Asia that are east of 60° East Longitude and north of the Tropic of Cancer may be imported in accordance with this paragraph.

(i) The wood chips or bark chips must be accompanied by an importer document stating that the wood chips or bark chips were either:

(A) Derived from live, healthy, tropical species of plantation-grown trees grown in tropical areas; or

(B) Fumigated with methyl bromide in accordance with § 319.40–7(f)(3), heat treated in accordance with § 319.40–7(c), or heat treated with moisture reduction in accordance with § 319.40–7(d).

(ii) During shipment to the United States, no other regulated articles (other than solid wood packing materials) are permitted in the holds or sealed containers carrying the wood chips or bark chips. Wood chips or bark chips on the vessel's deck must be in a sealed container; Except that: If the wood chips or bark chips are derived from live, healthy, plantation-grown trees in tropical areas, they may be shipped on deck if no other regulated articles are present on the vessel, and the wood chips or bark chips are completely covered by a tarpaulin during the entire journey directly to the United States.

(iii) The wood chips or bark chips must be free from rot at the time of importation, unless accompanied by an importer document stating that the entire lot was fumigated with methyl bromide in accordance with § 319.40–7(f)(3), heat treated in accordance with § 319.40–7(c), or heat treated with moisture reduction in accordance with § 319.40–7(d).

(iv) Wood chips or bark chips imported in accordance with this paragraph must be consigned to a facility operating under a compliance agreement in accordance with § 319.40–8. The wood chips or bark chips must be burned, heat treated in accordance with § 319.40–7(c), heat treated with moisture reduction in accordance with § 319.40–7(d), or otherwise processed in a manner that will destroy any plant pests associated with the wood chips or bark chips, within 30 days of arrival at the facility. If the wood chips or bark chips are to be used for mulching or composting, they must first be fumigated in accordance with § 319.40–7(f)(3), heat treated in accordance with § 319.40–7(c), or heat treated with moisture reduction in accordance with § 319.40–7(d).

4. In § 319.40–7, paragraph (e) would be revised to read as follows.

§ 319.40–7 Treatments and safeguards.

* * * * *

(e) *Surface pesticide treatments.* All United States Environmental Protection Agency registered surface pesticide treatments are authorized for regulated articles imported in accordance with this subpart, except that Pinus radiata wood chips from Chile must be treated in accordance with § 319.40–7(e)(2). Surface pesticide treatments must be conducted in accordance with label directions approved by the United States Environmental Protection Agency. Under the following circumstances, surface pesticide treatments must also be conducted as follows:

(1) *Heat treated logs.* When used on heat treated logs, a surface pesticide treatment must be first applied within 48 hours following heat treatment. The surface pesticide treatment must be repeated at least every 30 days during storage of the regulated article, with the final treatment occurring no more than 30 days prior to departure of the means of conveyance that carries the regulated articles to the United States.

(2) *Pinus radiata wood chips from Chile.* When used on *Pinus radiata* wood chips from Chile, a surface pesticide consisting of the following must be used: A mixture of a fungicide containing 64.8 percent of the active ingredient didecyl dimethyl ammonium chloride and 7.6 percent of the active ingredient 3-Iodo-2-propynl butylcarbamate, and an insecticide containing 44.9 percent of the active ingredient chlorphrifos phosphorothioate. The fungicide and insecticide must be mixed using the proportions called for in the label requirements. The wood chips must be sprayed with the pesticide so that all the chips are exposed to the chemical on all sides. During the entire interval between treatment and export, the wood chips must be stored, handled, or safeguarded in a manner that excludes any infestation of the wood chips by plant pests.

* * * * *

Done in Washington, DC, this 22nd day of July 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–20156 Filed 7–27–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 130

[Docket No. 98–005–1]

Veterinary Services User Fees; Embryo Collection Center Approval Fee

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend existing user fees for the inspection and approval of embryo collection centers. Existing user fees require embryo collection centers to pay user fees based on hourly rates for inspections and approval. We are proposing to replace the hourly rates for this specific service with a flat rate annual user fee that would cover the cost of approval and all required inspections of the facility for that year. We are taking this action in order to make the collection of user fees simpler and to allow centers to better predict the costs of APHIS' inspection and approval.

DATES: Consideration will be given only to comments received on or before September 28, 1998.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 98–005–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 98–005–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Ms. Donna Ford, Section Head, Financial Systems and Services Branch, Budget and Accounting Division, ABS, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737–1232; (301) 734–8351.

SUPPLEMENTARY INFORMATION:

Background

User fees to reimburse the Animal and Plant Health Inspection Service (APHIS) for the costs of providing veterinary diagnostic services and import-related and export-related services for live animals and birds and animal products are contained in 9 CFR part 130. Section 130.21 lists the user fees charged for

APHIS' inspection and approval of export facilities, including embryo collection centers, within the United States. Section 130.8 lists miscellaneous flat rate user fees.

Currently, under § 130.21, APHIS charges an hourly rate user fee for inspections and approval of embryo collection centers. The same rate applies to both stationary and mobile facilities.

We are proposing to amend 9 CFR part 130 to establish a flat rate annual user fee of $ 278.50 to cover the cost of APHIS' inspection and approval of embryo collection centers, both stationary and mobile. The flat fee would cover inspection and approval of the facility only. The cost of any animal inspections is not included in the proposed fee.

We are proposing this action based on requests from embryo industry representatives that we modify our user fees to make it easier for them to know in advance what their costs will be. This would, in turn, enable the industry to quote accurate costs to their customers. We have determined that the most effective way to provide the requested service to our customers is to establish a flat rate annual user fee, which would effectively eliminate any variation in cost that could otherwise result in charging hourly rates for inspections.

The proposed flat rate annual user fee for inspection and approval of embryo collection centers was calculated to reflect the average annual cost of providing this service. The average annual cost includes the time to provide the service and travel time, which are both currently billed at an hourly rate. The total charge to the customer would not be significantly different from what he or she currently pays.

We are proposing to add the flat rate annual user fee of $278.50 for inspection and approval of embryo collection centers to the table in § 130.8(a), which includes the flat rate user fees for other inspection and approval services. In addition, we are proposing to remove the provision in § 130.21(a)(6) that applies hourly rate user fees for inspection and approval of embryo collection centers.

We would continue to charge hourly rate user fees, in accordance with § 130.21(a)(6), for inspecting and approving semen collection centers. We are making no change to these user fees because we have not received any comments from the industry requesting such a change, and the current fees provide us with an adequate means of recovering our costs.

We are also proposing to make a nonsubstantive change to § 130.21(a)(6) to clarify that artificial insemination centers are subject to the same user fees as semen collection centers. APHIS currently regulates both under the term semen collection center.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

User fees to reimburse APHIS for the costs of providing veterinary diagnostic services and import-and export-related services for live animals and birds and animal products are contained in 9 CFR 130. Currently, we charge hourly rate user fees for inspection and approval of embryo collection centers and the animals in them. We are proposing to amend the regulations by removing these hourly rate user fees for inspection and approval and replacing them with a flat rate annual user fee, which would not include costs for inspecting any animals in the facility.

The flat rate annual user fee that we are proposing was arrived at using the average number of hours required for an APHIS inspector to complete an inspection (including travel time), the average number of inspections performed during a year (two per center), the average direct labor involved, and proportional share of support costs, overhead, and departmental charges.

The proposed flat rate annual user fee of $278.50 per center should not be significantly different from what customers have paid per year in the past for inspection and approval at hourly rates. Variations would generally be a result of different travel times to individual centers.

There are approximately 90 currently licensed embryo collection centers in the United States. Under Small Business Administration (SBA) guidelines, an embryo collection center with less than $5 million in annual sales qualifies as a small entity. While we could not determine exactly how many of the embryo collection centers are ''small entities,'' it is likely that the majority of them have less than $5 million in annual sales. However, since the proposed flat fee should not be significantly different from what customers have paid in the past for approval and inspection at hourly rates, the effect on customers should be minimal.

The proposed rule should also have a minimal impact on the customers of embryo collection centers, whether small or large. Any change in cost to users that does occur should be small, relative to the product value of even a small operation. An average animal embryo sells for approximately $400, with certain animal embryos ranging in price from $100 to $2500 each. An average collection center collects approximately 3,400 animal embryos a year. Considering the volume of animal embryos collected at collection facilities per year and the value of individual embryos, the effect on user costs should be minimal.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects in 9 CFR Part 130

Animals, Birds, Diagnostic reagents, Exports, Imports, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements, Tests.

Accordingly, we propose to amend 9 CFR part 130 as follows:

PART 130—USER FEES

1. The authority citation for part 130 would continue to read as follows:

Authority: 5 U.S.C. 5542; 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114, 114a, 134a, 134b, 134c, 134d, 134f, 135, 136, and 136a; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 130.8, paragraph (a) would be amended by adding a new entry at the end of the table to read as follows:

§ 130.8 User fees for other services.

(a) * * *

Service	User fee
* * * * * * *	
Embryo collection center inspection and approval	$278.50 for all inspections required during the year for facility approval.

* * * * *

§ 130.21 [Amended]

3. In § 130.21, paragraph (a)(6) would be amended by removing the words ''embryo or'' and adding the words ''artificial insemination center or a'' in their place.

* * * * *

Done in Washington, DC, this 22nd day of July 1998.

Charles P. Schwalbe,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 98–20157 Filed 7–27–98; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF ENERGY

10 CFR Part 490

Office of Energy Efficiency and Renewable Energy

[Docket No. EE–RM–98–PURE]

RIN 1904–AA99

Alternative Fuel Transportation Program; P-series fuels

AGENCY: Department of Energy (DOE).

ACTION: Notice of proposed rulemaking and opportunity for public comment.

SUMMARY: In response to a petition filed by Pure Energy Corporation, DOE proposes to amend the rules for the statutory program requiring certain alternative fuel providers and State government fleets to acquire an annually increasing percentage of alternative fueled vehicles from among their purchases of new light duty vehicles. The proposed regulatory amendments would add certain blends of methyltetrahydrofuran, ethanol and hydrocarbons known as the P-series fuels to the definition of ''alternative fuel.''

DATES: Written comments, eight (8) copies, must be received by DOE by September 28, 1998.

ADDRESSES: Written comments should be addressed to: U.S. Department of Energy, Office of Transportation Technologies, EE–34, Docket No. EE–RM–98–PURE, 1000 Independence Avenue, SW, Washington, DC 20585, telephone (202) 586–3012.

Copies of the Pure Energy Corporation petition for rulemaking, analyses of the petition by national laboratories, written comments received, technical reference materials mentioned in this notice, and any other documents related to this rulemaking may be read and copied at the DOE Freedom of Information Reading Room, Room 1E–190, 1000 Independence Avenue, SW, Washington, DC 20585, telephone (202) 586–3142, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. The docket file material will be filed under EE–RM–98–PURE.

For more information concerning public participation in this rulemaking proceeding, see section III of this notice (Public Comment Procedures).

FOR FURTHER INFORMATION CONTACT: Kenneth R. Katz, Office of Energy Efficiency and Renewable Energy, (EE–34), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–9171.

For information concerning submission of written comments and to obtain copies of materials referenced in this notice, contact Andi Kasarsky, (202) 586–3012.

SUPPLEMENTARY INFORMATION:

I. Introduction and Background

A. Fuel Characteristics

Pure Energy Corporation has petitioned DOE for a rulemaking to add its proprietary fuel products to the definition of ''alternative fuels'' under the Alternative Fuel Transportation Program (Program) regulations (10 CFR part 490). Pure Energy Corporation's P-series fuels are blends of ethanol, methyltetrahydrofuran (MTHF), and pentanes plus, with butane added for blends that would be used in severe cold-weather conditions to meet cold start requirements. It is anticipated that both the ethanol and the MTHF will be derived from renewable resources, such as waste cellulosic biomass that can be derived from waste paper, agricultural waste and urban/industrial wood waste. Pure Energy Corporation plans to use pentanes plus that are derived from the processing and production of natural gas, as opposed to those derived from refining processes. Pure Energy Corporation holds the exclusive worldwide license to manufacture and distribute the P-series fuels, which were developed by Dr. Stephen Paul of Princeton University. The P-series fuels were awarded Patent number 5,697,987 by the United States Patent and Trademark Office on December 16, 1997. DOE's evaluation of Pure Energy Corporation's petition is restricted to those formulations covered under this patent.

To make the P-series fuels, Pure Energy Corporation will be producing ethanol and MTHF through an integrated production process. Pure Energy Corporation expects to utilize commercially proven concentrated acid hydrolysis processing as its base technology for this integrated production process. MTHF is currently produced in limited quantities from furfural (derived from both biomass and petroleum feedstocks) for use as a specialty chemical in consumer end products and/or process industries.

Pure Energy Corporation has developed a thermochemical technology to produce MTHF from cellulosic feedstocks through a levulinic acid pathway, integrating it with an ethanol production system to achieve technical and economic efficiencies. In this process, the lignocellulosic feedstock is converted into both five-and six-carbon sugars, which are then bifurcated into fermentation and thermochemical pathways to produce ethanol and MTHF, respectively.

Pure Energy Corporation has developed several fuel formulations for the P-series fuels. Pure Energy Corporation proposes to vary the components of its P-series fuels to meet particular market demands. The formulations described in Table 1 are those for which Pure Energy Corporation, in its petition, provided specific energy and emission data. Pure Energy Corporation claims that the volumetric percentages of each of the components of the P-series fuels can