

(5) No amendment shall be granted where more than 49% of the voting interest will be beneficially owned by foreign persons or nations.

(c) If the acquisition by any person(s) or nation(s) of any security or other financial interest of the licensee, regardless of the percentage acquired, will result in a transfer of sufficient voting power to control the management, policies, and/or operations of the licensee; or if any person(s) or nation(s) will through a contractual relationship or any other means obtain the ability to control the management, policies and/or operations of the licensee, the licensee must file an amendment application in accordance with § 960.13 at least 90 days prior to acquisition. There is a strong presumption that the transfer of such an interest to foreign persons or nations will not preserve the national security or international obligations of the United States and will not be approved.

(d) The provisions of this section apply only to licensees that are subject to U.S. jurisdiction or control under § 960.2(a). Foreign persons that are subject to U.S. jurisdiction or control under § 960.2(b) shall report changes in their financial interests in accordance with the terms and conditions of their licensees.

§ 960.15 Certain rights not conferred by license.

Issuance of a license does not affect the authority of the Federal Communications Commission under the Communications Act of 1934 (47 U.S.C. 151 *et seq.*), or the authority of the Secretary of Transportation under the Commercial Space Launch Act of 1984 (49 U.S.C. app. 2601 *et seq.*), the authority of the Secretary under the Export Administration Act (50 U.S.C. app. 2401 *et seq.*), or the authority of the Secretary of State under the Arms Export Control Act (22 U.S.C. 2778).

Subpart C—Enforcement Procedures

§ 960.16 General.

The Administrator may take appropriate actions against a licensee if the licensee fails to comply with the Act, these regulations, or any condition or restriction in the license. Such actions may include any or all of the following: pursuit of judicial determinations to terminate, modify or suspend licenses or to terminate licensed operations, administratively imposed civil penalties, and seizure pursuant to warrant. Such actions shall be taken in accordance with this subpart.

§ 960.17 Prohibitions.

It is unlawful for any person who is subject to the jurisdiction or control of the United States, directly or through any subsidiary or affiliate to:

(a) Operate a private remote sensing system without possession of a valid license issued under the Act and these regulations;

(b) Violate any provision of the Act or these regulations or any term, condition, or restriction of the license; or

(c) Violate any order, directive, or other notice issued by the Secretary in accordance with § 960.10(b)(2) to inform the licensee of any temporary restrictions imposed or necessary actions to be followed during periods when national security or international obligations/and or foreign policies may be compromised.

§ 960.18 Sanctions.

As authorized by section 203(a) of the Act, if the Administrator determines that the licensee has substantially failed to comply with the Act, these regulations, or any term, condition or restriction of the license, the Administrator may request the appropriate U.S. Attorney to seek an order of injunction or similar judicial determination from the U.S. District Court for the District of Columbia Circuit or a U.S. District Court within which the licensee resides or has its principal place of business, to terminate, modify, or suspend the license, and/or to terminate licensed operations on an immediate basis. For purposes of this section, failure to comply with the Act, these regulations or a term, condition, or restriction of a license or of the Act shall be considered substantial where

(a) The failure is knowing; or

(b) The failure occurs after notice by the Administrator; or

(c) The licensee has been advised that it failed to comply with an international obligation, foreign policy or national security concern of the United States.

§ 960.19 Civil penalties.

(a) In addition to the sanctions provided in § 960.16, any person who violates any provision of the Act or of any license issued thereunder or regulation contained in this part may be assessed a civil penalty by the Administrator of not more than \$10,000 for each violation. Each day of operation in violation constitutes a separate violation.

(b) When the Administrator proposes the assessment of a civil penalty under this section, the Administrator will serve upon the licensee by mail a Notice

of Civil Penalty and Assessment (Notice) containing:

(1) A concise statement of the facts believed to show a violation;

(2) A specific reference to the provisions of the Act, regulation, or license allegedly violated;

(3) The amount of the proposed penalty in accordance with paragraph (a) of this section.

(c) Within 30 days after receipt of the Notice, the licensee may request a hearing by serving a written request on the Administrator either in person or by certified or registered mail, return receipt requested, at the address specified in the Notice. Such hearing shall be held in accordance with procedures set forth at 15 CFR part 904, subpart C.

(d) If the respondent does not request a hearing within thirty days of the date of the Notice, the civil penalty and the assessment shall become the final determination of the Administrator.

§ 960.20 Seizure.

If the Administrator believes that any object, record, or report, was used, is being used or is likely to be used in violation of the Act, these regulations or any condition or restriction of the license, the Administrator may seek a warrant from a magistrate to seize such item(s) by showing probable cause for this belief. Seizure shall be conducted in accordance with 15 CFR part 904, subpart F.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 083-0053b; FRL-5911-5]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District, Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) emissions from metal container, metal closure, and metal coil coating operations and marine vessel coating operations. The intended effect of proposing approval of these rules is

to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this **Federal Register**, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by December 3, 1997.

ADDRESSES: Written comments on this action should be addressed to: Andrew Steckel, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rule revisions and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1096.

Ventura County Air Pollution Control District, 702 County Square Drive, Ventura, California 93003.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

FOR FURTHER INFORMATION CONTACT: Jerald S. Wamsley, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1226.

SUPPLEMENTARY INFORMATION: This document concerns SDCAPCD's Rule 67.4, Metal Container, Metal Closure, and Metal Coil Coating Operations, and VCAPCD's Rule 74.24, Marine Vessel Coating Operations. These rules were submitted by the California Air Resources Board (CARB) to EPA on October 18, 1996 and May 24, 1994, respectively. For further information,

please see the information provided in the Direct Final action that is located in the Rules Section of this **Federal Register**.

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

Dated: September 26, 1997.

Felicia Marcus,

Regional Administrator.

[FR Doc. 97-29051 Filed 10-31-97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 260

[FRL-5916-4]

Project XL Site-specific Rulemaking for Molex, Inc., 700 Kingbird Road Facility, Lincoln, Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to implement a project under the Project XL program for the Molex, Inc. (Molex) facility located at 700 Kingbird Road, Lincoln, Nebraska. The terms of the project are defined in a draft Final Project Agreement (FPA) which is being made available for public review and comment by this document. Also, EPA is making available for informational purposes a draft variance by the Nebraska Department of Environmental Quality necessary for implementation of the project. In addition, EPA is today proposing a site-specific rule, applicable only to the Molex facility, to facilitate implementation of the project. In the final rules section of this **Federal Register**, EPA is also adopting this rule as a direct final rule because EPA views this as a noncontroversial action and anticipates no adverse comments. If no significant adverse comments are received, the direct final rule will become effective in 60 days and no further action will be taken on this proposed rule. If significant adverse comments are received during the comment period, the direct final rule will not go into effect and EPA will proceed pursuant to this proposal, responding to the comments on the direct final rule and this proposal when final action is taken on the rule. EPA does not intend to initiate a further round of notice and comment, if comments are received on this proposal or the direct final rule. Therefore, any parties interested in commenting on this rule, or on the FPA, should do so at this time.

The site-specific rule is intended to provide regulatory changes under the Resource Conservation and Recovery Act (RCRA) to implement Molex's XL project, which will result in superior environmental performance and, at the same time, provide Molex with greater operational flexibility. The flexibility provided by Project XL will allow the facility to segregate waste streams which had previously been co-mingled into a single waste stream. By changing the process lines to generate separate waste streams (nickel, copper, tin/lead), the facility can optimize the precipitation of each metal more effectively before the effluent is sent to the POTW. The environmental benefit from the project will be a substantial reduction in the mass loading of metals entering the City of Lincoln's POTW. In addition, the resultant mono-metal sludges will be commodity-like materials suitable for recycling by smelters. A secondary environmental benefit will be increased recycling and reducing the amount of material that would otherwise be landfilled. The site-specific rule, applicable only to the Molex facility, would change certain RCRA requirements so the implementing agency, the Nebraska Department of Environmental Quality, may issue a temporary variance from classifying as solid waste nickel, copper, and tin/lead non-precious metals containing sludges generated by Molex.

DATES: Comments. All public comments must be received on or before December 3, 1997 except that if a public hearing is held, the public comment period will remain open until December 18, 1997.

Public Hearing. A public hearing will be held, if requested, to provide interested persons an opportunity for oral presentation of data, views, or arguments concerning this direct final rule to implement Molex's XL project. If anyone contacts the EPA requesting to speak at a public hearing by November 24, 1997, a public hearing will be held on December 15, 1997. EPA will decide by November 28, 1997 whether a public hearing will be held. Additional information is provided in the section entitled **ADDRESSES**.

Request to Speak at Hearing. Persons wishing to present oral testimony must contact Mr. David Doyle at the EPA by November 24, 1997. Additional information is provided in the section entitled **ADDRESSES**.

ADDRESSES: Comments. Written comments should be submitted in duplicate to: Mr. David Doyle, U.S. Environmental Protection Agency, Region VII, Air, RCRA & Toxics