

Airport) located at 7032 Elm Road, Baltimore, Maryland. The telephone number is (410) 859-3300 and the guest fax number is (410) 859-0565.

**FOR FURTHER INFORMATION CONTACT:** For technical information about the EDSTAC contact Dr. Anthony Maciorowski (telephone: (202) 260-3048; e-mail: maciorowski.tony@epamail.epa.gov) or Mr. Gary Timm (telephone (202) 260-1859; e-mail: timm.gary@epamail.epa.gov) at EPA. To obtain additional information please contact the contractor assisting EPA with meeting facilitation and logistics: Ms. Tutti Otteson, The Keystone Center, P.O. Box 8606, Keystone, CO 80435; telephone: (970) 468-5822; fax (970) 262-0152; e-mail: totteson@keystone.org.

**SUPPLEMENTARY INFORMATION:** The tentative agenda for the March 17-18, 1998 plenary meeting includes status reports from the Screening and Testing and Priority Setting workgroups. This plenary will not include a public comment session.

#### List of Subjects

Environmental protection.

Dated: February 24, 1998.

**Susan H. Wayland,**

*Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.*

[FR Doc. 98-5258 Filed 2-27-98; 8:45 am]

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-5972-4]

#### Notice of Proposed Revisions to Approved Programs To Administer the National Pollutant Discharge Elimination System Permitting Program in Indiana, Michigan, Ohio and Wisconsin Resulting in Part From Adoption of the Water Quality Guidance for the Great Lakes System

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the United States Environmental Protection Agency (EPA) has received for review and approval revisions to the National Pollutant Discharge Elimination System (NPDES) programs in Indiana, Michigan, Wisconsin and Ohio. Most of the proposed revisions were adopted to comply with section 118(c) of the Clean Water Act and 40

CFR 132.4, although in some cases, States have also proposed revisions that are not related to those required by section 118(c) of the CWA and 40 CFR 132.4. EPA invites public comment on whether EPA should approve these revisions pursuant to 40 CFR 123.62 and 132.5.

**DATES:** Comments on whether EPA should approve the revisions to Indiana's, Michigan's, Ohio's and Wisconsin's NPDES programs must be received in writing by April 1, 1998.

**ADDRESSES:** Written comments on these documents may be submitted to Jo Lynn Traub, Director, Water Division, Attn: GLI Implementation Procedures, U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. In the alternative, EPA will accept comments electronically. Comments should be sent to the following Internet E-mail address: karnauskas.joan@epamail.epa.gov. Electronic comments must be submitted in an ASCII file avoiding the use of special characters and any form of encryption. EPA will print electronic comments in hard-copy paper form for the official administrative record. EPA will attempt to clarify electronic comments if there is an apparent error in transmission. Comments provided electronically will be considered timely if they are submitted electronically by 11:59 p.m. (Central time), April 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** Mery Jackson-Willis, Standards and Applied Sciences Branch, Water Division, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, or telephone her at (312) 886-3717.

Copies of the rules adopted by the States, and other related materials submitted by the States in support of these revisions, are available for review at: EPA, Region 5, 77 West Jackson Boulevard, 15th Floor, Chicago, Illinois; Indiana Department of Environmental Management, Office of Water Management, Rule Section, 100 North Senate Avenue, Indianapolis, Indiana; Michigan Department of Environmental Quality, Surface Water Quality Division, Knapps Centre, 300 South Washington, Lansing, Michigan; Ohio Environmental Protection Agency, Division of Surface Water, 1800 WaterMark Drive, Columbus, Ohio; and Wisconsin Department of Natural Resources, Bureau of Wastewater Management, GEF II Building, 101 South Webster, Madison, Wisconsin. To access the docket material in Chicago, call (312) 886-3717 between 8 a.m. and 4:30 p.m. (Central time) (Monday-Friday); in Indiana, call (317) 232-8399; in

Michigan, call (517) 335-4184; in Ohio, call (614) 644-2154; and in Wisconsin, call (608) 267-7662.

**SUPPLEMENTARY INFORMATION:** On March 23, 1995, EPA published the Final Water Quality Guidance for the Great Lakes System (Guidance) pursuant to section 118(c)(2) of the Clean Water Act, 33 U.S.C. 1268(c)(2) (March 23, 1995, 60 FR 15366). The Guidance, which was codified at 40 CFR Part 132, requires the Great Lakes States to adopt and submit to EPA for approval water quality criteria, methodologies, policies and procedures that are consistent with the Guidance. 40 CFR 132.4 and 132.5. EPA is required to approve of the State's submission within 90 days or notify the State that EPA has determined that all or part of the submission is inconsistent with the Clean Water Act or the Guidance and identify any necessary changes to obtain EPA approval. If the State fails to make the necessary changes within 90 days, EPA must publish a notice in the **Federal Register** identifying the approved and disapproved elements of the submission and a final rule identifying the provisions of Part 132 that shall apply for discharges within the State.

As of January 31, 1998, EPA Region 5 had received submissions from Indiana, Michigan, Wisconsin and Ohio. The bulk of these submissions consist of new, revised or existing water quality standards which EPA is reviewing for consistency with the Guidance in accordance with 40 CFR 131 and 132.5. EPA is not soliciting comment on those portions of these submissions relating to the water quality criteria and methodologies, use designations or antidegradation. EPA also is not soliciting comment on the Guidance itself.

Instead, EPA is only requesting comment on whether it should approve, pursuant to 40 CFR 123.62, and 132.5(g), those portions of these submissions that revise the States' approved National Pollutant Discharge Elimination System (NPDES) permitting program. In most cases these revisions relate to the following provisions of 40 CFR Part 132, Appendix F: Procedure 3 ("Total Maximum Daily Loads, Wasteload Allocations for Point Sources, Load Allocations for Nonpoint Sources, Wasteload Allocations in the Absence of a TMDL, and Preliminary Wasteload Allocations for Purposes of Determining the Need for Water Quality Based Effluent Limits"); Procedure 4 ("Additivity"); Procedure 5 ("Reasonable Potential"); Procedure 6 (Whole Effluent Toxicity"); Procedure 7 ("Loading Limits"); Procedure 8:

("Water Quality-based Effluent Limitations Below the Quantification Level"); Procedure 9 ("Compliance Schedules"). EPA is not soliciting comment on the States' adoption of requirements pertaining to Implementation Procedures 1 ("Site Specific Modifications") or 2 ("Variances") because those requirements constitute parts of the States' water quality standards, not its NPDES program.

Under 40 CFR 123.62(b)(2) and 132.5(e), whenever EPA determines that a proposed revision to a State NPDES program is substantial, EPA must provide notice and allow public comment on the proposed revisions. The extent to which the States have modified their NPDES programs to be consistent with the Guidance varies significantly, depending on the extent to which their existing programs already were "as protective as" the implementation procedures in the Guidance. EPA has not conducted a State-by-State review of the submissions to ascertain for each State individually whether their changes constitute substantial program modifications. However, in light of the fact that the States have modified these programs in response to the explicit statutory mandate contained in section 118(c) of the Clean Water Act, EPA believes that it is appropriate to consider the NPDES component of the States' submissions to be substantial program modifications, and therefore has decided to solicit public comment regarding those provisions.

Based on General Counsel Opinion 78-7 (April 18, 1978), EPA has long considered a determination to approve or deny a State NPDES program submission to constitute an adjudication because an "approval", within the meaning of the APA, constitutes a "license", which, in turn, is the product of an "adjudication". For this reason, the statutes and Executive Orders that apply to rulemaking action are not applicable here. Among these are provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. § 601 *et seq.* Under the RFA, whenever a federal agency proposes or promulgates a rule under section 553 [of the Administrative Procedures Act (APA)], after being required by that section or any other law to publish a general notice of proposed rulemaking, the agency must prepare a regulatory flexibility analysis for the rule, unless the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the Agency does not certify the rule, the regulatory flexibility analysis must describe and

assess the impact of a rule on small entities affected by the rule.

Even if the NPDES program modification were a rule subject to the RFA, the Agency would certify that approval of the State's modified program would not have a significant economic impact on a substantial number of small entities. EPA's action to approve an NPDES program modification merely recognizes revisions to the program which have already been enacted as a matter of State law; it would, therefore, impose no additional obligations upon those subject to the State's program. Accordingly, the Regional Administrator would certify that this program modification, even if a rule, would not have a significant economic impact on a substantial number of small entities.

**Michelle D. Jordan,**

*Acting Regional Administrator.*

[FR Doc. 98-5314 Filed 2-27-98; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

[CS Docket No. 97-141, FCC 97-423]

### Annual Assessment of the Status of Competition in Markets for the Delivery of Video Programming

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** Section 628(g) of the Communications Act of 1934, as amended, 47 U.S.C. 548(g), requires the Commission to report annually to Congress on the status of competition in markets for the delivery of video programming. On January 13, 1998, the Commission released its fourth annual report ("*1997 Report*"). The *1997 Report* contains data and information that summarize the status of competition in markets for the delivery of video programming and updates the Commission's prior reports. The *1997 Report* is based on publicly available data, filings in various Commission rulemaking proceedings, and information submitted by commenters in response to a *Notice of Inquiry* in this docket, summarized at 62 FR 38008, July 16, 1997.

**FOR FURTHER INFORMATION CONTACT:** Marcia Glauberman or Mark Menna, Cable Services Bureau (202) 418-7200, TTY (202) 418-7172.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *1997 Report* in CS Docket No. 97-141, FCC

97-423, adopted December 31, 1997, and released January 13, 1998. The complete text of the *1997 Report* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., 20554, and may also be purchased from the Commission's copy contractor, International Transcription Service ("ITS, Inc."), (202) 857-3800, 1231 20th Street, N.W., Washington, D.C. 20036. In addition, the complete text of the *1997 Report* is available on the Internet at <http://www.fcc.gov/Bureaus/Cable/Reports/fcc97423.html>.

### Synopsis of the 1997 Report

1. The Commission's *1997 Report* to Congress provides information for the cable television industry and other multichannel video programming distributors ("MVPDs"), including direct broadcast satellite ("DBS") service, home satellite dishes ("HSDs"), multipoint distribution service ("MMDS"), local multipoint distribution service ("LMDS"), satellite master antenna television ("SMATV") systems, and broadcast television service. The Commission also considers several other existing and potential distributors of and distribution technologies for video programming including, the Internet, home video sales and rentals, interactive video and data services ("IVDS"), local exchange telephone carriers ("LECs"), and electric and gas utilities.

2. The Commission further examines market structure and issues affecting competition, such as horizontal concentration, vertical integration and technical advances. The fourth annual report addresses competitors serving multiple dwelling unit ("MDU") buildings and evidence of competitive responses by industry players that are beginning to face competition from other MVPDs. The *1997 Report* further discusses issues relating to federal laws and regulations concerning the emergence of a competitive MVPD marketplace. Finally, the Commission reports on video description of video programming.

3. In the *1997 Report*, the Commission concludes that the cable industry continues to occupy the dominant position in the multichannel video marketplace. As of June 1997, cable operators served 87% of households that receive multichannel video programming, down from 89% in September 1996. The Commission finds that there is a growing but still limited number of instances where incumbent cable system operators face competition from MVPDs offering similar services.