component of the training or services VA provided or authorized.

(e) *Department employees and facilities.* (1) A *Department employee* is an individual—

(i) Who is appointed by the Department in the civil service under title 38, United States Code, or title 5, United States Code, as an employee as defined in 5 U.S.C. 2105;

(ii) Who is engaged in furnishing hospital care, medical or surgical treatment, or examinations under authority of law; and

(iii) Whose day-to-day activities are subject to supervision by the Secretary of Veterans Affairs.

(2) A *Department facility* is a facility over which the Secretary of Veterans Affairs has direct jurisdiction.

(f) *Activities which are not hospital care, medical or surgical treatment, or examination furnished by a Department employee or in a Department facility.* The following are not hospital care, medical or surgical treatment, or examination furnished by a Department employee or in a Department facility within the meaning of 38 U.S.C. 1151(a):

(1) Hospital care or medical services furnished under a contract made under 38 U.S.C. 1703.

(2) Nursing home care furnished under 38 U.S.C. 1720.

(3) Hospital care or medical services, including examination, provided under 38 U.S.C. 8153 in a facility over which the Secretary does not have direct jurisdiction.

(g) *Benefits payable under 38 U.S.C. 1151 for a veteran's death.* (1) *Death before January 1, 1957.* The benefit payable under 38 U.S.C. 1151(a) to an eligible survivor for a veteran's death occurring before January 1, 1957, is death compensation. See §§ 3.5(b)(2) and 3.702 for the right to elect dependency and indemnity compensation.

(2) *Death after December 31, 1956.* The benefit payable under 38 U.S.C. 1151(a) to an eligible survivor for a veteran's death occurring after December 31, 1956, is dependency and indemnity compensation.

(Authority: 38 U.S.C. 1151)

4. Section 3.362 is added to read as follows:

§ 3.362 Offsets under 38 U.S.C. 1151(b) of benefits awarded under 38 U.S.C. 1151(a).

(a) *Claims subject to this section.* This section applies to claims received by VA on or after October 1, 1997. This includes original claims and claims to reopen, revise, reconsider, or otherwise readjudicate a previous claim for benefits under 38 U.S.C. 1151 or its predecessors.

(b) *Offset of veterans' awards of compensation.* If a veteran's disability is the basis of a judgment under 28 U.S.C. 1346(b) awarded, or a settlement or compromise under 28 U.S.C. 2672 or 2677 entered, on or after December 1, 1962, the amount to be offset under 38 U.S.C. 1151(b) from any compensation awarded under 38 U.S.C. 1151(a) is the entire amount of the veteran's share of the judgment, settlement, or compromise, including the veteran's proportional share of attorney fees.

(c) *Offset of survivors' awards of dependency and indemnity compensation.* If a veteran's death is the basis of a judgment under 28 U.S.C. 1346(b) awarded, or a settlement or compromise under 28 U.S.C. 2672 or 2677 entered, on or after December 1, 1962, the amount to be offset under 38 U.S.C. 1151(b) from any dependency and indemnity compensation awarded under 38 U.S.C. 1151(a) to a survivor is only the amount of the judgment, settlement, or compromise representing damages for the veteran's death the survivor receives in an individual capacity or as distribution from the decedent veteran's estate of sums included in the judgment, settlement, or compromise to compensate for harm suffered by the survivor, plus the survivor's proportional share of attorney fees.

(d) *Offset of structured settlements.* This paragraph applies if a veteran's disability or death is the basis of a structured settlement or structured compromise under 28 U.S.C. 2672 or 2677 entered on or after December 1, 1962.

(1) *The amount to be offset.* The amount to be offset under 38 U.S.C. 1151(b) from benefits awarded under 38 U.S.C. 1151(a) is the veteran's or survivor's proportional share of the cost of the settlement or compromise to the United States, including the veteran's or survivor's proportional share of attorney fees.

(2) *When the offset begins.* The offset of benefits awarded under 38 U.S.C. 1151(a) begins the first month after the structured settlement or structured compromise has become final that such benefits would otherwise be paid.

(Authority: 38 U.S.C. 1151)

5. Section 3.363 is added to read as follows:

§ 3.363 Bar to benefits under 38 U.S.C. 1151.

(a) *Claims subject to this section.* This section applies to claims received by VA on or after October 1, 1997. This includes original claims and claims to reopen, revise, reconsider, or otherwise readjudicate a previous claim for benefits under 38 U.S.C. 1151 or its predecessors.

(b) *Administrative awards, compromises, or settlements, or judgments that bar benefits under 38 U.S.C. 1151.* If a veteran's disability or death was the basis of an administrative award under 28 U.S.C. 1346(b) made, or a settlement or compromise under 28 U.S.C. 2672 or 2677 finalized, before December 1, 1962, VA may not award benefits under 38 U.S.C. 1151 for any period after such award, settlement, or compromise was made or became final. If a veteran's disability or death was the basis of a judgment that became final before December 1, 1962, VA may award benefits under 38 U.S.C. 1151 for the disability or death unless the terms of the judgment provide otherwise.

(Authority: 38 U.S.C. 1151)

6. Section 3.800 is amended by adding introductory text to read as follows:

§ 3.800 Disability or death due to hospitalization, etc.

This section applies to claims received by VA before October 1, 1997. For claims received by VA on or after October 1, 1997, see §§ 3.362 and 3.363.

* * * * *

[FR Doc. 98–22486 Filed 8–21–98; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6145–6]

RIN 2060–AE04

National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule: amendments to rule.

SUMMARY: This action amends the national emission standards for hazardous air pollutants (NESHAP) for new and existing secondary lead smelters. Changes to the NESHAP are being made to address comments received following promulgation of the final rule. Four changes are being made. Two are minor typographical corrections, while two are substantive corrections. The EPA is making these amendments as a direct final rule without prior proposal because the Agency views this as a noncontroversial

amendment and anticipates no significant adverse comments. The EPA is also proposing these amendments in the Proposed Rules section of this **Federal Register**. This rule will become effective without further notice unless the Agency receives relevant adverse comment on the parallel notice of proposed rulemaking within 30 days of today's document. Should the Agency receive such comments, it will publish a document informing the public that this rule did not take effect. The EPA will not institute a second comment period on the proposal. Any parties interested in commenting on the amendments should do so at this time.

DATES: *Effective Date.* This action will be effective October 13, 1998 unless significant adverse comments on this action are received by September 23, 1998. If significant adverse comments are received, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

Judicial Review. Under section 307(b)(1) of the Act, judicial review of a NESHAP is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this final rule. Under section 307(b)(2) of the Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by the EPA to enforce these requirements.

ADDRESSES: *Docket.* Docket No. A–92–43, containing information considered by the EPA in development of this action, is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (MC–6102), 401 M Street, SW, Washington, DC 20460; telephone (202) 260–7548. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

Comments. Written comments should be submitted to: Docket A–92–43, U.S. EPA, Air & Radiation Docket & Information Center, 401 M Street, SW., Room 1500, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Cavender, Metals Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541–2364.

SUPPLEMENTARY INFORMATION:

The information presented in this preamble is organized as follows:

I. Background
II. Summary of Changes
III. Rationale for Changes
A. Dryer Transition Pieces
B. Blast Furnace Charging Hood THC Emission Limit
IV. Administrative Requirements
A. Docket
B. Executive Order 12866
C. Unfunded Mandates Act
D. Paperwork Reduction Act
E. Regulatory Flexibility Act
F. Submission to Congress and the General Accounting Office
G. National Technology Transfer and Advancement Act
H. Protection of Children from Environmental Health Risks and Safety Risk Under Executive Order 13045
I. Enhancing the Intergovernmental Partnership Under Executive Order 12875

I. Background

The NESHAP for secondary lead smelting (40 CFR part 63, subpart X) was proposed in the **Federal Register** on June 9, 1994 (59 FR 29750). The EPA received 31 letters commenting on the proposed rule and proposed area source listing. After considering fully the comments received, the EPA promulgated this NESHAP in the **Federal Register** on June 23, 1995 (60 FR 32587).

Following publication of the final rule, the EPA received three petitions for reconsideration pursuant to section 307(d)(7)(B) of the act from secondary lead smelter owners and operators, and the Association of Battery Recyclers, an industry trade association that represents the majority of the secondary lead smelters in the United States. The EPA concurred with several of the objections, and revised the final rule. The revised rule was published in the **Federal Register** on June 13, 1997 (62 FR 32209). In addition, the EPA extended the compliance date and the dates for the submittal of standard operating procedures (SOP) manuals for fugitive dust control and baghouse inspection and maintenance by 6 months, in order to allow affected sources time to address the changes being made to the final rule. The extension was published in the **Federal Register** on December 12, 1996 (61 FR 65334).

Following publication of the final rule revision, the EPA became aware of two typographical errors in the revised rule. This amendment corrects those errors. In addition, two secondary lead smelter operators have contacted the EPA regarding two aspects of the final rule. The East Penn Company which operates a smelter in Reading, Pennsylvania, submitted a request on October 6, 1997, for permission to operate under an alternative emission standard for dryer transition pieces, as provided for in section 63.6(g) of the General Provisions. The GNB Company which operates a smelter in Frisco, Texas, reported that it was unable to meet the emission rate emission limit for total hydrocarbons from a blast furnace charging hood, and requested that the EPA amend the emission standard from a mass rate limit to a concentration limit. This amendment addresses the comments received from the two companies.

II. Summary of Changes

Two typographical corrections are being made. The EPA is correcting the reference to (a)(9) in § 63.548(e) to (c)(9) as follows:

''(e) The bag leak detection system required by paragraph (c)(9) of this section, * * *''

The EPA is correcting § 63.546(a) to read as revised in the extension published in the **Federal Register** on December 12, 1996 (61 FR 65334):

''(a) Each owner or operator of an existing secondary lead smelter shall achieve compliance with the requirements of this subpart no later than December 23, 1997. Existing sources wishing to apply for an extension of compliance pursuant to § 63.6(i) of this part must do so no later than June 23, 1997.''

The more substantive changes are as follows. The EPA is proposing to revise § 63.544 to allow for pressurized seals on dryer transition pieces as an alternative to enclosure hoods and ventilation. Alternative monitoring requirements specific to pressurized seals are also being proposed.

The EPA is also proposing to revise the total hydrocarbon (THC) emission limit for blast furnace charging hoods, § 63.543(g). The existing THC emission limit is 0.20 kilograms per hour (0.44 pounds per hour) as propane. The EPA is proposing to revise the THC emission limit to a concentration of 20 parts per million by volume on a dry basis (ppmvd) as propane.

III. Rationale for Changes

A. Dryer Transition Pieces

Most secondary lead smelters use a rotary dryer to dry feed material prior to charging to a reverberatory furnace. A dryer transition piece is the junction between a dryer and the charge hopper or conveyor, or the junction between the dryer and the smelting furnace feed chute or hopper located at the ends of the dryer. Gaps at these transition points can release gases containing HAP emissions to the atmosphere.

Subpart X as codified sets equipment and operational standards for the control of HAP emissions from dryer transition pieces. Section 63.544(b) requires that dryer transition pieces be equipped with an enclosure hood and ventilated to achieve a minimum face velocity of 110 meters per minute (360 feet per minute). Section 63.544(c) requires that the enclosure hood be ventilated to a control device, and that the controlled exhaust not contain more than 2.0 milligrams per dry standard cubic meter (mg/dscm) of lead. While greatly reducing HAP emissions, the equipment and operational standards specified in the final rule do not totally eliminate HAP emissions from dryer transition pieces.

The East Penn facility has what is believed to be a unique pressurized breeching seal system installed on the transition pieces of their dryer. A fixed cylindrical seal support keeps two cylindrical rubber seals in contact with the dryer shell at both the feed and the discharge ends of the dryer. The resultant annulus at each dryer end is sealed to the breeching around the feed and the discharged openings. A blower supplies air to both the feed and the discharge breeching to pressurize the seals. The blower provides positive pressure to ensure that no dryer exhaust gases leak through the breeching seals. As a result, no air emissions are generated at these locations.

The East Penn Company submitted a request to the EPA on October 6, 1997 (Docket ID No. IV–D–54), for permission to operate under an alternative emission standard for dryer transition pieces, as provided for in section 63.6(b) of the General Provisions. Section 63.6(g) specifies that if ''* * * an alternative means of emission limitation will achieve a reduction in emissions of a hazardous air pollutant * * * at least equivalent to the reduction in emissions of that pollutant from that source achieved under any design, equipment, work practice, or combination thereof, established under this part * * * the Administrator will publish in the **Federal Register** a notice permitting the use of the alternative emission standard * * *''

Since the pressurized breeching seal precludes emissions from the dryer transition piece it achieves as much or more HAP emission reduction than the equipment and operational standards specified in the final rule. Therefore, the EPA is adding pressurized breeching seals as an alternative emission standard for dryer transition pieces. The EPA is also adding monitoring requirements for pressurized breeching seals to ensure their proper operation. Specifically, the owner or operator of a secondary lead smelter who uses pressurized dryer breeching seals shall equip each seal with an alarm that will be set off if the pressurized dryer breaching seal malfunctions.

B. Blast Furnace Charging Hood THC Emission Limit

Under the current rule, if a facility with a blast furnace does not combine the blast furnace charging hood exhaust with the blast furnace process emissions (main exhaust), section 63.543(g) limits THC emissions from the blast furnace charging hood to 0.20 kilograms per hour (0.44 pounds per hour).

The EPA added the blast furnace charging hood emission limit after testing on a secondary lead blast furnace indicated substantial amounts of THC and possibly organic HAP could be emitted from the blast furnace charging hood (Docket ID No. IV–A–11). Based on the emissions data collected, average THC emissions from the blast furnace charging hood were estimated at 200–300 ppm, corresponding to approximately 30 kilograms per hour (70 pounds per hour) of THC as propane. The blast furnace was equipped with a unique rotary charging drum that was intended to prevent the furnace exhaust from escaping through the charging hood. However, based on visual observations, the seal was not effective at preventing leakage. Significant amounts of smoke could be seen passing through the charging location, and into the charging hood. Plant personnel also indicated that the main blast furnace exhaust duct was partially plugged resulting in insufficient furnace draft.

The EPA's intent was to set the THC emission limit at a level which would force facilities to either demonstrate that they operate their furnace at an adequate draft to prevent leakage to furnace exhaust into the blast furnace charging hood, or combine the blast furnace charge hood exhaust with the furnace exhaust prior to treatment. The EPA set the current emission limit based on emission testing performed on the blast furnace charge hood at the GNB secondary lead smelter located in Columbus, Georgia (Docket ID No. II–A–6). THC measurements at the GNB-Columbus smelter found THC concentrations ranging from 9 to 16 parts per million by volume on a dry basis (ppmvd) as propane, corresponding to emission rates between 0.1 and 0.2 kilograms per hour (0.23 and 0.44 pound per hour) of THC as propane. The blast furnace charging hood THC emission limit was set at 0.20 kilograms per hour (0.44 pounds per hour) based on these results.

GNB contacted the EPA (Docket ID No. IV–D–53) and requested that the emission standard for THC from blast furnace charging hoods be changed from a mass rate emission limit to a concentration based emission limit. Through emissions testing, GNB determined that the GNB smelter in Frisco, Texas would not be able to comply with the existing mass rate limit. Test data obtained showed an average concentration of 4.4 ppm as propane, equivalent to approximately 0.7 kilograms per hour (1.5 pounds per hour).

In their comment, GNB points out that the GNB-Frisco facility has an ongoing operational program to ensure adequate furnace draft is maintained. Once per shift, an inspection and any necessary maintenance is conducted on the primary potential plugging point (an exhaust stream ''upcomer''). Weekly inspection and maintenance of other potential plug points is also conducted. In addition, a TV camera monitors the top of the blast furnace. The display monitor alerts the operator to any ''puffing'' from the charging location. Such puffing could indicate back pressure or plugging in the primary exhaust. If the operator observes puffing, he/she would then inspect for plugging and perform any necessary maintenance. Based on the information provided by GNB, the EPA believes that the GNB-Frisco facility charging system is representative of the technology used as the basis for the MACT emission limit and that GNB is operating the equipment properly. As such, the EPA is concerned that the current emission limit may not be achievable in all cases.

In GNB's request for the EPA to revise the emission limit, they questioned the representativeness of the GNB-Columbus blast furnace and the appropriateness of a mass rate emission limit. GNB pointed out that the GNB-Frisco blast furnace is much larger than the GNB-Columbus blast furnace (90 tons of lead per day versus 38 tons per day). The EPA in most cases sets emission limits in a format that takes into account facility size. A larger facility generally emits more than a smaller facility. The EPA concurs that a mass rate emission limit is inappropriate since it does not take into account facility size.

Based on the discussion above, the EPA concurs that the current emission limit should be revised. In addition, the EPA concurs that a concentration based emission limit should be set since a concentration based emission limit will account for facility size. Based on the

available data, THC emissions from the blast furnace charging hoods with proper furnace draft can range from 1 to 20 ppmv. The EPA is amending the emission limit for THC emissions from blast furnace charging hoods to 20 ppmv based on the available data.

IV. Administrative Requirements

A. Docket

The docket is an organized and complete file of all the information considered by the EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docket system is intended to allow members of the public and affected industries to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the background information documents (BIDs) and preambles to the proposed and promulgated standards, the contents of the docket will serve as the official record in case of judicial review (section 307(d)(7)(A) of the Act).

B. Executive Order 12866

The Agency must determine whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the E.O. 12866, (58 FR 51735, October 4, 1993). The Executive Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs, or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this amendment to the final rule is not a ''significant regulatory action'' under the terms of the Executive Order and is therefore not subject to OMB review.

C. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act'') requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any 1 year. Section 203 requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule.

Under section 205 of the Unfunded Mandates Act, the Agency must identify and consider a reasonable number of regulatory alternatives before promulgating a rule for which a budgetary impact statement must be prepared. The Agency must select from those alternatives the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Because this final rule is estimated to result in the expenditure by State, local, and tribal governments or the private sector of significantly less than $100 million in any 1 year, the Agency has not prepared a budgetary impact statement or specifically addressed the selection of the least costly, most cost-effective, or least burdensome alternative. Because small governments will not be significantly or uniquely affected by this rule, the Agency is not required to develop a plan with regard to small governments.

D. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, the EPA must consider the paperwork burden imposed by any information collection request in a proposed or final rule. This amendment to the rule will not impose any new information collection requirements.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (or RFA, Public Law 96–354, September 19, 1980) requires Federal agencies to give special consideration to the impact of regulation on small businesses. The RFA specifies that a regulatory flexibility analysis must be prepared if a screening analysis indicates a regulation will have a significant economic impact on a substantial number of small entities. This amendment will not have a significant economic impact on a substantial number of small entities.

F. Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

G. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) directs all federal agencies to use voluntary consensus standards instead of government-unique standards in their regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test methods, sampling and analytical procedures, business practices, etc.) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the National Fire Protection Association (NFPA), and the Society of Automotive Engineers (SAE). The NTTAA requires federal agencies like EPA to provide Congress, through OMB, with explanations when an agency decides not to use available and applicable voluntary consensus standards. This action does not involve the proposal of any new technical standards, or incorporate by reference existing technical standards.

H. Protection of Children From Environmental Health Risks and Safety Risk Under Executive Order 13045

The Executive Order 13045 applies to any rule that (1) OMB determines is ''economically significant'' as defined under Executive Order 12866, and (2) EPA determines the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety

aspects of the planned rule on children; and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This action is not subject to Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), because it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

I. Enhancing the Intergovernmental Partnership Under Executive Order 12875

Under the executive order EPA must consult with representatives of affected State, local, and Tribal governments. The EPA consulted with State and local governments at the time of promulgation of subpart X (60 FR 32587), and no tribal governments are believed to be affected by this action. Today's changes are minor and will not impose costs on governments entities or the private sector. Consequently, the EPA has not consulted with State, local, and Tribal governments on this amendment.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements, Secondary lead smelters.

Dated: August 11, 1998.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40, chapter I, of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

1. Section 63.542 is amended by adding a definition for pressurized dryer breaching seal as follows:

§ 63.542 Definitions.

* * * * *

Pressurized dryer breaching seal means a seal system connecting the dryer transition pieces which is maintained at a higher pressure than the inside of the dryer.

* * * * *

2. Section 63.543 is amended by revising paragraph (g) as follows:

§ 63.543 Standards for process sources.

* * * * *

(g) If the owner or operator of a blast furnace or a collocated blast furnace and reverberatory furnace does not combine the blast furnace charging process fugitive emissions with the blast furnace process emissions and discharges such emissions to the atmosphere through separate emission points, then exhaust shall not contain total hydrocarbons in excess of 20 parts per million by volume, expressed as propane.

* * * * *

3. Section 63.544 is amended by redesignating paragraph (g) as paragraph (h) and adding a new paragraph (g) as follows:

§ 63.544 Standards for process fugitive sources.

* * * * *

(g) As an alternative to paragraph (a)(5) of this section, an owner or operator may elect to control the process fugitive emissions from dryer transition pieces by installing and operating pressurized dryer breaching seals at each transition piece.

* * * * *

4. Section 63.546 is amended by revising paragraph (a) as follows:

§ 63.546 Compliance dates.

(a) Each owner or operator of an existing secondary lead smelter shall achieve compliance with the requirements of this subpart no later than June 23, 1998.

* * * * *

5. Section 63.547 is amended by revising paragraph (b) as follows:

§ 63.547 Test methods.

* * * * *

(b) The following tests methods in appendix A of part 60 listed in paragraphs (b)(1) through (b)(4) of this section shall be used, as specified, to determine compliance with the emission standards for total hydrocarbons § 63.543(c), (d), (e), and (g).

(1) Method 1 shall be used to select the sampling port location to determine compliance under § 63.543(c), (d), (e), and (g).

(2) The Single Point Integrated Sampling and Analytical Procedure of Method 3B shall be used to measure the carbon dioxide content of the stack gases to determine compliance under § 63.543(c), (d), and (e).

(3) Method 4 shall be used to measure moisture content of the stack gases to determine compliance under § 63.543(c), (d), (e), and (g).

(4) Method 25A shall be used to measure total hydrocarbon emissions to determine compliance under § 63.543(c), (d), (e), and (g). The minimum sampling time shall be 1 hour for each run. A minimum of three runs shall be performed. A 1-hour average total hydrocarbon concentration shall be determined for each run and the average of the three 1-hour averages shall be used to determine compliance. The total hydrocarbon emissions concentrations for determining compliance under § 63.543(c), (d), and (e) shall be expressed as propane and shall be corrected to 4 percent carbon dioxide, as described in paragraph (c) of this section.

* * * * *

6. Section 63.548 is amended by revising paragraph (e) introductory text and adding paragraph (k) as follows:

§ 63.548 Monitoring requirements.

* * * * *

(e) The bag leak detection system required by paragraph (c)(9) of this section, shall meet the specification and requirements of paragraphs (e)(1) through (e)(8) of this section.

* * * * *

(k) The owner or operator of a secondary lead smelter who uses pressurized dryer breaching seals in order to comply with the requirements of § 63.544(g) shall equip each seal with an alarm that will ''sound'' or ''go off'' if the pressurized dryer breaching seal malfunctions.

[FR Doc. 98–22648 Filed 8–21–98; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 94–155; RM–8468 and RM–8802]

Radio Broadcasting Services; Big Pine Key, Clewiston, Ft. Myers Villas, Indiantown, Jupiter, Key Colony Beach, Naples and Tice, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Action in this document substitutes Channel 276C1 for Channel 276C2 at Indiantown, Florida, Station WPBZ, at coordinates 26–56–22 and 80–07–04; substitutes Channel 284C3 for Channel 276C3 at Naples, Florida, Station WSGL, at coordinates 26–07–33 and 81–43–17; substitutes Channel 281C1 for Channel 284C at Big Pine Key, Florida, Station WWUS, at coordinates 24–39–38 and 81–25–10; substitutes Channel 267C2 for Channel 280C2 at Key Colony Beach, Florida, Station WKKB, at coordinates 24–42–25 and 81–06–67; substitutes Channel 292C2 for Channel 292A at Ft. Myers Villas, Florida, Station WROC, at