

ACTION: Proposed rule; extension of comment periods; notice of hearings; and close of record.

SUMMARY: MSHA is extending the period for public comment regarding the Agency's proposed rule addressing diesel particulate matter exposure of underground coal miners, which was published in the **Federal Register** on April 9, 1998; and the notice of preliminary determination of no significant environmental impact published in the **Federal Register** on July 14, 1998.

The Agency is also announcing that it will hold public hearings in Birmingham, Alabama; Salt Lake City, Utah; Mt. Vernon, Illinois; and Beckley, West Virginia. The hearing dates, times, and locations will be announced by a separate notice in the **Federal Register**.

The rulemaking record will remain open 30 days after the last public hearing.

DATES: Comments must be received on or before October 9, 1998.

ADDRESSES: Comments on the proposed rule may be transmitted by electronic mail, fax, or mail. Comments by electronic mail must be clearly identified as such and sent to this e-mail address: comments@msha.gov. Comments by fax must be clearly identified as such and sent to: MSHA, Office of Standards, Regulations, and Variances, 703-235-5551. Send mail comments to: MSHA, Office of Standards, Regulations, and Variances, Room 631, 4015 Wilson Boulevard, Arlington, VA 22203-1984 or any MSHA district or field office, and or technical support center. Copies of the proposal are available for review by the mining community at each district and field office location, and at each technical support center. The document is also available for loan to interested members of the public. These comments will become a part of the official rulemaking record. Interested persons are encouraged to supplement written comments with computer files or disks; please contact the Agency with any questions about format.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director; Office of Standards, Regulations, and Variances; MSHA; 703-235-1910.

SUPPLEMENTARY INFORMATION: On April 9, 1998, (63 FR 17492), MSHA published a proposed rule to reduce the risks to underground coal miners of serious health hazards that are associated with exposure to high concentrations of diesel particulate matter (dpm). DPM is a very small particle in diesel exhaust. Underground

miners are exposed to far higher concentrations of this fine particulate than any other group of workers. The best available evidence indicates that such high exposures put these miners at excess risk of a variety of adverse health effects, including lung cancer.

The proposed rule for underground coal mines would require that mine operators install and maintain high-efficiency filtration systems on certain types of diesel-powered equipment. Underground coal mine operators would also be required to train miners about the hazards of dpm exposure.

The comment period was scheduled to close on August 7, 1998. However, due to requests from the mining community, the Agency is extending the comment period for an additional 60 days, until October 9, 1998. MSHA believes that this extension will provide sufficient time for all interested parties to review and comment on the proposal. All interested parties are encouraged to submit comments prior to October 9, 1998.

The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq.), requires each Federal agency to consider the environmental effects of proposed actions and to prepare an Environmental Impact Statement on major actions significantly affecting the quality of the human environment. On July 14, 1998, (63 FR 37796), MSHA published a notice in the **Federal Register** that announced its preliminary determination that the proposed rule would have no significant environmental impact. The comment period was scheduled to close on August 10, 1998; however, by this notice, MSHA is extending the comment period until October 9, 1998.

Additionally, MSHA plans to hold the first public hearing within two weeks of the close of the comment period. The hearing dates, times, and locations will be announced by a separate notice in the **Federal Register**. The hearings will be held under section 101 of the Federal Mine Safety and Health Act of 1977.

To allow for the submission of post-hearing comments, the rulemaking record will remain open 30 days after the last public hearing. This date will also be announced by a separate notice in the **Federal Register**. This provides a total of more than 6 months from date of publication for the public to comment on this proposed rule.

Dated: July 30, 1998.

J. Davitt McAteer,
Assistant Secretary for Mine Safety and Health.

[FR Doc. 98-20830 Filed 8-4-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX-61-1-7376; FRL-6136-1]

Approval and Promulgation of State Implementation Plans (SIP) for Texas: Accelerated Vehicle Retirement (AVR) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of proposed disapproval.

SUMMARY: A proposed disapproval of the Texas AVR program was published in the **Federal Register** (FR) on December 19, 1997 (62 FR 66576). The purpose of this action is to withdraw the proposed disapproval. The State has withdrawn the SIP submittal.

DATES: This withdrawal is effective August 5, 1998.

ADDRESSES: Copies of materials relevant to this document are available for public inspection during normal business hours at the following location. Persons interested in examining these materials should make an appointment at least 24 hours before the visiting day. Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Rennie, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 664-7367.

SUPPLEMENTARY INFORMATION:

I. Background

On October 31, 1994, Texas submitted a revision to the SIP to provide for a Vehicle Scrapage Program in Title 30 of the Texas Administrative Code, Chapter 114: Control of Air Pollution from Motor Vehicles. The program allowed for the scrapage of vehicles, calculating the credits, and applying the credits to stationary sources. The program was not approvable because the method of calculating the credits was not approvable. The method required actual measurements of vehicle mass emissions using the IM240 emissions test. This emissions test is not available to the public in the State because in 1995, the Legislature halted the first vehicle Inspection and Maintenance (I/M) program that used the IM240 test. That program was replaced in 1997, by a low enhanced emissions I/M test that does not measure mass emissions. Consequently, the emissions measured from that program are not quantifiable

according to the method in 30 TAC 114.200.

The EPA proposed disapproval of the AVR SIP revision on December 19, 1997, (62 FR 66576).

II. Comments on Proposed Disapproval

Five comments were received in response to the proposed disapproval. Four comments supported disapproval.

The Texas Natural Resource Conservation Commission commented that because the AVR submittal does not reflect current programs that are necessary to implement the scrappage program as designed, the State determined that Section 114.200 should be revised. The State intended to replace Section 114.200 with a new Section 114.200 in order to establish an AVR program that does not rely on the use of the IM240 test. The EPA agrees with Texas' plan to replace Section 114.200 with a new section if the State intends to implement a vehicle scrappage program.

The comment from the Lone Star Chapter of the Sierra Club raised issues of Environmental Justice (EJ) under Title VI of the Civil Rights Act. The Sierra Club supported the proposed disapproval and also used the comment period as an opportunity to discuss EJ as it relates to Vehicle Scrappage Programs. They protest the Texas SIP AVR Program for its inherent failure to comply with Title VI of the Civil Rights Act of 1964 which strictly prohibits discrimination on the basis of race, color, or national origin by any program receiving Federal financial assistance.

The EPA recognizes EJ as an issue that cannot and should not be ignored. For the purposes of this document, EJ and its relationship to vehicle scrappage will not be discussed because it is not germane considering the State's request to withdraw the AVR program as a revision to the SIP.

III. Withdrawal Action

On March 23, 1998, the Governor of Texas sent a letter to EPA requesting that the Texas AVR SIP revision be removed from the SIP process. These rules are neither required by the Clean Air Act, nor part of any rate of progress plans for the State.

In this action, EPA is withdrawing the proposed disapproval because the State withdrew the 1994 AVR SIP revision. The EPA is removing this submittal from the SIP process, and no further rulemaking action will take place with regard to the 1994 AVR SIP submittal.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each

request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

A. Executive Order (E.O.) 12866

The Office of Management and Budget has exempted this action from review under Executive Order 12866, entitled "Regulatory Planning Review." This withdrawal action is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks," because it is not an "economically significant" action under E.O. 12866.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. See U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

This action is a withdrawal of the proposed disapproval with no associated rulemaking. Therefore I certify that it does not have an impact on any small entities.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ozone, Volatile organic compounds.

Dated: July 24, 1998.

Jerry Clifford,

Acting Regional Administrator, Region 6.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 41

[FCC 98-152]

1998 Biennial Regulatory Review— Elimination of Part 41 Telegraph and Telephone Franks

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: On July 21, 1998, the Federal Communications Commission released a Notice of Proposed Rulemaking (NPRM) that proposed to eliminate, in toto, part

41 (Telephone and Telegraph Franks) of the Commission's rules. The NPRM, part of the Commission's 1998 biennial regulatory review, tentatively concludes that the development of competition among interstate and foreign telecommunications service providers renders these regulations unnecessary.

DATES: Comments are due on or before August 31, 1998. Reply comments are due on or before September 10, 1998.

ADDRESSES: Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, 1919 M Street, NW, Suite 222, Washington, DC 20554, with a copy to Scott Bergmann of the Common Carrier Bureau, Federal Communications Commission, 2033 M Street, NW, Suite 500, Washington, DC 20554. Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Services, Inc. (ITS), 1231 20th St., NW, Washington, DC 20037.

FOR FURTHER INFORMATION CONTACT: Thomas J. Beers, Deputy Chief of the Industry Analysis Division, Common Carrier Bureau, at (202) 418-0952, or Scott K. Bergmann, Industry Analysis Division, Common Carrier Bureau, at (202) 418-7102.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking released July 21, 1998 (FCC 98-152). The full text of this Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Center, Room 239, 1919 M Street, Washington, DC 20554. The complete text also may be purchased from the Commission's copy contractor, International Transcription Service, Inc. (202) 857-3800, 1231 20th St., NW, Washington, DC 20036.

Summary of the Notice of Proposed Rulemaking

1. In the Notice of Proposed Rulemaking (NPRM) summarized here, we propose to eliminate, in toto, part 41 (Telegraph and Telephone Franks) of the Commission's rules.¹ Part 41 governs the issuance of franks for interstate and foreign telegraph and telephone service by communications common carriers.² Part 41 also governs

¹ 47 CFR 41.1 *et seq.*

² See 47 CFR 41.11. Part 41 was adopted pursuant to section 210(a) of the Communications Act of 1934, as amended. 47 USC 210(a). In pertinent part, section 210(a) provides:

Nothing in this Act or in any other provision of law shall be construed to prohibit common carriers from issuing or giving franks to, exchanging franks