

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.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 98-32713 Filed 12-8-98; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98-17-000]

Landowner Notification, Residential Area Designation and Environmental Filing Requirements; Notice Organizing Staff Conference

December 3, 1998.

This notice provides the organizational format for the Federal Energy Regulatory Commission staff conference to be held on December 9, 1998. The purpose of this conference is to enable interested parties to discuss with staff, as well as each other, issues relating to the Commission's landowner notification policies and its environmental designation of residential areas.

On October 16, 1998, notice of the technical conference was published in the **Federal Register**.¹ The notice requested those who were interested in making presentations at the conference to submit a request for time. Ten parties indicated an interest in participating at the conference.

The conference will begin with opening remarks by Commission staff and Commissioner Linda Breathitt. The opening remarks will be followed by the presentations. Each presentation will be

limited to ten minutes. After the first five presentations, time will be allowed for questions to be asked of the presenters by the staff and those in the audience. There will then be a break followed by the remaining presentations and another discussion session.

The order of presentation will be:

Representative from Central Maine Power Company; Mary Hanna, Citizens Advocates for Pipeline Safety; Steven Horton, Duke Energy Pipelines; Joan Dreskin, INGAA; Anne Marie Mueser, GASP Coalition.

Suzanne Ryan or Sheila Bergeron, Newton Citizens Committee; Dave Sinclair, Enron Gas Pipeline Group; Gordon Busy, Ohio-Pa. Landowners Association; Representative from Pipeline Contractors Association; Floyd Ball, Transcontinental Gas Pipeline Company

We anticipate that presentations will be completed prior to lunch. If necessary, we will reconvene after lunch to continue discussion and take comments from the audience.

An overhead projector will be made available at the conference. If those making presentations require additional audiovisual services, they should contact John Leiss at (202) 208-1106 by December 7, 1998.

The conference will begin at 9:00 a.m. at the Commission's offices, 888 First Street, NE, Washington, DC in the Commission Meeting Room. The Capitol Connection patrons in the Washington, DC area will receive notices regarding the broadcast of the conference. It also will be available, for a fee, live over the Internet, via C-Band Satellite, and via telephone conferencing. Persons interested in receiving the broadcast, or who need further information, should contact Shirley Al-Jarani of Julia Morelli at the Capitol Connection (703-993-3100) as soon as possible or visit the Capitol Connection web site at <http://www.capitolconnection.gmu.edu> and click on "FERC."

Questions about the conference should be directed to: John S. Leiss, Office of Pipeline Regulation, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, (202) 208-1106.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 98-32708 Filed 12-8-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6199-7]

Final Notification of Health Effects Testing Requirements for Baseline Gasoline and Oxygenated Nonbaseline Gasolines and Approval of an Alternative Emissions Generator

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The purpose of this document is to announce that the Environmental Protection Agency (EPA) has notified the American Petroleum Institute (API) test group consortium (hereinafter 211(b) Research Group) for baseline gasoline and gasolines containing methyl tertiary butyl ether (MTBE) and other oxygenates, of the final Alternative Tier 2 health effects testing requirements under the fuel and fuel additive (F/FA) registration testing requirements of 40 CFR part 79. This document also announces that EPA has approved the API alternative evaporative emissions generator for use in animal toxicity testing under the F/FA registration health effects testing regulations at 40 CFR 79.57.

DATES: The Alternative Tier 2 health effects testing requirements are effective upon receipt by the 211(b) Research Group of the notification letter discussed in this document.

ADDRESSES: Written requests for information regarding this notification should be addressed to Public Docket No. A-96-16, Waterside Mall (Room M-1500), Environmental Protection Agency, Air Docket Section, 401 M Street, SW, Washington, DC 20460. Materials relevant to this notification have been placed in Docket A-96-16. Documents may be inspected between the hours of 8:00 a.m. to 5:30 p.m., Monday through Friday. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: John Brophy, Environmental Scientist, U.S. Environmental Protection Agency, Office of Air and Radiation, (202) 564-9068.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are those that manufacture gasoline with or without the fuel additives MTBE, ethyl tertiary butyl ether (ETBE), ethyl alcohol (EtOH), tertiary amyl methyl ether (TAME), diisopropyl ether (DIPE), and tertiary butyl alcohol (TBA) and manufacturers

¹ 63 FR 55715.

of these oxygenates and other gasoline additives. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Oil refiners, gasoline importers, oxygenate blenders, oxygenate and fuel additive manufacturers.

This table is not intended to be exhaustive, but, rather, illustrates the types of entities that EPA is currently aware of that are likely to be regulated by this action. Other types of entities not listed in this table could also be regulated. To determine whether an entity not described by the examples listed in the table is subject to these requirements, refer to the applicability criteria in part 79 of title 40 of the Code of Federal Regulations. If questions remain regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

In accordance with 40 CFR 79.56(a), manufacturers of F/FAs may satisfy the Subpart F testing requirements on a group basis. Each individual manufacturer that is a member of such a group, however, continues to be individually subject to the testing and data submission requirements. Thus, this notice serves as a notice to all manufacturers of the subject F/FAs, that are not exempted from these requirements under the small business provisions of 40 CFR 79.58(d), that they are subject to these requirements.

I. Introduction

The Clean Air Act (CAA), as amended, required the Administrator of EPA to promulgate regulations requiring manufacturers of fuels and fuel additives to conduct tests to determine potential health effects of such products. The final rule, promulgated on May 27, 1994, established new health effects testing requirements for the registration of designated F/FAs as authorized by sections 211(b)(2) and 211(e) of the CAA.

The registration requirements are organized within a three-tier structure. Tier 1 requires F/FAs manufacturers to supply to EPA (1) the identity and concentration of certain emission products of designated F/FAs and an analysis of potential emission exposures, and (2) any available information regarding the health and welfare effects of the whole and spicated emissions. 40 CFR 79.52. Tier 2 requires that combustion emissions of each F/FA subject to the testing requirements be tested for subchronic

systemic and organ toxicity, as well as the assessment of specific health effects endpoints. 40 CFR 79.53. Tier 3 testing may be required, at EPA's discretion, when remaining uncertainties as to the significance of observed health or welfare effects, or emissions exposures interfere with EPA's ability to reasonably assess the potential risks posed by emissions from a F/FA. 40 CFR 79.54. EPA's regulations permit submission of adequate existing test data in lieu of conducting new duplicative tests. 40 CFR 79.53(b). In addition, EPA's regulations permit the health effects testing requirements to be satisfied by participation in groups that are established in accordance with the grouping criteria set forth at 40 CFR 79.56. The regulations also include provisions for small businesses and certain types of products. 40 CFR 79.58.

At its discretion, EPA may modify the standard Tier 2 health effects testing requirements for a F/FA (or group thereof) by substituting, adding, or deleting testing requirements; or changing the underlying vehicle/engine specifications. 40 CFR 79.58(c). EPA will not, however, delete a testing requirement for a specific endpoint in the absence of existing adequate information, or an alternative testing requirement for that endpoint. 40 CFR 79.58(c). When EPA exercises its authority under this special provision, it will allow an appropriate time for completion of the prescribed alternative tests.

II. Alternative Tier 2 Testing Requirements

The Agency notified the 211(b) Research Group on August 20, 1997, of proposed health effects testing required under Alternative Tier 2 for baseline gasoline and oxygenated nonbaseline gasolines, and the proposed schedule for completion and submission of such tests. An associated **Federal Register** notice (62 FR 47400) initiated a 60-day public comment period which was extended an additional 60 days (62 FR 60675), to accommodate both the 211(b) Research Group's request for an extension, and to also allow the general public an additional period of time to comment. Copies of the documents associated with the extension and notification of the proposed tests and schedule under the Alternative Tier 2 provisions have been placed in the Docket.

This document announces that the EPA has notified the 211(b) Research Group of the final Alternative Tier 2 health effects testing requirements under 40 CFR 79.58(c).

The Agency notified API, by certified letter dated November 2, 1998, of the specific tests which the Agency is requiring under the Alternative Tier 2 provisions for baseline gasoline and oxygenated nonbaseline gasolines, and the schedule for completion and submission of such tests. A copy of the letter as well as the tests and schedule under the Alternative Tier 2 provisions have been placed in the Public Docket No. A-96-16, Waterside Mall (Room M-1500), Environmental Protection Agency, Air Docket Section, 401 M Street, SW, Washington, DC 20460. The notification letter is also available on the internet via the EPA's Mobile Sources home page at <http://www.epa.gov/OMSWWW/>.

III. Alternative Evaporative Emissions Generator

This document also announces that EPA has approved the 211(b) Research Group's alternative evaporation emissions generator for animal toxicity testing allowed under the F/FAs registration testing requirements of 40 CFR 79.57(f)(5).

Dr. Carol J. Henry, Director of the Health and Environmental Sciences Department, API, and head of the 211(b) Research Group, on July 1, 1997, sent a certified letter to EPA requesting approval of an alternative method for generating evaporative emissions (known as the stripper still method) for use in emissions characterization and animal health effects testing in accordance with the Alternative Tier 2 provisions.

Scientists from several EPA offices have reviewed the API submission for an alternative evaporative emissions generation method and concluded that it has met the necessary criteria under 40 CFR 79.57(f)(5). Therefore, the "stripper still" method has been approved for use in the Alternative Tier 2 animal toxicology tests.

In accordance with the requirements under 40 CFR 79.57(f)(5)(ii), all supporting procedural descriptions and justifications received from the 211(b) Research Group have been placed in the public record, along with the API request letter and EPA's evaluation of the methodology.

IV. Environmental Impact

EPA's health effects testing notification will result in no immediate environmental impact. Section 211(c) of the Clean Air Act, however, authorizes EPA to take regulatory action on fuels and fuel additives on the basis of information obtained from health effects testing conducted by manufacturers of F/FAs. Therefore, the information

obtained as a result of the testing required by EPA's notification may provide a basis for further regulatory action.

V. Economic Impact

Although the total cost for the testing requirements is significant, the cost is being shared among many F/FA manufacturers. Therefore, the actual cost to an individual F/FA manufacturer is expected to be modest. The F/FA regulations at 40 CFR 79.58(d) contain special provisions for those fuel or fuel additive manufacturers whose total annual sales are less than \$50 million, exempting these parties from the requirements discussed in this document.

List of Subjects in 40 CFR Part 79

Environmental protection, Air pollution control, Gasoline, Conventional gasoline, Oxygenates, Methyl tertiary butyl ether, Motor vehicle pollution.

Dated: November 17, 1998.

Robert Perciasepe,

Assistant Administrator.

[FR Doc. 98-32682 Filed 12-8-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-6199-6]

Proposed Settlement; Polymers and Resins I and IV Emission Standard Litigation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Partial Settlement; Request for Public Comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act ("Act"), notice is hereby given of a proposed partial settlement of *Wellman, Inc. et al. v. EPA*, No. 96-1419 (D.C. Cir.) and *Union Carbide Corporation, et al. v. EPA*, No. 96-1413 (D.C. Cir.). For a period of thirty days following the date of publication of this notice, the Agency will receive written comments relating to the settlement from persons who were not named as parties to the litigation in question. EPA or the Department of Justice is authorized under section 113(g) to withdraw its consent to the Settlement Agreement if appropriate in light of the public comments.

The cases involve challenges to the National Emission Standards for Hazardous Air Pollutant Emissions:

Group I Polymers and Resins, published in the **Federal Register** at 61 FR 46906 on September 5, 1996, and National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins published in the **Federal Register** at 61 FR 48208 on September 12, 1996.

DATES: Written comments on the Settlement Agreement must be received by January 8, 1999.

ADDRESSES: Written comments should be sent to Mark Dyner, Office of General Counsel (2333), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 260-5085. Copies of the Settlement Agreement are available from Phyllis Cochran, Air and Radiation Law Office (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (202) 260-7606.

SUPPLEMENTARY INFORMATION: There is a separate proposed partial settlement agreement ("agreement") for each case; however, the issues addressed in the agreements and the proposed resolution of those issues are in most relevant respects the same. The agreements are both between EPA and the petitioner, The Dow Chemical Company. For the convenience of interested parties, following is a brief summary of some of the key points of the agreements.

The agreements require EPA to conduct notice and comment rulemaking proposing (1) changes in the subject rules to resolve certain differences between the rules and the Hazardous Organic NESHAP ("HON"); (2) clarification of the applicability provisions regarding additions to plant sites; (3) revision of the applicability provisions that address primary product determinations to better address contract manufacturing practices; (4) simplification of the provisions applicable to batch process vents; and (5) revisions to certain reporting and recordkeeping requirements.

Section 113(g) of the Clean Air Act (42 U.S.C. 7413(g)) requires, with exceptions not pertinent here, that EPA publish notice of settlement agreements in the **Federal Register** and provide a reasonable opportunity for public comment. EPA or the Department of Justice may withhold consent to the proposed settlement if the comments disclose facts or circumstances that indicate that such consent is inappropriate, inadequate or inconsistent with the requirements of the Clean Air Act.

Dated: December 2, 1998.

Scott Fulton,

Acting General Counsel.

[FR Doc. 98-32568 Filed 12-8-98; 8:45 am]

BILLING CODE 6560-50-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 6199-5]

Proposed Settlement, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed consent decree and settlement agreement; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("Act"), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree and settlement agreement in litigation instituted against the United States Environmental Protection Agency ("EPA") by the Coalition for Clean Air, Inc., National Resources Defense Council, Inc., and Communities for a Better Environment (collectively, "plaintiffs"). This lawsuit, originally filed in September 1997 and supplemented in October 1998, concerns EPA's January 8, 1997 approval under the Clean Air Act, 42 U.S.C. 7401 et seq., of the 1994 ozone California state implementation plan for the South Coast Air Basin ("1994 SIP") 62 FR 1150.

DATES: Written comments on the proposed consent decree and settlement agreement must be received by January 8, 1999.

ADDRESSES: Written comments should be sent to David Jesson, Air Division (AIR-2), U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, California 94105, (415) 744-1288. Copies of the proposed consent decree and settlement agreement are available from Mr. Jesson. Copies of the proposed consent decree and settlement agreement have been lodged with the Clerk of the United States District Court for the Central District of California.

SUPPLEMENTARY INFORMATION: In *Coalition for Clean Air, et al. v. EPA*, No. 97-6916 (C.D. CA), plaintiff allege, among other things, that EPA failed to adopt certain mobile source measures that the State of California attempted to "assign" to EPA in the 1994 SIP and failed to conduct certain activities with respect to the public consultative process provided for in EPA's approval of the 1994 SIP.