

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DELAWARE RIVER BASIN COMMISSION

18 CFR Part 430

Protected Area Permits for New Withdrawals; Proposed Amendments to the Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania; Public Hearing

AGENCY: Delaware River Basin Commission.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: Notice is hereby given that the Delaware River Basin Commission will hold a public hearing to receive comments on proposed amendments to its Ground Water Protected Area Regulations for Southeastern Pennsylvania with respect to the establishment of numerical ground water withdrawal limits for 62 subbasins which are entirely or partially within the Ground Water Protected Area. Limits, based upon baseflow frequency analyses, were initially specified for the 14 subbasins in the Neshaminy Creek Basin. Limits for the remaining 62 subbasins are based upon additional baseflow frequency analyses provided by the U.S. Geological Survey in 1998. Although the limits within the Neshaminy Creek Basin remain unchanged, the withdrawal limits for the entire protected area are presented in this notice.

DATES: The public hearing will be held on Tuesday, March 9, 1999 beginning at 1 p.m. and continuing until 5 p.m., as long as there are people present wishing to testify. The hearing will resume at 7 p.m. and continue until 9 p.m., as long as there are people present wishing to testify.

The deadline for inclusion of written comments in the hearing record will be announced at the hearing. Persons wishing to testify at the hearing are requested to register with the Secretary in advance of the hearing.

ADDRESSES: Written comments should be submitted to Susan M. Weisman, Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628. The public hearings will be held in the Hearing Room of the Pennsylvania Department of Environmental Protection's Southeastern Regional Office at 555 E. North Lane, Lee Park Suite 6010, Conshohocken, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Copies of the Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania may be obtained by contacting Susan M. Weisman, Commission Secretary, at (609) 883-9500 ext. 203.

SUPPLEMENTARY INFORMATION:

Background and Rationale

The Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania were adopted in 1980 to prevent depletion of ground water, protect the interests and rights of lawful users of the same water source, and balance and reconcile alternative and conflicting uses of limited water resources in the area. Lowered water tables resulting from withdrawals in excess of recharge rates have led to reduction of flows in some perennial streams in the region and have dried up some stream reaches which previously flowed all year. Such reductions in base flow interfere with instream and downstream water uses, adversely affect fisheries and aquatic life, and threaten to reduce the capacity of streams in the region to assimilate pollutants.

On January 28, 1998, the Commission adopted amendments to the Ground Water Protected Area Regulations which established a two-tiered system of withdrawal limits. The first tier serves as a warning that a subbasin is "potentially stressed". In potentially stressed subbasins, applicants for new or expanded ground water withdrawals are required to implement one or more programs to mitigate adverse impacts of additional ground water withdrawals. Acceptable programs include: conjunctive use of ground water and surface water; expanded water conservation; control of ground water infiltration to the receiving sewer systems; and artificial recharge and spray irrigation. The second tier serves as the maximum withdrawal limit. The

Commission seeks to prevent ground water withdrawals from exceeding the maximum withdrawal limit.

The regulations also provide incentives for holders of existing DRBC dockets and protected area permits to implement the above-cited conjunctive use and conservation programs to mitigate the adverse impacts of their ground water withdrawals. If docket or permit holders successfully implement one or both programs, the Commission could extend the docket or permit duration for up to ten years.

The regulations also specify administrative criteria for issuing and review of dockets and permits as well as protocol for updating and revising withdrawal limits to provide additional protection for streams designated by the Commonwealth of Pennsylvania as "high quality" or "exceptional value", or to correspond with any integrated resources plans adopted by municipalities for subbasins.

The ground water study which provided the basis for the withdrawal limits for the subbasins in the Neshaminy Creek Basin was prepared by the U.S. Geological Survey in cooperation with the Commission and is entitled "Water-Use Analysis Program for the Neshaminy Creek Basin, Bucks and Montgomery Counties, Pennsylvania." The U.S. Geological Survey was contracted by the Commission to prepare a similar study to investigate the withdrawal limits for the remaining subbasins in the protected area. The results of both studies are recorded on CD-ROM which is available from the Commission. Specific software, the Access database and ArcView from ESRI are required to view the CD-ROM. To review the CD-ROM at the Commission's offices, please contact Judith Strong, at (609) 883-9500 ext. 263 for an appointment. To order the CD-ROM at a cost of \$10, please contact Carolyn Hartman at (609) 883-9500 ext. 249. To review the CD-ROM at locations within the protected area, please contact Susan M. Weisman at (609) 883-9500 ext. 203.

List of Subjects in 18 CFR Part 430

Water supply.

The subject of the hearing will be as follows:

Amendment to the Commission's Ground Water Protected Area Regulations for Southeastern Pennsylvania Relating to the Establishment of Numerical Ground Water Withdrawal Limits for Subbasins in the Protected Area

For the reasons set forth in the preamble, part 430 is proposed to be amended as follows:

PART 430—GROUND WATER PROTECTION AREA: PENNSYLVANIA

1. The authority citation for part 430 continues to read as follows:

Authority: Pub. L. 87-328 (75 Stat. 688).

§ 430.13 [Amended]

2. Section 430.13 is amended by revising paragraph (i)(3) to read as follows:

* * * * *

(i) * * *

(3)(i) The potentially stressed levels and withdrawal limits for all delineated basins and subbasins are set forth below:

Subbasin	Potentially stressed (mgy) *	Withdrawal limit (mgy)
Neshaminy Creek Basin		
West Branch Neshaminy Creek Basin	1054	1405
Pine Run Basin	596	795
North Branch Neshaminy Creek	853	1131
Doylestown Subbasin Neshaminy Creek	710	946
Warwick Subbasin Neshaminy Creek	889	1185
Warrington Subbasin Little Neshaminy Creek	505	673
Park Creek Basin	582	776
Warminster Subbasin Little Neshaminy Creek	1016	1355
Mill Creek Basin	1174	1565
Northampton Subbasin Neshaminy Creek	596	794
Newtown Creek	298	397
Core Creek Basin	494	658
Ironworks Creek Basin	326	434
Lower Section Subbasin Neshaminy Creek	3026	4034
Schuylkill River Basin		
Hay Creek	974	1299
Lower Reach Manatawny-Ironstone Creek	1811	2414
Pigeon Creek	611	815
Schuylkill-Crow Creek	1157	1543
Schuylkill-Mingo Creek	671	895
Schuylkill-Plymouth-Mill Creeks	4446	5929
Schuylkill-Sixpenny Creek	1490	1987
Schuylkill-Sprogels Run	1091	1455
Schuylkill-Stony Creek	687	916
Schuylkill-Trout Creek	1082	1443
Stony Creek	1242	1655
Valley Creek	1865	2486
French and Pickering Creek Subbasins		
Lower Reach French Creek	634	845
Lower Reach Pickering Creek	1716	2288
Middle Reach French Creek	1608	2145
South Branch French Creek	1044	1393
Upper Reach French Creek	1295	1726
Upper Reach Pickering Creek	1358	1811
Perkiomen and Skippack Creek Subbasins		
East Branch Perkiomen-Indian Creeks	633	844
East Branch Perkiomen-Mill Creeks	720	961
East Branch Perkiomen-Morris Run	1214	1619
Hosensack-Indian Creeks	1257	1676
Lower Reach Skippack Creek	1069	1426
Perkiomen-Deep Creeks	1047	1396
Perkiomen-Lodal Creeks	1200	1600
Perkiomen-Macoby Creek	1252	1669
Swamp-Middle Creeks	1423	1898
Swamp-Minister Creeks	547	730
Swamp-Scioto Creeks	746	994
Towamencin Creek	466	622
Unami-Licking Creeks	992	1322
Unami-Ridge Valley Creeks	1068	1424
Upper Reach Perkiomen Creek	1223	1631
Upper Reach Skippack Creek	813	1084
West Branch Perkiomen Creek	1566	2088

Subbasin	Potentially stressed (mgy) *	Withdrawal limit (mgy)
Delaware River Basin		
Jericho Creek	421	562
Mill Creek	1600	2134
Paunacussing Creek	513	684
Pidcock Creek	563	751
Upper Reach Cobbs Creek	871	1161
Upper Reach Crum Creek	1290	1721
Upper Reach Darby Creek	1625	2167
Upper Reach East Branch Chester Creek	1865	2487
Upper Reach Frankford Creek	1414	1886
Upper Reach Poquessing Creek	1008	1344
Upper Reach Ridley Creek	1707	2275
Tohickon Subbasin		
Tohickon-Beaver-Morgan Creeks	1156	1541
Tohickon-Deep Run	956	1274
Tohickon-Geddes-Cabin Runs	602	803
Tohickon-Lake Nockamixon	556	741
Tohickon-Three Mile Run	726	968
Pennypack and Wissahickon Subbasins		
Lower Reach Wissahickon Creek	2750	3666
Upper Reach Wissahickon Creek	1302	1736
Middle Reach Pennypack Creek	1295	1727
Upper Reach Pennypack Creek	1358	1811
Brandywine Creek Subbasin		
East Branch Brandywine-Taylor Run	1054	1405
Middle Reach Brandywine Creek	823	1098
Upper Reach Brandywine Creek	1614	2153
West Branch Brandywine-Beaver Run	2110	2813
West Branch Brandywine-Broad Run	2380	3173
West Valley Creek	1673	2231
Lehigh Subbasin		
Upper Reach Saucon Creek	946	1262

*mgy means million gallons per year.

(ii) Subject to public notice and hearing, this section may be updated or revised based upon new and evolving information on hydrology and streamflow and ground water monitoring or in accordance with paragraph (i)(2) of this section.

2. This regulation is proposed to be effective upon adoption of the final rule.

(Delaware River Basin Compact, 75 Stat. 688.)

Dated: January 4, 1999.

Susan M. Weisman,
Secretary.

[FR Doc. 99-670 Filed 1-11-99; 8:45 am]

BILLING CODE 6360-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. 98P-0043]

Food Labeling: Nutrition Labeling of Dietary Supplements on a "Per Day" Basis

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its nutrition labeling regulations for dietary supplements to provide that the quantitative amount and the percent of Daily Value of a dietary ingredient may be voluntarily presented on a "per day" basis in addition to the required "per serving" basis, if a

recommendation is made on the label that the dietary supplement be consumed more than once per day. This proposal responds to a citizen petition requesting that these regulations be modified to include this provision. FDA is proposing this action to provide manufacturers of dietary supplements flexibility to voluntarily present additional label information to consumers.

DATES: Submit written comments by March 29, 1999. Submit written comments on the information collection provisions by February 11, 1999. See section IX of this document for the effective date of any final rule that may issue based on this proposal.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit written comments on the information