return rather than on the estate's income tax return, the marital deduction remains $3,900,000, even though the federal and state estate taxes now total only $1,880,000. The marital deduction is not increased by the reduction in estate taxes attributable to deducting the management expenses on the federal estate tax return.

Example 3. During the period of administration, the estate incurs estate management expenses of $400,000 in connection with the bequest of ABC Corporation stock to the decedent's child. The executor charges these management expenses to the residue. For purposes of determining the marital deduction, the value of the residue is reduced by the federal and state estate taxes and by the management expenses. The management expenses reduce the value of the residue because they are charged to the property passing to the spouse even though they were incurred with respect to stock passing to the child and the spouse is not entitled to the income from the stock during the period of estate administration. If the management expenses are deducted on the estate's income tax return, the marital deduction is $3,011,111 ($6,000,000 minus $400,000 management expenses and minus $2,588,889 federal and state estate taxes). If the management expenses are deducted on the estate tax return rather than on the estate's income tax return, the marital deduction remains $3,011,111, even though the federal and state estate taxes now total only $2,368,889. The marital deduction is not increased by the reduction in estate taxes attributable to deducting the management expenses on the federal estate tax return.

(4) *Effective date.* This paragraph (e) applies to estates of decedents dying on or after the date these regulations are published as final regulations in the **Federal Register**.

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 98–33125 Filed 12–15–98; 8:45 am]

BILLING CODE 4830–01–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. RM 98–7B]

Notice and Recordkeeping for Making and Distributing Phonorecords

AGENCY: Copyright Office, Library of Congress.

ACTION: Reopening of comment period.

SUMMARY: The Copyright Office of the Library of Congress is reopening the comment period on the requirements by which copyright owners shall receive reasonable notice of the use of their works in the making and distribution of phonorecords.

DATES: The comment period is reopened until 12 p.m. on December 24, 1998.

ADDRESSES: If sent by mail, an original and ten copies of the comments should be addressed to: David O. Carson, General Counsel, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. If hand delivered, an original and ten copies of the comments should be brought to: Office of the Copyright General Counsel, James Madison Memorial Building, Room LM–403, First and Independence Avenue, SE, Washington, DC 20559–6000.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Attorney Advisor, Copyright GC/I&R, PO Box 70400, Southwest Station, Washington, DC 20024. Telephone (202) 707–8380 or Telefax (202) 252–3423.

SUPPLEMENTARY INFORMATION: On September 4, 1998, the Copyright Office published a notice of inquiry seeking comments on the requirements by which copyright owners shall receive reasonable notice of the use of their works in the making and distribution of phonorecords. 63 FR 47215 (September 4, 1998). The Digital Performance Right in Sound Recordings Act of 1995, Pub. L. 104–39, 109 Stat. 336, requires the Librarian of Congress to establish these regulations to ensure proper payment to copyright owners for the use of their works. 17 U.S.C. 115(c)(3)(D). Comments were timely filed by the American Society of Composers, Authors and Publishers (ASCAP), Broadcast Music, Inc. (BMI), and the National Music Publishers' Association, Inc. (NMPA) and the Recording Industry Association of America, Inc. (RIAA). Reply comments were due to be filed on November 18, 1998. On November 27, 1998, the Office granted a request to reopen the reply comment period; under the reopened deadline, reply comments were due to be filed on December 11, 1998. 63 FR 65567 (November 27, 1998). Although the November 27 **Federal Register** notice reopened the reply comment period, the Office recognizes that submissions filed in accordance with that notice would have been so substantive in nature as to constitute comments and not reply comments.

In response to requests for additional time and in light of the complexity of the issues involved in the adoption of notice and recordkeeping procedures for the making and distribution of phonorecords and the substantive nature of the comments to be filed, the Office agrees that it is appropriate to grant additional time for all interested parties to file their comments. Thus, the Office sets the reopened deadline for the filing of comments to 12 p.m. on December 24, 1998. Parties who have previously filed comments may supplement those comments if they desire.

The Office will not, however, be reopening the reply comment period. Instead, after the filing of comments, the Office will publish in the **Federal Register** either a notice of proposed rulemaking, with a notice and comment period, or an interim rule, seeking comment.

Dated: December 11, 1998.

David O. Carson,

General Counsel.

[FR Doc. 98–33342 Filed 12–15–98; 8:45 am]

BILLING CODE 1410–31–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–6203–6]

Approval of Section 112(l) Authority for Hazardous Air Pollutants; Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The California Air Resources Board (CARB) requested approval, under section 112(l) of the Clean Air Act (the Act), to implement and enforce California's ''Hexavalent Chromium Airborne Toxic Control Measure for Chrome Plating and Chromic Acid Anodizing Operations'' (Chrome ATCM) in place of the ''National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks'' (Chrome NESHAP). EPA has reviewed this request and has found that it satisfies all of the requirements necessary to qualify for approval. Thus, EPA is proposing to grant California the authority to implement and enforce its Chrome ATCM in place of the Chrome NESHAP.

DATES: Comments must be received on or before January 15, 1999.

ADDRESSES: Written comments should be mailed concurrently to the addresses below:

Ken Bigos, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901.

Robert Fletcher, Chief, Emissions Assessment Branch, Stationary Source

Division, California Air Resources Board, 2020 ''L'' Street, P.O. Box 2815, Sacramento, California 95812–2815.

Copies of California's request for approval are available for public inspection at EPA's Region IX office during normal business hours (air docket #A–96–25).

FOR FURTHER INFORMATION CONTACT: Ken Bigos, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901, (415) 744–1240.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 112(l) of the Act, EPA is authorized to delegate to state agencies the authority to implement and enforce the National Emission Standards for Hazardous Air Pollutants (NESHAPs). The Federal regulations governing EPA's approval of state rules or programs under section 112(l) are located at 40 CFR part 63, subpart E. Under these regulations, a State has the option to request EPA's approval to substitute a state rule for the comparable NESHAP. Upon approval, the State is given the authority to implement and enforce its rule in lieu of the NESHAP. This ''rule substitution'' option requires EPA to ''make a detailed and thorough evaluation of the State's submittal to ensure that it meets the stringency and other requirements'' of 40 CFR 63.93 (*see* 58 FR 62274). A rule will be approved if EPA finds: (1) the state authorities are ''no less stringent'' than the corresponding federal NESHAP, (2) adequate authorities and resources exist, (3) the schedule for implementation and compliance is sufficiently expeditious, and (4) the state program is otherwise in compliance with Federal guidance.

On January 25, 1995, EPA promulgated the NESHAP for chromium electroplating facilities (*see* 60 FR 4963), which was codified in 40 CFR part 63, subpart N, ''National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks'' (Chrome NESHAP). On July 17, 1998, EPA received the California Air Resources Board's (CARB's) request for approval to implement and enforce section 93102 of Title 17 of the California Code of Regulations, ''Hexavalent Chromium Airborne Toxic Control Measure for Chrome Plating and Chromic Acid Anodizing Operations'' (Chrome ATCM), in place of the Chrome NESHAP as the Federally-enforceable standard in California.

II. EPA Evaluation and Proposed Action

A. California's Chrome ATCM

California's Chrome ATCM differs in many ways from the Federal Chrome NESHAP. While these differences do not appear to warrant a finding that the Chrome ATCM is less stringent than the Chrome NESHAP, this section discusses these differences so that the public is afforded an opportunity to comment on the significance of these differences.

1. Title V Permit Requirements

The Chrome ATCM requires the owner or operator of a major source subject to the Chrome ATCM to obtain a Title V permit (*see* section 93102(a)(5)). While the Chrome NESHAP includes this requirement, it also provides that all nonmajor sources, except for those sources referred to in 40 CFR 63.340(e)(1), are subject to Title V permitting requirements. While the applicable Title V permitting authority may defer certain qualifying nonmajor sources from the Title V permitting requirements until December 9, 1999, currently all sources receiving such deferrals are required to submit Title V permit applications by December 9, 2000 (*see* 40 CFR 63.340(e)(2) and 61 FR 27785). Although the Chrome ATCM is silent with respect to this requirement, CARB stated in its application that it will amend the Chrome ATCM in the future if EPA does not permanently exempt all sources receiving such deferrals. EPA believes that the approval of the Chrome ATCM at this time does not constitute a waiver of this Title V permitting requirement.

2. Emission Limits for Hard Chromium Electroplating

Under the Chrome NESHAP, emission limits for hard chromium electroplating tanks are expressed in the form of milligrams of total chromium per dry standard cubic meter. Different emission limits apply depending on whether the facility qualifies as large or small, which, in turn, is based on the facility's maximum cumulative potential rectifier capacity. In contrast, the emission limits in the Chrome ATCM are expressed in terms of milligrams of hexavalent chromium per ampere hour, and are differentiated between large, medium, and small facility sizes dependent on both mass emissions and a capacity or usage limit.

Since there is no unique conversion between the form of the emission limits in the Chrome NESHAP and the Chrome ATCM, CARB took the approach of using source test data to demonstrate that facilities meeting the emission limits of the Chrome ATCM also meet the emission limits of the Chrome NESHAP. After reviewing the results of approximately 35 source tests of hard chromium electroplating facilities in California of various sizes, CARB found that in every case the sources that were in compliance with the applicable Chrome ATCM emission limit were also in compliance with the applicable Chrome NESHAP emission limit. CARB believes, and EPA concurs, that these source test results confirm CARB's position that the Chrome ATCM emission limits are at least as stringent as the Chrome NESHAP emission limits for every source subject to the Chrome NESHAP.

Both the Chrome NESHAP and the Chrome ATCM allow facilities with a maximum cumulative potential rectifier capacity of greater than 60 million ampere-hours per year to be considered small (or medium in the case of the Chrome ATCM) by accepting a limit on the maximum cumulative potential rectifier usage (*see* section 93102(h)(7)(B) and 40 CFR 63.342(c)(2)). EPA wishes to clarify that it considers all such usage limits in non-Title V operating permits as Federally-enforceable for purpose of this proposed substitution of the Chrome ATCM for the Chrome NESHAP.

3. Malfunctions

Both the Chrome NESHAP and the Chrome ATCM provide that the emission limits apply during tank operations, including periods of startup and shutdown, but do not apply during periods of malfunction, which the Chrome ATCM refers to as periods of ''breakdown'' (*see* section 93102(a)(4) and (b)(7), and 40 CFR 63.2 and 63.342(b)(1)). The Chrome ATCM both defines the term ''breakdown'' and states that the emission limits ''do not apply during periods of equipment breakdown, provided the provisions of the permitting agency's breakdown rule are met. * * *'' This means that an event does not constitute a breakdown unless both of the following conditions are met: (1) the event meets the characteristics of a breakdown as defined in the Chrome ATCM, and (2) the provisions of the applicable permitting agency's (i.e., district's) breakdown rule are met. This two-step analysis is important because it is the Chrome ATCM definition of ''breakdown'' that first determines what constitutes a breakdown, not the provisions of the applicable district's breakdown rule.

Under the Chrome ATCM, the districts' breakdown rules serve only one function: to establish the reporting

requirements that must be followed when a breakdown occurs (*see* section 93102(i)(4)). These rules do not override or supplant the other breakdown or excess emission requirements of the Chrome ATCM, including the requirements to revise the operation and maintenance plan to minimize breakdowns (*see* section 93102(g)(4)), to maintain the specified records of all breakdowns and excess emissions (*see* section 93102(h)(5) and (6)), and to include as part of the ongoing compliance status report a summary of any excess emissions (*see* section 93102(h)(6), (i)(3)(B), and appendix 3). And, the districts' breakdown rules neither expand the scope nor extend the time-frame of a breakdown beyond the definition in section 93102(b)(7) of the Chrome ATCM. In other words, while the emission limits do not apply during a breakdown, what constitutes a breakdown is determined by the Chrome ATCM's, not a particular district's, definition of ''breakdown.''

As a supplement to its application, CARB submitted copies of the districts' breakdown rules, which are referenced in appendix 6 of the Chrome ATCM. These rules raise several issues. First, if the Chrome ATCM is approved under section 112(l) of the Act, then only those district breakdown rules that were submitted to EPA as part of CARB's Chrome ATCM application are approved as a matter of Federal law. A source cannot rely on revisions to a district's breakdown rule until such revisions receive EPA's approval under section 112(l) of the Act.

Second, the proposed approval of the districts' breakdown rules, which are incorporated by reference into the Chrome ATCM, is strictly limited to the context of approval of the Chrome ATCM under section 112(l) of the Act. While the use of these rules may be appropriate in lieu of the Chrome NESHAP reporting requirements, the use of these rules in other contexts may be inappropriate (e.g., with regard to other NESHAPs or State Implementation Plans). Thus, it is possible that a district's breakdown rule can be Federally-approved as part of the Chrome ATCM but not Federally-approved as part of the California State Implementation Plan.

Third, some of the districts' breakdown rules use the term ''malfunction'' rather than ''breakdown.'' For the purpose of the Chrome ATCM, EPA interprets these terms as interchangeable, provided that it is understood that the Chrome ATCM definition of ''breakdown'' is controlling, not the districts' definitions of ''breakdown'' or ''malfunction.''

Fourth, some of the districts' breakdown rules include provisions regarding the district's authority to determine whether a breakdown has occurred, authority to grant emergency variances, or authority to decide to take no enforcement action. Like the districts' definitions of ''breakdown'' or ''malfunction,'' the above-listed provisions go beyond the function of the districts' breakdown rules in the context of the Chrome ATCM (such function being limited to establishing the reporting requirements that must be followed when a breakdown occurs). Thus, EPA's proposed approval of the Chrome ATCM under section 112(l) of the Act does not include such provisions of the districts' breakdown rules since these provisions go beyond the scope of the Chrome ATCM.

Fifth, some of the districts' breakdown rules require written breakdown reports only if requested by the district. However, for the purpose of approval of the Chrome ATCM, EPA will interpret such rules as requiring the submission of written breakdown reports to the district even if the district has not formally requested the source to provide such reports.

Sixth, some of the districts' breakdown rules do not specify the reporting time period, but merely state that notification shall be ''immediate'' or the written breakdown report shall be filed ''subsequently.'' With respect to such rules, EPA will interpret such terms by reference to the comparable Chrome NESHAP reporting deadlines in 40 CFR 63.342(f)(3)(iv).

4. Performance Test Requirements

The Chrome ATCM allows the use of CARB Method 425, dated July 28, 1997, and South Coast Air Quality Management District (SCAQMD) Method 205.1, dated August 1991, for determining chromium emissions. By approving the Chrome ATCM, these methods would be approved only as prescribed by the Chrome ATCM and only to determine compliance with the Chrome ATCM. EPA approval of the Chrome ATCM would not result in approval of these methods as general alternatives to EPA Method 306.

In addition, assuming EPA approves the Chrome ATCM, the owner or operator of an affected source cannot rely on provisions in CARB Method 425 or SCAQMD Method 205.1 allowing for approval of alternatives, modifications, or variations from the test method. Any such alternatives, modifications, or variations to the test methods must be approved under the procedures in section 93102(k) of the Chrome ATCM.

5. Monitoring and Recording Frequencies

In several areas of parameter monitoring, the Chrome ATCM includes monitoring or recording frequencies that differ from those required by the Chrome NESHAP. For example, the Chrome NESHAP requires measurements of velocity pressure and pressure drop across control devices to be recorded daily. The Chrome ATCM requires that these parameters be monitored continuously with a mechanical gauge that is in clear sight of the operation or maintenance personnel, and that the measurements be recorded weekly rather than daily. CARB believes that pressure drop does not significantly change on a daily basis unless there is a major malfunction. Additionally, CARB asserts that, based on their experience in implementing the Chrome ATCM, there exists compelling engineering evidence to support a recording frequency of once per week as the minimum requirement for this source category.

The Chrome NESHAP also requires surface tension to be measured every 4 hours of tank operation. This frequency may be reduced to every 8 hours of tank operation if there are no exceedances after 40 hours, and then further reduced to once every 40 hours if no exceedances occur after a second 40 hours of tank operation. In contrast, the Chrome ATCM requires daily monitoring of the surface tension, with a possible reduction to once a week after 20 days. For facilities using a foam blanket-type fume suppressant, the Chrome NESHAP requires foam blanket thickness to be measured every hour, and then every 4 hours and then every 8 hours if no exceedances occur during a 40-hour period. The Chrome ATCM, however, requires hourly monitoring of the foam blanket thickness, and then a reduction to daily if no exceedance occurs after 15 days. Again, CARB asserts that there exists compelling engineering evidence to support the monitoring frequencies in the Chrome ATCM as the minimum requirements for this source category.

6. Work Practice Standards for Packed-Bed Scrubbers

Under the Chrome NESHAP, one of the work practice standards applicable to packed-bed scrubbers is that fresh makeup water must be added to the top of the packed-bed, except it may be added to the scrubber basin if greater than 50 percent of the scrubber water is drained (*see* Table 1 to 40 CFR 63.342). By contrast, the Chrome ATCM only requires affected sources using

horizontal packed-bed scrubbers without continuous recirculation to add fresh makeup water to the top of the packed-bed.

7. HEPA Filters, Chrome Tank Covers, and Polyballs

Unlike the Chrome NESHAP, the Chrome ATCM specifically includes requirements for the following alternative emission control technologies: high efficiency particulate air (HEPA) filters, chrome tank covers, and polyballs. In approving the Chrome ATCM under section 112(l) of the Act, EPA would be approving these alternative technologies for use in California. However, affected sources using these alternative technologies would still be required to demonstrate, through compliance testing and ongoing compliance monitoring, that the emission standards in section 93102(c) are being achieved.

8. Ongoing Compliance Status Reports for Major Sources

Both the Chrome NESHAP and the Chrome ATCM require major sources to submit ongoing compliance status reports (*see* section 93102(i)(3) and 40 CFR 63.347(g)). However, the Chrome ATCM requires these reports to be submitted annually, while the Chrome NESHAP requires these reports to be submitted semi-annually (quarterly where the applicable emission limit is being exceeded). Because section 504(a) of the Act requires major sources that have Title V permits to submit such reports no less often than every six months, EPA cannot approve this provision of the Chrome ATCM to operate in lieu of the comparable provision of the Chrome NESHAP. Since major sources must comply with the Title V semi-annual reporting requirement independent of the Chrome NESHAP or the Chrome ATCM (i.e., regardless of whether the semi-annual reporting requirement is included in either the Chrome NESHAP or the Chrome ATCM), EPA believes that it has the authority to disapprove this provision of the Chrome ATCM as not satisfying the objective of section 504(a) of the Act.

9. Compliance with the Chrome NESHAP

Under Federal law, until EPA approves the Chrome ATCM (i.e., the approval becomes effective), all sources subject to the Chrome NESHAP and located in California must be in compliance with the applicable requirements of the Chrome NESHAP. Even after such approval becomes effective, sources remain subject to Federal enforcement for violation of any Chrome NESHAP provision that the source was required to be in compliance with prior to the effective date of the Chrome ATCM approval. Such Chrome NESHAP provisions include, but are not limited to, the requirements to prepare operation and maintenance plans under 40 CFR 63.342(f)(3), to comply with initial notification deadlines under 40 CFR 63.347(c) and (i)(1), and to comply with the new and reconstructed source provisions under 40 CFR 63.5 and 63.345.

10. Changes in Source Status

Unlike the Chrome NESHAP, the Chrome ATCM is not as explicit regarding compliance deadlines relating to certain changes to a source's status, such as (1) a change from an area source to a major source; (2) a change from either a very small, small, medium, or less than 60 million ampere-hours hard chrome plater to a different size category; and (3) a change from a decorative chrome plater using a trivalent chrome bath that incorporates a wetting agent to one that ceases to use this process. Since the Chrome ATCM does not explicitly state the compliance deadlines for the changes, EPA interprets the Chrome ATCM to require immediate compliance with the standard that applies to the source's new status.

11. Circumvention

Under the Chrome NESHAP, no owner or operator shall build, erect, install, or use any article, machine, equipment, or process to conceal an emission that would otherwise constitute noncompliance with a relevant standard (*see* 40 CFR 63.4(b)). CARB believes that this provision is not necessary, presumably because CARB interprets the Chrome ATCM as implicitly not allowing such activities.

12. Notification of New and Modified Sources

Section 93102(j)(2) of the Chrome ATCM allows facilities to fulfill the notification of construction or modification requirements in section 93102(j)(1) by complying with the applicable district's new source review rule or policy, provided similar information is obtained. Thus, the district's new source review rules or policy merely serve the purpose of obviating the need for duplicative reporting. Such rules or policies, however, do not change the underlying requirement that such notification must exist and must be generated at least within the time frame established by section 93102(j)(1). Furthermore, the burden of proof of compliance rests upon the source to prove that it provided notice of construction or reconstruction on time and that such notice includes at least all of the information included in appendix 4 of the Chrome ATCM.

B. Proposed Action

After reviewing the request for approval of California's Chrome ATCM, EPA has determined that this request meets all the requirements necessary to qualify for approval under section 112(l) of the Act and 40 CFR 63.91 and 63.93. Accordingly, EPA is proposing to approve the Chrome ATCM as the Federally-enforceable standard for sources in California. If this proposed action is finalized, then the Chrome ATCM will be enforceable by the EPA and citizens under the Act. Although the local air pollution control districts in California would have primary implementation and enforcement responsibility, EPA would retain the right, pursuant to section 112(l)(7) of the Act, to enforce any applicable emission standard or requirement under section 112 of the Act.

C. California's Authorities to Implement and Enforce Section 112 Standards

1. Penalty Authorities

Previously, CARB submitted a finding by California's Attorney General stating that ''State law provides civil and criminal enforcement authority consistent with [40 CFR] 63.91(b)(1)(i), 63.91(b)(6)(i), and 70.11, including authority to recover penalties and fines in a maximum amount of not less than $10,000 per day *per violation* * * *'' (emphasis added) (*see* 61 FR 25397). In accordance with this finding, EPA understands that the California Attorney General interprets section 39674 and the applicable sections of Division 26, Part 4, Chapter 4, Article 3 (''Penalties'') of the California Health and Safety Code as allowing the collection of penalties for multiple violations per day. In addition, EPA also understands that the California Attorney General interprets section 42400(c)(2) of the California Health and Safety Code as allowing for, among other things, criminal penalties for knowingly rendering inaccurate any monitoring method required by a toxic air contaminant rule, regulation, or permit.

As stated in section II.B above, EPA would retain the right, pursuant to section 112(l)(7) of the Act, to enforce any applicable emission standard or requirement under section 112 of the Act, including the authority to seek civil and criminal penalties up to the

maximum amounts specified in section 113 of the Act.

2. Variances

Division 26, Part 4, Chapter 4, Articles 2 and 2.5 of the California Health and Safety Code provide for the granting of variances under certain circumstances. EPA regards these provisions as wholly external to CARB's request for approval to implement and enforce a section 112 program or rule and, consequently, is proposing to take no action on these provisions of state or local law. EPA does not recognize the ability of a state or local agency who has received delegation of a section 112 program or rule to grant relief from the duty to comply with such Federally-enforceable program or rule, except where such relief is granted in accordance with procedures allowed under section 112 of the Act. As stated above, EPA retains the right, pursuant to section 112(l)(7) of the Act, and citizens retain the right, pursuant to section 304 of the Act, to enforce any applicable emission standard or requirement under section 112 of the Act.

Similarly, section 39666(f) of the California Health and Safety Code allows local agencies to approve alternative methods from those required in the ATCMs, but only as long as such approvals are consistent with the Act. A source seeking permission to use an alternative means of emission limitation under section 112 of the Act must also receive approval, after notice and opportunity for comment, from EPA before using such alternative means of emission limitation for the purpose of complying with section 112 of the Act.

III. Public Comment

EPA is seeking comment on CARB's request for approval of the Chrome ATCM as a substitute for the Chrome NESHAP. EPA will consider all public comments submitted during the public comment period. Issues raised by the comments will be carefully reviewed and considered in the decision to approve or disapprove CARB's request. EPA will provide notice of its final decision in the **Federal Register**, including a summary of the reasons for the final decision and a summary of all major comments.

IV. Administrative Requirements

A. Executive Orders 12866 and 13045

The Office of Management and Budget has exempted this regulatory action from review under Executive Order (E.O.) 12866.

This proposed rule is not subject to E.O. 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks,'' because it is not an ''economically significant'' action under E.O. 12866.

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. If the mandate is unfunded, EPA must 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 proposed rule does not create a mandate on state, local or tribal governments. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. 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, E.O. 13084 requires EPA to develop an effective process permitting elected officials 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 proposed rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of Section 3(b) of E.O. 13084 do not apply to this rule.

D. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify 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 government entities with jurisdiction over populations of less than 50,000.

Approvals under 40 CFR 63.93 do not create any new requirements, but simply approve requirements that the state or local agency is already imposing. Therefore, because this proposed approval does not impose any new requirements, it does not have a significant impact on affected small entities.

E. 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 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 approval action proposed does not include a Federal mandate that may result in estimated costs of $100 million or more to either state, local, or tribal 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 Federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Incorporation by reference,

Intergovernmental relations, Reporting and recordkeeping requirements.

Authority: This action is issued under the authority of section 112 of the Clean Air Act, as amended, 42 U.S.C. 7412.

Dated: December 8, 1998.

David P. Howekamp,

Acting Regional Administrator, Region IX.

[FR Doc. 98–33338 Filed 12–15–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 141 and 142

[FRL–6202–1]

Stakeholders Meeting on Chemical Monitoring Revisions for Public Water Systems

AGENCY: Environmental Protection Agency.

ACTION: Announcement of stakeholders meeting.

SUMMARY: The U.S. Environmental Protection Agency (EPA) will hold a two-day public meeting on January 12 and January 13, 1999 in Washington, D.C. Please be advised that if the agenda is completed on January 12, the meeting will not resume on January 13, 1999. The purpose of this meeting will be to collect input on the appropriate course of action to take with the Agency's effort to revise the monitoring requirements for certain chemicals in drinking water. The EPA has completed a review of new occurrence data and intends to present a summary of these findings at the meeting. The data reviewed and analyzed includes public water supply (PWS) compliance monitoring data and data from other water-quality contaminant occurrence data bases. Most of the data was formatted to extrapolate information regarding contaminant occurrence rates, occurrence by contaminant groups, contaminant co-occurrence, system vulnerability to synthetic and volatile organic compounds, seasonal and temporal variations, contaminant variability categorized by source and system size, and an evaluation of the national representativeness of the data sets.

The EPA will consider the comments and views expressed during this meeting to determine whether it should proceed with the suggested revisions as presented in the Advanced Notice of Proposed Rule Making (ANPRM) for Chemical Monitoring Reform or consider other approaches and modifications. The EPA encourages the full participation of all stakeholders throughout this process.

DATES: The stakeholder meeting will be held on January 12, 1999, 9:30 a.m. to 4:30 p.m. and may be extended to January 13, 1999 9:30 a.m. to 12:00 p.m. EST in Washington, D.C.

ADDRESSES: To register for the meeting, please contact the EPA Safe Drinking Water Hotline at 1–800–426–4791, or Ed Thomas of the EPA's Office of Ground Water and Drinking Water at (202) 260–0910. Participants registering in advance will be mailed a packet of materials before the meeting. Interested parties who cannot attend the meeting in person may participate via conference call and should register with the Safe Drinking Water Hotline. Conference lines will be allocated on the basis of first reserved, first served. The stakeholder meeting will be held at the Wyndham Bristol Hotel, 2430 Pennsylvania Avenue, N.W., Washington, D.C. 20037.

FOR FURTHER INFORMATION CONTACT: For general information on meeting logistics, please contact the Safe Drinking Water Hotline at 1–800–426–4791. For information on the activities related to this rulemaking, contact: Ed Thomas, U.S. EPA at (202) 260–0910 or E-mail to *thomas.edwin@epamail.epa.gov*.

SUPPLEMENTARY INFORMATION: On July 3, 1997, EPA issued an Advance Notice of Proposed Rule Making (ANPRM) for Chemical Monitoring Reform (CMR) and Permanent Monitoring Relief (PMR). This ANPRM suggested regulatory changes in chemical monitoring requirements that would focus monitoring on systems at risk of contamination and on the contaminants posing such risk. The regulatory changes suggested in the ANPRM covered 64 chronic contaminants including inorganic chemicals (IOCs), synthetic organic chemicals (SOCs) and volatile organic chemicals (VOCs).

The monitoring changes suggested in the ANPRM were developed, in part, considering the occurrence data that were available at that time. Recognizing that these data were limited, we solicited additional data for use in developing the proposed rule. In response to this solicitation and as part of additional information gathering, EPA identified 17 potential data sources. The Agency completed a preliminary review of these data sets and presented a summary of that review at a stakeholder meeting on April 6, 1998, in Washington, D.C. On the basis of its initial review and consultation with stakeholders, the EPA was not able to say that the new data were simply supplementary data that supported and confirmed the possible changes to the monitoring requirements set forth in the ANPRM. Stakeholders at the April 6 meeting agreed with this decision. Following the April 6 Stakeholder meeting, EPA published a Federal Register Notice on July 30, 1998 indicating that the Agency had completed a review of the monitoring requirements for chemical contaminants in drinking water and believed that it was inappropriate to proceed with the ANPRM until it had completed its analysis of the new data.

Stakeholders at the April 6 meeting also requested that a ''data analysis plan'' be forwarded to them for review. On June 8, 1998, the plan was sent to the Stakeholders. The EPA incorporated stakeholder comments and proceeded with data analyses in accordance with the plan. The Agency has completed its review of the data and intends to present their findings at the two-day stakeholder meeting on January 12 and 13, 1999.

Cynthia C. Dougherty,

Director, Office of Ground Water and Drinking Water.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 980923246–8246–01; I.D. 071598A]

RIN 0648–AK20

Fisheries in the Exclusive Economic Zone Off Alaska; Modified Hired Skipper Requirements for the Individual Fishing Quota Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes a regulatory amendment to the Individual Fishing Quota (IFQ) Program for fixed gear Pacific halibut and sablefish fisheries in and off of Alaska. This action would require an initial recipient of certain categories of quota share (QS) who wishes to hire a skipper to fish the IFQ derived from that QS to own a minimum of 20–percent interest in the harvesting vessel. This 20–percent minimum ownership requirement