

draft EA and request for comments is deferred until further notice.

For further information, please contact the project manager, Mr. Robert Grieve at (202) 219-2655 or Mr. Eddie Crouse at (202) 219-2794.

David P. Boergers,

Secretary.

[FR Doc. 99-5547 Filed 3-5-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions to Intervene, and Protests

March 2, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment to License.

b. *Project No.:* 1922-025.

c. *Date Filed:* February 12, 1999.

d. *Applicant:* Ketchikan Public Utilities.

e. *Name of Project:* Beaver Falls.

f. *Location:* The project is on the Beaver Falls Creek in the First Judicial District of Alaska. About 80 percent of the project occupies lands of the United States within the Tongass National Forest.

g. *Filed Pursuant to:* 18 CFR 4.200.

h. *Applicant Contact:* Ron Settje, Administrative Manager, City of Ketchikan, 2390 Tongass Avenue, Ketchikan, AK 99901, (907) 225-1000.

i. *FERC Contact:* Any questions on this notice should be addressed to J.W. Flint, at 202-219-2667.

j. *Deadline for filing comments and or motions:* April 5, 1999.

Please include the project number (1922-025) on any comments or motions filed.

k. *Description of Amendment:* The licensee proposes to change the project boundaries to reflect a settlement agreement reached with Cape Fox Corporation (CFC), a Native Village Corporation. The agreement with CFC entitles the licensee to occupy and own the project lands as well as additional land surrounding the project to be included in the project boundary.

The Beaver Falls Project is currently located on 19.61 acres of land on Beaver Falls Creek in Ketchikan, Alaska. Under the terms of the settlement, an additional 115,882 square feet will be added to and 38,686 square feet will be removed from the project. This

increases the project area to 20.82 acres for a gain of 1.21 acres. All lands being added to the project belong to CFC.

1. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208-1371. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm (call (202) 208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also

be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 99-5548 Filed 3-5-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6238-2]

Air Pollution Control; Proposed Actions on Clean Air Act Grants to the San Diego County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; proposed determination with request for comments and notice of opportunity for public hearing.

SUMMARY: The U.S. EPA has made a proposed determination under section 105(c) of the Clean Air Act (CAA) that a reduction in expenditures of non-Federal funds for the San Diego County Air Pollution Control District (SDAPCD, or "District") in San Diego County, California is the result of a non-selective reduction in expenditures. This determination, when final, will permit the SDAPCD to keep the financial assistance awarded to it by EPA for FY-98 under section 105(c) of the CAA.

DATES: Comments and/or requests for a public hearing must be received by EPA at the address stated below by April 7, 1999.

ADDRESSES: All comments and/or requests for a public hearing should be mailed to: Sara Bartholomew, Grants and Program Integration Office (AIR-8), Air Division, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105-3901; FAX (415) 744-1076.

FOR FURTHER INFORMATION CONTACT: Sara Bartholomew, Grants and Program Integration Office (AIR-8), Air Division, U.S. EPA Region 9, 75 Hawthorne Street, San Francisco, California 94105-3901 at (415) 744-1250.

SUPPLEMENTARY INFORMATION: Under the authority of Section 105 of the CAA, EPA provides financial assistance (grants) to the SDAPCD to aid in the operation of its air pollution control programs. In FY-97 EPA awarded the SDAPCD \$1,354,056, which represented approximately 11% of the District's budget. In FY-98, EPA awarded the SDAPCD \$1,201,811, which represented approximately 9% of the District's budget.

Section 105(c)(1) of the CAA, 42 U.S.C. 7405(c)(1), provides that "[n]o

agency shall receive any grant under this section during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for air pollution control programs will be less than its expenditures were for such programs during the preceding fiscal year. In order for [EPA] to award grants under this section in a timely manner each fiscal year, [EPA] shall compare an agency's prospective expenditure level to that of its second preceding year." EPA may still award financial assistance to an agency not meeting this requirement, however, if EPA, "after notice and opportunity for public hearing, determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the applicable unit of Government." CAA section 105(c)(2). These statutory requirements are repeated in EPA's implementing regulations at 40 CFR 35.210(a).

In its FY-98 section 105 application, which EPA reviewed in the fall of 1997, the SDAPCD projected expenditures of non-Federal funds for recurrent expenditures (or its maintenance of effort (MOE)) of \$12,361,507. This MOE at the time of the grant award was sufficient to meet the requirements of the CAA because it was higher than the actual FY97 MOE of \$12,356,625. Based on this information, EPA awarded SDAPCD its FY98 grant in February, 1998. In December of 1998, SDAPCD reported an actual FY98 MOE of \$12,050,625. This MOE level is not sufficient to meet the MOE requirements of the CAA because it is lower than the actual FY97 MOE, with a shortfall of \$306,000 between the MOE for FY97 and FY98. In order for the District to be eligible to keep its FY98 grant and to receive the additional EPA funding which has become available to SDAPCD for FY99, EPA must make a determination under section 105(c)(2).

The SDAPCD is a single-purpose agency whose primary source of funding is permit fee revenue. Fees associated with permits issued by the SDAPCD go directly to the district to fund its operations. It is the "unit of Government" for section 105(c)(2) purposes. The reason for the lower MOE level in FY98 is a series of efficiencies that SDAPCD has implemented over the past three years, resulting in decreased district costs while maintaining service levels. The SDAPCD submitted documentation to EPA which states that the district MOE reductions resulted from agency process streamlining and automation improvements. As a result, the SDAPCD's overall budget and its MOE decreased. The District shows that

it has been able to reduce its administrative expenditures in its programs through cost saving measures which do not affect the performance of its air programs or reduce its expenditures for substantive environmental program activities. For example, San Diego has reduced its expenditures by \$630,600 through streamlining measures including elimination of positions not required to perform these jobs. These cost saving measures were taken not because fee revenues had declined, but because San Diego wanted to operate more efficiently. This budget reduction has been non-selective in that all programs within SDAPCD have been impacted.

In summary, the SDAPCD's MOE reductions resulted from agency process streamlining, automation improvements, and position reductions, leading to decreased district costs while maintaining service levels. EPA proposes to determine that the SDAPCD's lower FY-98 MOE level meets the section 105(c)(2) criteria as resulting from a non-selective reduction of expenditures. Pursuant to 40 CFR 35.210, this determination will allow the SDAPCD to keep the funds received from EPA for FY-98.

This document constitutes a request for public comment and an opportunity for public hearing as required by the Clean Air Act. All written comments received by April 7, 1999 on this proposal will be considered. EPA will conduct a public hearing on this proposal only if a written request for such is received by EPA at the address above by April 7, 1999.

If no written request for a hearing is received, EPA will proceed to the final determination. While notice of the final determination will not be published in the **Federal Register**, copies of the determination can be obtained by sending a written request to Sara Bartholomew at the above address.

Dated: February 25, 1999.

Matthew Haber,

Acting Director, Air Division, Region 9.

[FR Doc. 99-5666 Filed 3-5-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6238-8]

Proposed Administrative Agreement and Covenant Not To Sue Under Section 122(h) of CERCLA for the David Chemical Superfund Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposal of administrative agreement and covenant not to sue under section 122(h) of CERCLA with Precision Chrome, Inc. for the David Chemical Superfund site.

SUMMARY: In accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as amended, 42 U.S.C. 9601 *et seq.*, notice is hereby given that a proposed Administrative Agreement and Covenant Not to Sue Under section 122(h) of CERCLA ("Agreement"), 42 U.S.C. 9622(h), for the David Chemical Superfund Site located in Chicago, Illinois, has been executed by the Settling Party, Precision Chrome, Inc. ("Precision Chrome"). The proposed Agreement has been approved by the Attorney General's delegate. The proposed Agreement would resolve certain potential claims of the United States under sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, against Precision Chrome. The proposed Agreement would require Precision Chrome to pay the EPA Hazardous Substance Superfund \$95,000 for reimbursement of response costs. No further EPA response actions are contemplated at this time.

DATES: Comments on the proposed Agreement must be received by EPA by April 7, 1999.

ADDRESSES: A copy of the proposed Agreement is available for review at U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Please contact Ms. Orelia E. Merchant at (312) 886-2241, prior to visiting the Region 5 office.

Comments on the proposed Agreement should be addressed to Orelia E. Merchant, Office of Regional Counsel, U.S. EPA, Region 5, 77 West Jackson Boulevard (Mail Code C-14J), Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Orelia E. Merchant at (312) 886-2241, of the U.S. EPA, Region 5, Office of Regional Counsel.

A 30-day period, commencing on the date of publication of this notice, is open for comments on the proposed Agreement pursuant to section 122(i) of CERCLA, 42 U.S.C. 9622(i). Comments should be sent to the address identified in this notice.

William E. Muno,

Director, Superfund Division, Region 5.

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