

arbitration associations." See 17 U.S.C. 802(b). The Librarian of Congress selects two of the arbitrators for a CARP from a list of nominated arbitrators; those selected then choose a third arbitrator to serve as chairperson of the panel. If the two arbitrators cannot agree, the Librarian is instructed to select the third arbitrator.

On December 7, 1994, the Copyright Office issued final regulations implementing the CARP selection process. 59 FR 63025 (December 7, 1994). Subsequently, these rules were amended to provide for the generation of a new list of nominees biannually. 61 FR 63717 (December 2, 1996). Section 251.3(a) of the regulations allows any professional arbitration association or organization to nominate qualified individuals, as described in § 251.5, to serve as arbitrators on a CARP. The regulations require that the submitting arbitration association supply the following information for each person:

- (1) The full name, address, and telephone number of the person.
- (2) The current position and name of the person's employer, if any, along with a brief summary of the person's employment history, including areas of expertise, and, if available, a description of the general nature of clients represented and the types of proceedings in which the person represented clients.
- (3) A brief description of the educational background of the person, including teaching positions and membership in professional associations, if any.
- (4) A statement of facts and information which qualify the person to serve as an arbitrator under § 251.5.
- (5) A description or schedule detailing fees proposed to be charged by the person for service on a CARP.
- (6) Any other information which the professional arbitration association or organization may consider relevant. 37 CFR 251.3(a).

Section 251.3(b) of the regulations requires the Copyright Office to publish a list of qualified persons and mandates that this list must include between 30 and 75 names of persons who were nominated from at least three arbitration associations. The newly comprised list of arbitrators is in effect until the end of the 1999 calendar year and any and all arbitrators selected for a CARP during 1998 and 1999 would come from this list. The list includes the name of the nominee and the nominating association.

The publication of today's list satisfies the requirement of 37 CFR 251.3. The information submitted by the arbitration association with respect to

each person listed is available for copying and inspection at the Licensing Division of the Copyright Office. Thus, for example, if the Librarian is required to convene a CARP in 1998 for a royalty fee distribution, parties to that proceeding may review that information as a means of formulating objections to listed arbitrators under § 251.4. The Licensing Division of the Copyright Office is located in the Library of Congress, James Madison Building, Room 458, 101 Independence Avenue, S.E., Washington, DC 20540.

Deadline for Filing Financial Disclosure Statement

Section 251.32(a) of the CARP rules provides that, within 45 days of their nomination, each nominee must "file with the Librarian of Congress a confidential financial disclosure statement as provided by the Library of Congress." The Copyright Office sent financial disclosure statements to the nominating associations, with specific instructions for completing and filing the statement, and asked each organization to distribute the forms to its nominees for the CARP arbitrator list. The Librarian of Congress will use the financial disclosure form to determine what financial conflicts of interest, if any, may preclude the nominee from serving as an arbitrator in a CARP proceeding. Unlike information submitted by the arbitration associations under § 251.3(a), the information contained in the financial disclosure statements is confidential and is not available to the public or to the parties to the proceeding. Each nominee has filed a completed financial disclosure form with the Library of Congress.

The 1998-1999 CARP Arbitration List

Miles J. Alexander, Esq.—CPR Institute for Dispute Resolution
 Richard Bennett, Esq.—American Arbitration Association
 Dorothy K. Campbell, Esq.—American Arbitration Association
 Virginia S. Carson, Esq.—American Arbitration Association
 Gray Castle, Esq.—JAMS/Endispute
 Terry L. Clark, Esq.—American Arbitration Association
 The Honorable John W. Cooley—Judicial Dispute Resolution, Inc.
 M. Scott Donahey, Esq.—American Arbitration Association
 Edward Dreyfus—American Arbitration Association
 The Honorable Lenore G. Ehrig—American Arbitration Association
 The Honorable John B. Farmakides—American Arbitration Association
 The Honorable Thomas A. Fortkort—American Arbitration Association
 The Honorable Charles W. Fowler—Arbitration and Mediation Services

Elizabeth E. Granville, Esq.—American Arbitration Association
 The Honorable Lewis Hall Griffith—American Arbitration Association
 The Honorable Jeffrey S. Gulin—Arbitration and Mediation Services
 The Honorable Louis N. Hurwitz—Arbitration and Mediation Services
 The Honorable Mel R. Jiganti—JAMS/Endispute
 Sheldon Karon, Esq.—American Arbitration Association
 The Honorable William B. Lawless—Judge-Net
 Christine Lepera, Esq.—American Arbitration Association
 Michael K. Lewis, Esq.—CPR Institute for Dispute Resolution
 The Honorable Lewis A. London—Arbitration and Mediation Services
 Denis R. Madigan, Esq.—JAMS/Endispute
 The Honorable H. Curtis Meanor—CPR Institute for Dispute Resolution
 Gloria Messinger, Esq.—American Arbitration Association
 Kenneth E. Milam, Esq.—CPR Institute for Dispute Resolution
 The Honorable James R. Miller, Jr.—JAMS/Endispute
 The Honorable Sharon T. Nelson—American Arbitration Association
 Timothy T. Patula, Esq.—American Arbitration Association
 Gerald F. Phillips, Esq.—American Arbitration Association
 The Honorable Kathleen A. Roberts—JAMS/Endispute
 Sol Rosenthal, Esq.—American Arbitration Association
 Peter C. Schaumber, Esq.—Center for Litigation Alternatives
 Linda R. Singer, Esq.—CPR Institute for Dispute Resolution
 Jeffrey L. Squires, Esq.—American Arbitration Association
 William Stuart Taylor, Esq.—American Arbitration Association
 The Honorable Curtis E. von Kann—JAMS/Endispute
 The Honorable Ronald P. Wertheim—JAMS/Endispute
 R. Quincy White, Esq.—American Arbitration Association
 Darryl Wilson, Esq.—American Arbitration Association
 Maurice L. Zilber, Esq.—American Arbitration Association
 Dated: February 19, 1998.

David O. Carson,

General Counsel.

[FR Doc. 98-4749 Filed 2-24-98; 8:45 am]

BILLING CODE 1410-33-P

POSTAL SERVICE

39 CFR Part 20

Increase of Maximum Size and Weight Limits To Existing Global Package Link Premium Service to Japan

AGENCY: Postal Service.

ACTION: Interim rules with request for comments.

SUMMARY: Global Package Link (GPL) is an international mail service designed for companies sending merchandise to other countries. Current size allowances for GPL and returns services to Japan will be increased to U.S. domestic limits.

DATES: The interim regulations take effect February 25, 1998. Comments must be received on or before March 27, 1998.

ADDRESSES: Written comments should be mailed or delivered to Global Package Link Service, U.S. Postal Service, 475 L'Enfant Plaza SW, Room 370 IBU, Washington, DC 20260-6500. Copies of all written comments will be available for public inspection and photocopying at the above address between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert E. Michelson at the above address. Telephone: (202) 268-5731.

SUPPLEMENTARY INFORMATION:

I. Introduction

GPL service to Japan is currently limited to packages weighing up to 44 pounds and those with dimensions up to 60 inches per any side or total length plus girth of up to 108 inches. These size restrictions prevent existing mailers as well as potential new customers, with package dimensions larger than these limits, from using GPL to Japan. In response to requests from these mailers, size allowances on GPL and returns services to Japan will be increased to the domestic limits of 70 pounds and 108 inches (length plus girth combined).

II. GPL Size Increase to Japan

A. Qualifying Criteria

Customers wishing to send GPL packages to Japan that are larger than the current size restrictions of 44 pounds and maximum length of 60 inches will need to use GPL Premium Oversize service. GPL Premium Oversize service will include those packages longer than 60 inches on a side or weighing more than 44 pounds. Premium Oversize service will accommodate packages that fall within domestic limits of length plus girth up to 108 inches and weight up to 70 pounds. It will be the responsibility of the customer to choose the Premium

Oversize option. Failure to choose the Premium Oversize option when dimensions or weight are over 60 inches per any side or over 44 pounds will result in the package being returned to the mailer for remailing as GPL Premium Oversize.

B. Delivery

GPL Premium Oversize service to Japan is an extension of the GPL Premium service. It will have the same attributes including trackability and up to \$500 insurance at no additional cost.

C. Returns Service

The returns service weight allowance from Japan will be increased from the current 44-pound maximum to a 70-pound maximum. The maximum size will be increased to 108 inches (combined length plus girth).

D. Rates

The base rates for Premium Oversize GPL and extended returns service to Japan are set forth in the interim regulations below.

III. Conclusion

Accordingly, the Postal Service hereby adopts this size increase for GPL service and Returns service to Japan on an interim basis, at the rates set forth in the schedule below. Although 39 U.S.C. 407 does not require advance notice and opportunity for submission of comments, and the Postal Service is exempted by 39 U.S.C. 410(a) from the advance notice requirements of the Administrative Procedure Act regarding proposed rulemaking (5 U.S.C. 553), the Postal Service invites interested persons to submit written data, views, or arguments concerning this interim rule.

The Postal Service adopts the following amendments to the International Mail Manual (IMM), which is incorporated by reference in the Code of Federal Regulations (39 CFR 20.1).

List of Subjects in 39 CFR Part 20

International postal service, Foreign relations.

PART 20—[AMENDED]

1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. Effective immediately, (February 25, 1998), subchapter 620 of the

International Mail Manual, Issue 19, is amended as follows:

6 Special Programs

* * * * *

623.3 Size and Weight Limits

623.31 Weight Limits

The weight limits for Global Package Link service are 70 pounds for Chile, China, and Germany; 66 pounds for Brazil, Canada, France, Singapore, and the United Kingdom; 64 pounds for Mexico; and 44 pounds for Japan with the Premium service.

GPL Premium packages to Japan weighing more than 44 pounds up to a maximum of 70 pounds must be mailed as GPL Premium Oversize. To use the GPL Premium Oversize service, the mailer has the responsibility to select GPL Premium Oversize service when selecting the class of service and use the corresponding GPL Premium Oversize rates chart. GPL Premium packages weighing more than 44 pounds, up to a maximum of 70 pounds, will be returned to the mailer for remailing if GPL Premium Oversize service is not selected.

623.32 Size Limits

The maximum length of GPL packages is 60 inches. The maximum length and girth combined is 108 inches. Exceptions: maximum size for Germany is length 47 inches, height 23 inches, width 23 inches; for Japan standard packages weighing less than 1 pound, the maximum length is 24 inches with a combined maximum height, depth, and length of 36 inches.

GPL Premium packages to Japan whose length is more than 60 inches up to a maximum length plus girth of 108 inches must be mailed as GPL Premium Oversize. To use the GPL Premium Oversize service, the mailer has the responsibility to select GPL Premium Oversize service when selecting the class of service and use the corresponding GPL Premium Oversize rates chart. GPL Premium packages longer than 60 inches up to length plus girth of 108 inches will be returned to the mailer for remailing if GPL Premium Oversize service is not selected.

All GPL packages must be large enough to accommodate the necessary labels and customs forms on the address side.

* * * * *

GLOBAL PACKAGE LINK TO JAPAN RATES

Weight not over (lbs.)	Premium	Standard	Premium oversize	Returns
1	14.50	5.50	27.50	7.20
2	16.50	8.50	31.00	9.80
3	19.00	13.00	34.50	12.40
4	21.50	16.50	38.00	15.00
5	24.00	22.00	42.50	17.60
6	27.00	25.00	47.00	20.20
7	29.50	¹ 6	51.50	22.80
8	32.00	.....	55.00	25.40
9	34.50	.....	58.00	28.00
10	37.00	.....	60.50	30.60
11	39.50	.....	63.00	33.20
12	42.00	.....	66.00	35.80
13	44.50	.....	68.50	38.40
14	47.00	.....	71.00	41.00
15	49.50	.....	73.00	43.70
16	52.00	.....	75.50	48.00
17	54.50	.....	78.00	50.70
18	57.00	.....	80.00	53.50
19	59.50	.....	83.00	56.20
20	62.00	.....	85.00	58.90
21	64.50	.....	87.00	63.90
22	67.00	.....	89.00	66.70
23	69.50	.....	91.00	69.50
24	72.00	.....	93.00	72.30
25	74.50	.....	95.00	75.10
26	77.00	.....	97.00	77.90
27	79.50	.....	99.00	80.70
28	82.00	.....	101.00	83.50
29	84.50	.....	103.00	86.30
30	87.00	.....	104.00	89.10
31	89.50	.....	106.00	91.90
32	92.00	.....	108.00	94.70
33	94.50	.....	110.00	97.50
34	97.00	.....	112.00	100.40
35	99.50	.....	114.00	103.20
36	102.00	.....	116.00	106.00
37	104.50	.....	117.00	108.80
38	107.00	.....	118.00	111.60
39	109.00	.....	119.00	114.40
40	112.00	.....	120.00	117.20
41	114.50	.....	121.00	120.00
42	117.00	.....	122.00	122.80
43	119.50	.....	123.00	125.60
44	122.00	.....	124.00	128.40
45	¹ 44	.....	125.00	¹ 44
46	.....	.....	126.00	.....
47	.....	.....	127.00	.....
48	.....	.....	128.00	.....
49	.....	.....	129.00	.....
50	.....	.....	130.00	.....
51	.....	.....	131.00	.....
52	.....	.....	132.00	.....
53	.....	.....	134.00	.....
54	.....	.....	136.00	.....
55	.....	.....	138.00	.....
56	.....	.....	140.00	.....
57	.....	.....	142.00	.....
58	.....	.....	144.00	.....
59	.....	.....	146.00	.....
60	.....	.....	148.00	.....
61	.....	.....	150.00	.....
62	.....	.....	152.00	.....
63	.....	.....	154.00	.....
64	.....	.....	156.00	.....
65	.....	.....	158.00	.....
66	.....	.....	161.00	.....
67	.....	.....	163.00	.....
68	.....	.....	165.00	.....
69	.....	.....	167.00	.....
70	.....	.....	169.00	.....

¹ lb. max.

Discounts for GPL service to Japan are 3 percent off the base rates for those packages sent over 100,000 during a 12-month period. Parcels sent via the Premium Oversize service weighing less than 15 pounds but measuring more than 84 inches in length and girth combined are chargeable with a minimum rate equal to that for a 15-pound parcel.

* Weights over 44 pounds, use Premium Oversize service.

** Weights over 6 pounds, use Premium service.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 98-4824 Filed 2-24-98; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ-006-FON FRL-5969-8]

Finding of Failure To Submit Required State Implementation Plans for Particulate Matter; Arizona; Phoenix PM-10 Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Under the Clean Air Act (Act), EPA is taking final action to find that the State of Arizona has failed to make required State Implementation Plan (SIP) submittals for the metropolitan Phoenix PM-10 nonattainment area. These submittals are the regional moderate area plan requirements for the 24-hour PM-10 standard and the serious area plan requirements for annual PM-10 standard and the regional serious area requirements for the 24-hour standard. The deadline for these submittals was December 10, 1997.

This final action triggers the 18-month time clock for mandatory application of sanctions and 2-year time clock for a federal implementation plan under the Act. This action is consistent with the Act's mechanism for assuring SIP submissions.

EFFECTIVE DATE: February 6, 1998.

FOR FURTHER INFORMATION CONTACT:

Frances Wicher, Office of Air Planning (AIR-2), Air Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, California, 94105-3901, telephone (415) 744-1248.

SUPPLEMENTARY INFORMATION:

I. Background

A. Serious Area PM-10 Planning Requirements for the Phoenix Metropolitan Area

In 1990, Congress amended the Clean Air Act to address, among other things, continued nonattainment of the PM-10 NAAQS.¹ Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C., 7401-7671q (1991). On the date of enactment of the Amendments, PM-10 areas meeting the qualifications of section 107(d)(4)(B) of the amended Act were designated nonattainment by operation of law. These areas included all former Group I areas identified in 52 FR 29383 (August 7, 1987) and clarified in 55 FR 45799 (October 31, 1980), and any other areas violating the PM-10 NAAQS prior to January 1, 1989. The metropolitan Phoenix PM-10 nonattainment area (Phoenix area) was identified as a Group I area in the August 7, 1987, **Federal Register** notice. A **Federal Register** notice announcing all areas designated nonattainment for PM-10 at enactment of the 1990 amendments was published on March 15, 1991 (56 FR 11101). The boundaries of the Phoenix nonattainment area were set forth in a November 6, 1991, **Federal Register** notice (56 FR 56694, codified for the State of Arizona at 40 CFR 81.303).

Once an area is designated nonattainment, section 188 of the amended Act outlines the process for classification of the area and establishes the area's attainment date. In accordance with section 188(a), at the time of designation, the Phoenix area was initially classified as moderate by operation of law with an attainment date of December 31, 1994.

¹ EPA revised the NAAQS for particulate matter on July 1, 1987 (52 FR 24672), replacing standards for total suspended particulate with new standards applying only to particulate matter up to 10 microns in diameter (PM-10). At that time, EPA established two PM-10 standards. The annual PM-10 standard is attained when the expected annual arithmetic average of the 24-hour samples for a period of one year does not exceed 50 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). The 24-hour PM-10 standard of $150 \mu\text{g}/\text{m}^3$ is attained if samples taken for 24-hour periods have no more than one expected exceedance per year, averaged over 3 years. See 40 CFR 50.6 and 40 CFR part 50, appendix K.

On July 18, 1997, EPA slightly revised both the annual and the 24-hour PM-10 standard and also established two new standards for PM, both applying only to particulate matter up to 2.5 microns in diameter (PM-2.5) (62 FR 38651).

This finding applies to the outstanding obligation of the State to submit for the Phoenix metropolitan PM-10 nonattainment area a plan addressing the 24-hour and annual PM-10 standards, as originally promulgated.

Breathing particulate matter can cause significant health effects, including an increase in respiratory illness and premature death.

The Act further provides that moderate areas that the Administrator finds have failed to attain by their moderate area deadlines are reclassified to serious by operation of law, CAA section 188(b)(2). Reclassified areas are then required to submit revised SIPs to address the serious area PM-10 requirements within 18 months of the effective date of the reclassification, CAA section 189(a)(2).

On May 10, 1996, EPA published a final reclassification of the metropolitan Phoenix PM-10 nonattainment area to serious (61 FR 21372). Pursuant to section 189(b)(2), the State of Arizona was thus required to submit a serious area plan addressing both PM-10 NAAQS for the area by December 10, 1997, 18 months after the effective date of the reclassification.

These requirements, as they pertain to the Phoenix nonattainment area, include:

(a) Provisions to assure that the best available control measures (BACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of best available control technology (BACT)) for the control of PM-10 shall be implemented no later than 4 years after the area is reclassified, (CAA section 189(b)(1)(B));

(b) A demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 2001, or an alternative demonstration that attainment by that date would be impracticable and that the plan provides for attainment by the most expeditious alternative date practicable (CAA section 189(b)(1)(A)(i) and (ii)); and

(c) Quantitative milestones which are to be achieved every 3 years and which demonstrate reasonable further progress toward attainment by December 31, 2001 (CAA section 189(c)).

B. Residual Moderate Area Planning Requirements in the Phoenix Metropolitan Area

On May 14, 1996—just days after the reclassification was published—the Court of Appeals for the Ninth Circuit found that the Phoenix moderate area PM-10 plan failed to address the 24-hour PM-10 standard as required by the Clean Air Act (*Ober v. EPA*, 84 F.3d 304 (9th Cir. 1996)). As a result, the Court mandated that EPA require “the State to submit a separate demonstration of the implementation of all ‘reasonably available control measures’ targeting the 24 hour standard violations; attainment and ‘reasonable further progress’ for the 24 hour standard.” 84 F.3d at 316.