

UtiliCorp requests that the service agreement become effective on June 25, 1998, in order to comply with the Commission's notice requirements.

A copy of this filing has been served upon the Colorado Public Utilities Commission and Basin Electric Power Cooperative.

*Comment date:* July 15, 1998, in accordance with Standard Paragraph E at the end of this notice.

**6. Central Hudson Gas & Electric Corporation**

[Docket No. ER98-3488-000]

Take notice that on June 25, 1998, Central Hudson Gas & Electric Corporation (Central Hudson), tendered for filing a proposed amendment to its Power Sales Tariff on file in Docket No. ER97-890 to permit sales to its power marketing affiliate, Central Hudson Enterprise Corporation (CHEC). Central Hudson has also submitted for filing a Power Sales Agreement with CHEC.

Central Hudson requests waiver of the Commission's notice requirements to permit the amendment to its Power Sales Tariff and its Power Sales Agreement to become effective August 1, 1998.

*Comment date:* July 15, 1998, in accordance with Standard Paragraph E at the end of this notice.

**Standard Paragraph:**

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

**David P. Boergers,**

*Acting Secretary.*

[FR Doc. 98-18205 Filed 7-8-98; 8:45 am]

BILLING CODE 6717-01-P

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6121-8]

**Change in Minimum Oxygen Content Requirement for Reformulated Gasoline**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice.

**SUMMARY:** EPA's reformulated gasoline (RFG) program contains various standards for RFG, including an oxygen content standard. When the RFG program was implemented, the per-gallon minimum standard applicable to RFG in all covered areas was 1.5% by weight. In 1997, pursuant to the RFG regulations, EPA increased this standard by 0.1% to 1.6% by weight for several of the RFG covered areas (and for certain refineries, importers and blenders) because these areas failed a series of compliance surveys for oxygen content in 1996. Certain covered areas have failed the oxygen compliance survey series for 1997, and EPA is increasing the per-gallon minimum standard applicable to these areas by 0.1%. Since the previous increases remain in effect, the per-gallon minimum oxygen requirement in all but one of these areas failing in 1997 will increase to 1.7% by weight. This notice announces the increased standard, and describes the covered areas and parties that are subject to the increased standard. The increased standard will help ensure that all covered areas receive the full benefit of the oxygen content requirement in the RFG program.

**FOR FURTHER INFORMATION CONTACT:** Stuart Romanow, Fuels and Energy Division, Office of Mobile Sources, Environmental Protection Agency, Washington D.C. (6406J) 202-564-9296.

**SUPPLEMENTARY INFORMATION:**

**I. Regulatory Entities**

Regulatory categories and entities potentially affected by this action include:

Category	Examples of affected entities
Industry ....	Refiners, importers, oxygenate blenders of reformulated gasoline.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that EPA is now aware could be potentially affected by this action. Other types of entities not

listed in the table could also be affected. To determine whether your entity is affected by this action, you should carefully examine the existing provisions at 40 CFR 80.41. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

**II. Background**

Section 211(k) of the Clean Air Act requires that EPA establish standards for reformulated gasoline (RFG) to be used in specified ozone nonattainment areas (covered areas). The RFG requirements contain performance standards for reductions of emissions from motor vehicles of ozone forming volatile organic compounds and toxic pollutants.

Standards for RFG are contained in 40 CFR 80.41. Refiners and other parties subject to the standards can choose to comply on either a per gallon basis or to comply on average. The standards for compliance on average ("averaged standards") are numerically more stringent than the per gallon standards. The averaged standards for RFG are contained in § 80.41(b). These averaged standards include a per-gallon minimum requirement of 1.5 weight percent oxygen. This 1.5% per-gallon minimum oxygen requirement initially applied to all refineries, importers and blenders of RFG who elected to comply with the averaged standard for oxygen. However, as a result of oxygen survey series failures in 1996, EPA required that certain refineries, importers and blenders comply with a 1.6% minimum, beginning on September 29, 1997.<sup>1</sup> (The survey process and the consequences of oxygen survey series failures are described below.) The per-gallon minimum requirement is in addition to the requirement for 2.1 weight percent oxygen, on average. The average standard for oxygen must be met by a refiner or oxygenate blender for all of the RFG it produced at a refinery or blending facility, or for RFG imported by an importer, but these parties are not required to meet this standard for the RFG supplied to each covered area separately.

Any refiner, importer or oxygenate blender has the option of meeting the RFG standards on average or per gallon. If a party is subject to the averaged standards, then the requirement to conduct surveys, as specified in § 80.68, must be satisfied. In these surveys, RFG samples are collected at retail gasoline

<sup>1</sup> See "Change in Minimum Oxygen Requirement for Reformulated Gasoline" 62 FR 41047 (July 31, 1997).

stations within covered areas and analyzed to determine if the RFG supplied to each covered area meets certain survey pass/fail criteria specified in § 80.68. An oxygen survey series failure occurs in a covered area if the annual average oxygen content for all of the samples is less than 2.00 weight percent. The purpose of the surveys and the tightened standards which result if a survey is failed is to ensure that averaging over a refiner's entire production as compared to separate averaging for each covered area does not lead to the reduced quality of RFG in any covered area.

Since the implementation of the RFG program in 1995, these surveys have been conducted by the RFG Survey Association, a not-for-profit association of refiners, importers and blenders, using an EPA-approved survey design plan as required in the regulations. By letter dated January 30, 1998, the RFG Survey Association reported to EPA the results of its surveys for 1997, indicating that several survey areas failed to meet the annual average requirements of 2.00% oxygen by weight.<sup>2</sup> After reviewing the data EPA determined that 7 areas did fail the survey series for oxygen content.<sup>3</sup>

The following covered areas failed the oxygen survey series:

1. Baltimore, MD area [§ 80.70(g)].
2. Houston-Galveston-Brazoria, TX area [§ 80.70(h)].
3. The entire State of Rhode Island [§ 80.70(j)(12)].
4. The Dallas-Fort Worth, TX area comprised of [§ 80.70(j)(13)]:

Collin County  
Dallas County  
Denton County  
Tarrant County

5. Norfolk-Virginia Beach-Newport News (Hampton Roads), VA area comprised of [§ 80.70(j)(14)]:

Chesapeake  
Hampton  
James City County  
Newport News  
Norfolk  
Poquoson  
Portsmouth  
Suffolk  
Virginia Beach  
Williamsburg  
York County

6. Richmond, VA area comprised of [§ 80.70(j)(14)]:

Charles City County  
Chesterfield County  
Colonial Heights  
Hanover County  
Henrico County  
Hopewell  
Richmond

7. Washington D.C. area comprised of [§ 80.70(j)(2), (j)(6), (j)(14)]:

The District of Columbia  
Calvert County, MD  
Charles County, MD  
Frederick County, MD  
Montgomery County, MD  
Prince Georges County, MD  
Alexandria, VA  
Arlington County, VA  
Fairfax, VA  
Fairfax County, VA  
Falls Church, VA  
Loudoun County, VA  
Manassas, VA  
Manassas Park, VA  
Prince William County, VA  
Stafford County, VA

The boundaries of the covered areas are described in detail in § 80.70.

Under § 80.41(o), when a covered area fails an oxygen content survey series, the minimum oxygen content requirement for that covered area is made more stringent by increasing the per gallon minimum oxygen content standard for affected RFG subject to the averaging standard by 0.1%. This more stringent requirement applies beginning the year following the year of the failure. A more stringent requirement remains in effect for a covered area unless the area passes all oxygen content survey series in two consecutive years. Therefore, with the exception of the entire State of Rhode Island, the minimum per gallon oxygen requirement for the areas listed above is increased from 1.6% to 1.7% by weight. The minimum per gallon oxygen requirement for the entire State of Rhode Island is increased from 1.5% to 1.6% by weight. In addition, the minimum per gallon oxygen requirement for the Philadelphia-Wilmington-Trenton area and the Atlantic City, NJ area (Atlantic County and Cape May County), which failed oxygen content survey series in 1996, remains at 1.6% by weight.

The criteria identifying the refineries, importers and oxygenate blenders subject to adjusted standards are stated in § 80.41(q). In general, adjusted standards apply to RFG that is subject to an averaging standard ("averaged RFG") that is produced at a refinery or oxygenate blending facility if any averaged RFG from that refinery or facility supplied a failed covered area during 1996, or supplies the covered

area during any year that the more stringent standards are in effect. The regulation provides for an exception based on certain volume limits [see 40 CFR § 80.41(q)(1)(iii)].

Thus, if a refiner has elected for a refinery to be subject to the average oxygen standard, and if even a small portion of the RFG produced at the refinery is used in an area subject to an oxygen ratchet, the entire volume of RFG produced at the refinery is subject to the more stringent oxygen standard regardless of which area receives the RFG. This result is true regardless of whether the refinery's gasoline was supplied to the city in question during 1997 or during a year when the more stringent oxygen standard applies.

Under § 80.41(q)(2), the applicability of adjusted standards to imported averaged RFG is specified by the Petroleum Administration for Defense District (PADD) in which the covered area is located and the PADD where the gasoline is imported. The covered areas that had oxygen survey series failures are located in PADDs I and III. Therefore, all RFG imported at facilities located in PADDs I, II, III or IV is subject to the adjusted oxygen standard. The states included in each PADD are identified in § 80.41(r). In addition, if any RFG imported into any other PADD supplies any of the covered areas with oxygen survey failures, the adjusted standard applies to that RFG, as well.

Under § 80.41(q)(3), any gasoline that is transported in a fungible manner by a pipeline, barge or vessel is considered to have supplied each covered area that is supplied with any gasoline by that pipeline, barge or vessel shipment unless the refiner or importer is able to establish that the gasoline it produced or imported was supplied only to a smaller number of covered areas.

Consider, for example, gasoline transported on the Colonial Pipeline, which supplies RFG to several cities that failed the oxygen survey in 1997. If a refinery's RFG was transported by the Colonial Pipeline any time during 1997, or any time during any year when the more stringent oxygen standard applies, the more stringent oxygen standard applies to all RFG produced at the refinery regardless of the market. In addition, there is a presumption that, due to fungible mixing, each refinery's RFG that is transported by the Colonial Pipeline is in part supplied to each city supplied by the Colonial Pipeline. This presumption is rebuttable, but the rebuttal normally would require a refiner to have transported its RFG in a non-fungible manner. Thus, the more stringent standard applies to a refinery whose gasoline is transported on the

<sup>2</sup> Letter dated January 30, 1998 from Frank C. Lenski, President, RFG Survey Association, to Charles Freed, Director, Fuels and Energy Division, EPA.

<sup>3</sup> Letter dated March 4, 1998 from Charles Freed, EPA, to Frank Lenski, RFG Survey Association. Also see Memorandum dated March 20, 1998 from Stuart Romanow, Mechanical Engineer, Fuels and Energy Division to Charles Freed.

Colonial Pipeline regardless of whether the refiner takes delivery of RFG in the specific cities that failed the oxygen survey.

The adjusted oxygen standard applies to all averaged RFG produced by a refinery or imported by an importer identified in § 80.41(q). In accordance with § 80.41(p), the effective date of this change is October 7, 1998.

Thus, under § 80.41(p) the more stringent oxygen standard applies at all points of the distribution system beginning on October 7, 1998, including terminals supplying the affected covered areas and retail outlets in the covered areas. However, EPA believes it may be difficult for all regulated parties to transition to the new oxygen standard by October 7, 1998. As a result, EPA intends to enforce the new oxygen standard in a manner that gives parties additional time. Refiners, importers, and oxygenate blenders will be required to meet the new oxygen standard beginning October 7, 1998. In the case of parties other than refiners, importers, oxygenate blenders, retailers and wholesale purchaser-consumers, (e.g., pipelines and terminals supplying gasoline to affected covered areas) EPA will enforce the new oxygen standard beginning December 7, 1998.<sup>4</sup> In the case of retail outlets and wholesale purchaser-consumer facilities located in the affected covered areas EPA will enforce the new oxygen standard beginning January 5, 1999. EPA has initiated a rulemaking to revise § 80.41(p) to reflect the need for additional downstream transition time when a standard is changed.

Dated: June 9, 1998.

**Richard D. Wilson,**

*Acting Assistant Administrator for Air and Radiation.*

**Sylvia K. Lowrance,**

*Acting Assistant Administrator for Enforcement and Compliance Assurance.*  
[FR Doc. 98-18080 Filed 7-8-98; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6122-5]

### Proposed Prospective Purchaser Agreement Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act, National Mine Tailings Pile Superfund Site, Park Hills, Missouri

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposal of CERCLA Prospective Purchaser Agreement for the National Mine Tailings Pile Superfund Site.

**SUMMARY:** Notice is hereby given that a proposed prospective purchaser agreement associated with the National Mine Tailings Pile Superfund Site, located in Park Hills, St. Francois, Missouri, was executed by the Agency on May 13, 1998, and concurred upon by the United States Department of Justice on June 9, 1998. The Site is part of an inactive lead and zinc mining area known as The Old Lead Belt. The agreement, between Classic Equine Equipment, Inc. ("the purchaser") and the United States Environmental Protection Agency ("EPA"), is subject to final approval after the comment period. The Prospective Purchaser Agreement would resolve certain potential EPA claims under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA").

Under this proposed agreement, the purchaser would be required to grade the property, cover it with stone, gravel, topsoil and grass and maintain the integrity of the surface so that no mining wastes remain at the ground surface and the potential for erosion is minimized.

The settlement also requires the purchaser to: restrict the use of groundwater; limit human or animal exposure to hazardous substances at the Site; ensure non-interference with the performance, operation, and maintenance of any selected response action; and ensure the integrity and effectiveness of any selected environmental response action, including monitoring of groundwater, soils, and sediments.

The purchaser is required to grant access to the property to EPA, its authorized officers, employees, representatives, and all other persons performing response actions under EPA

oversight. If the purchaser fails to comply with the terms of the Agreement and Covenant Not to Sue, the purchaser would be liable for all litigation and other enforcement costs incurred by the United States to enforce this Agreement. **DATES:** Comments must be submitted on or before August 10, 1998.

**ADDRESSES:** *Availability:* The proposed settlement is available for public inspection at the U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. A copy of the proposed agreement may be obtained from Jack Generaux, Remedial Project Manager, U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101. Comments should reference "The National Mine Tailings Pile Site Prospective Purchaser Agreement" and should be forwarded to Jack Generaux, at the above address.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the proposed settlement. The Agency's response to any comments received will be available for public inspection at the U.S. Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101.

**FOR FURTHER INFORMATION CONTACT:** Dave Cozad, Branch Chief, Office of Regional Counsel, United States Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7587.

Dated: June 29, 1998.

**Dennis Grams, P.E.,**

*Regional Administrator, Region VII.*

[FR Doc. 98-18086 Filed 7-8-98; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6122-9]

### Internet Availability of 1996 Production/Capacity Data in the Sector Facility Indexing Project

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of availability.

**SUMMARY:** The Environmental Protection Agency (EPA) plans to include current environmental information in the Sector Facility Indexing Project (SFIP) as it becomes available. To that end, chemical release and transfer estimates for calendar year 1996 are now available from the Toxics Release Inventory. As the Agency incorporates the 1996 TRI

<sup>4</sup>This supersedes the timing of the enforcement of the downstream oxygen standards discussed in "RFG/Anti-Dumping Questions and Answers, November 12, 1996". See question and answer under topic "SURVEYS 11/12/96".