Conservation Act, as well as other appropriate educational material for tour operators, their clients, and employees. Such material provided

to tour operators for distribution to their passengers and crew shall be disseminated prior to or during travel to the Antarctic.

§ 673.5 Emergency response plan.

Any person organizing an expedition to or within Antarctica who is transporting passengers aboard a non-U.S. flagged vessel shall ensure that:

(a) The vessel owner's or operator's shipboard oil pollution emergency plan, prepared and maintained according to Regulation 26 of Annex I of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL 73/78), has provisions for prompt and effective response action to such emergencies as might arise in the performance of the vessel's activities in Antarctica. If the vessel owner or operator does not have a shipboard oil pollution emergency plan, a separate plan for prompt and effective response action is required.

(b) The vessel owner or operator agrees to take all reasonable measures to implement the plan for a prompt and effective response action in the event of an emergency, taking into account considerations of risk to human life and safety.

[FR Doc. 98-14779 Filed 6-3-98; 8:45 am]

BILLING CODE 7555-01-P

LEGAL SERVICES CORPORATION

45 CFR Parts 1606 and 1625

Termination and Debarment Procedures; Recompensation Denial of Refunding

AGENCY: Legal Services Corporation.

ACTION: Proposed rule.

SUMMARY: This proposed rule would remove the Corporation's rule on denial of refunding from the Code of Federal Regulations and substantially revise the Corporation's rule governing the termination of financial assistance. These revisions are intended to implement major changes in the law governing how the Corporation deals with post-award grant disputes. The proposed termination rule also adds new provisions authorizing the Corporation to recompile service areas and to debar recipients for good cause from receiving additional awards of financial assistance.

DATES: Comments should be received on or before August 3, 1998.

ADDRESSES: Comments should be submitted to the Office of the General Counsel, Legal Services Corporation,

750 First St. NE., 11th Floor, Washington, DC 20002-4250.

FOR FURTHER INFORMATION CONTACT: Office of the General Counsel, 202-336-8817.

SUPPLEMENTARY INFORMATION: The Operations and Regulations Committee (Committee) of the Legal Services Corporation's (LSC) Board of Directors (Board) met on April 5, 1998, in Phoenix, Arizona, to consider proposed revisions to the Corporation's rules governing procedures for the termination of funding, 45 CFR part 1606, and denial of refunding, 45 CFR part 1625. The Committee made several changes to the draft rule and adopted this proposed rule for publication in the **Federal Register** for public comment. This proposed rule is intended to implement major changes in the law governing how the Corporation deals with post-award grant disputes.

Prior to 1996, LSC recipients could not be denied refunding, nor could their funding be suspended or their grants terminated, unless the Corporation complied with sections 1007(a)(9) and 1011 of the LSC Act, 42 U.S.C. 2996 et seq., as amended. For suspensions, the Corporation could not suspend financial assistance unless the recipient had been provided reasonable notice and an opportunity to show cause why the action should not be taken. For terminations and denials of refunding, the Corporation was required to provide the opportunity for a "timely, full and fair hearing" before an independent hearing examiner.

In 1996, the Corporation implemented a system of competition for grants that ended a recipient's right to yearly refunding. Under the competition system, grants are now awarded for specific terms, and, at the end of a grant term, a recipient has no right to refunding and must reapply as a competitive applicant for a new grant. Accordingly, this rule proposes to remove 45 CFR part 1625, the Corporation's regulation on the denial of refunding, from the Code of Federal Regulations as no longer consistent with applicable law.

The FY 1998 appropriations act made additional changes to the law affecting LSC recipients' rights to continued funding. See Pub. L. 105-119, 111 Stat. 2440 (1997). Section 504 provides authority for the Corporation to debar a recipient from receiving future grant awards upon a showing of good cause. Section 501(c) authorizes the Corporation to recompile a service area when a recipient's financial assistance has been terminated. Finally, section 501(b) of the appropriations act