

(10) A royalty-suspension volume will continue through the end of the month in which cumulative production from leases in a field entitled to share the royalty-suspension volume reaches that volume.

(11) If we reassign a well on an *eligible* lease to another field, the past production from that well will count toward the royalty-suspension volume, if any, specified for the field to which it is reassigned. The past production will not count toward the royalty-suspension volume, if any, for the field from which it was reassigned.

(12) You may receive a royalty-suspension volume only if your entire lease is west of 87 degrees, 30 minutes West longitude. A field that lies on both sides of this meridian will receive a royalty-suspension volume only for those *eligible* leases lying entirely west of the meridian.

(13) Your lease may obtain more than one royalty-suspension volume. If a new field is discovered on your *eligible* lease that already benefits from the royalty-suspension volume for another field, production from that new field receives a separate royalty suspension.

(14) You must measure natural gas production subject to the royalty-suspension volume as follows: 5.62 thousand cubic feet of natural gas, measured in accordance with 30 CFR part 250, subpart L, equals one barrel of oil equivalent.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[FRL-5950-4]

#### National Emission Standards for Gasoline Distribution Facilities; Bulk Gasoline Terminals and Pipeline Breakout Stations

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of limited exclusion for gasoline distribution facilities.

**SUMMARY:** The EPA publishes today notification of a limited exclusion from applicability for gasoline distribution facilities that would be, but for this action, subject to the air toxic provisions of 40 CFR part 63, subpart R, the National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).

**DATES:** This policy took effect on December 12, 1997, the day that the

attached letter detailing this policy was signed. Petitions for review of this determination must be filed on or before March 17, 1998 in accordance with the provisions of section 307(b)(1) of the Clean Air Act (CAA).

**ADDRESSES:** The related material in support of this policy may be examined during normal business hours at the United States Environmental Protection Agency, Office of Enforcement and Compliance Assurance, Air Enforcement Division, Ariel Rios Building, Room 1119, 12th and Pennsylvania Ave., NW, Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** Charles Garlow of the U.S. EPA, Air Enforcement Division (Mail Code 2242A), 401 M St SW, Washington, DC 20460, telephone (202) 564-1088.

**SUPPLEMENTARY INFORMATION:** On October 15, 1997, the American Petroleum Institute (API) requested relief from the applicability of the Gasoline Distribution National Emission Standard for Hazardous Air Pollutants (NESHAP) as the compliance date of December 15, 1997 was approaching. Certain members of the API trade association had timely applied for synthetic minor permits so as to qualify as area or minor sources not subject to the Gasoline Distribution MACT standard. However, state or local permitting authorities had, in many instances, not been able to process the otherwise approvable applications before December 15, 1997. Since many states have a public comment period, it was apparent that these permits could not be issued prior to the compliance date even if every effort was made. Therefore, API asserted, through no fault of their members, they would be subject to the requirements of this NESHAP when they assumed they would not be, resulting in some sources potentially facing operational shutdowns or violation of the standard.

The EPA responded, as is detailed in the attached letter, by granting a time limited exclusion from applicability to those sources that notify the EPA that they have timely applied and have otherwise made good faith efforts to obtain the synthetic minor permits in question. Due to delays in publishing this document, sources wishing to avail themselves of this policy have until January 30, 1998, to notify EPA of their status, if they have not already done so.

In addition to publication of this document, US EPA has placed a copy of this policy letter on its Technology Transfer Network (TTN) bulletin board service and Website.

(Sec. 112, Clean Air Act (42 U.S.C. 7412))

**Bruce Buckheit,**

*Director, Air Enforcement Division.*

December 12, 1997.

Ms. Ellen Siegler,  
*American Petroleum Institute, 1220 L Street,  
NW, Washington, DC 20005-4070.*

Re: Gasoline Distribution MACT Standard.

Dear Ms. Siegler: The American Petroleum Institute recently approached the Environmental Protection Agency (EPA) seeking relief from the Gasoline Distribution Maximum Achievable Control Technology (MACT) standard for those facilities that timely sought permits limiting their potential to emit so as to qualify as area sources not covered by that standard. We were then informed that numerous facilities (through no fault of their own) have not yet been issued such permits by their permit issuing authorities. Under EPA's "once in—always in" policy, such facilities will become subject to the Gasoline Distribution MACT standard on that rule's compliance date (December 15, 1997).

As a general matter, we believe that it is the source's obligation to achieve compliance with the regulation as of the effective date of that regulation. Where, as here, the regulation provided 3 years to achieve compliance, we believe that sources that wish to avoid the imposition of major source obligations by seeking "synthetic minor" permits should do so shortly after the date of rule promulgation. Given the substantial workload imposed on permitting authorities by the Title III and Title V programs, those who wait until there is less than 1 year from the compliance date to submit their permit application should anticipate that there is a substantial risk, that they must bear, that the synthetic minor permit may not be issued in time. However, because this is an issue of first impression, and facilities may have relied in good faith on representations of permitting authorities that permits received within a shorter time frame would be processed by December 15, 1997, we have agreed to provide a limited enforcement discretion as set out below.

Based on the facts presented and subject to the terms, conditions and limitations outlined herein, we concluded that the EPA should and, therefore, will provide limited relief for certain facilities:

**Limited Exclusion**—EPA will not consider an otherwise covered facility to be subject to the Gasoline Distribution MACT standard (1) if the facility owner or operator filed a complete application with its appropriate permitting authority for a permit limiting its potential to emit so as to qualify as an area source not covered by that standard prior to June 15, 1997, and (2) if it identifies the facility to EPA not later than January 15, 1998. This limited exclusion is limited to a 90-day period and will expire on March 15, 1998.

**Conditional Extension**—If a facility has not yet received its permit by March 15, 1998, it will be subject to the Gasoline Distribution MACT standard as of this date *unless* such facility notifies EPA, prior to March 15, 1998, that an additional period of time is needed for good cause shown. If the facility has not yet received such permit and then certifies to

EPA that it has made diligent efforts to obtain the needed permit by (1) providing all information requested by the permitting authority and (2) accepting reasonable permit conditions, then EPA may grant an additional extension for up to 90 days beyond March 15, 1998. Failure to accept reasonable permit terms and conditions will not be recognized as a good cause basis for seeking an extension. If a facility has not yet received its permit by that later date, it will be subject fully to the Gas Distribution MACT standard as of its compliance date.

**General Conditions/Limitations**—As an express condition of benefiting from and operating under the above-described limited exclusion, each facility must comply at all times with each of the following:

- The source must have submitted the synthetic minor permit by June 15, 1997.
- The permit application terms and conditions must effectively limit emissions to area source levels.
- The source must certify to EPA and maintain full compliance with all the terms, conditions and representations reflected or referred to in its timely, complete permit application.
- The reason for the delay in the issuance of the permit must not be the fault of the source (e.g., at least one source will not be issued a permit because of unresolved New Source Performance Standards violations at the facility. Such source does not qualify for this exclusion.

- The source must submit, by January 15, 1998, supporting documentation, including the executive summary and enforcement provisions of the permit application with transmittal date, any indication from the permitting agency regarding the completeness of the application and recent communication from or to the permitting authority indicating the current status of the application (e.g., public comment being sought, etc.). Such documentation must be mailed to Air Enforcement Division, Attention: Charles Garlow, Esq., US EPA, Mail Code 2242A, 401 M St. SW, Washington, D.C. 20460, or sent by delivery service to the same Division, Ariel Rios Building, Room 2111, 12th and Pennsylvania Aves., N.W., Washington, DC 20004.

A failure to fully comply with each and every requirement, as may be determined by EPA, will void this grant of discretionary enforcement relief, cause such facility to be subject to the requirements of the Gasoline Distribution MACT standard as of its compliance date (December 15, 1997), and subject the facility to possible enforcement for violation of the MACT standard.

Sources in this situation should be reminded that if they presently qualify as synthetic minor sources, by operation of the January 25, 1995 Seitz/Van Heuvelen policy memorandum entitled "Options for Limiting the Potential to Emit (PTE) of a Stationary Source Under Section 112 and Title V of the Clean Air Act", then these sources do not need to utilize the option described here prior to the termination date of that policy. For example, if a source has documented actual emissions since January 1994 of less than 50% of the major source thresholds, then a permit is not needed to limit the PTE.

Other options are described in this memorandum.

As the Gasoline Distribution MACT standard compliance date is fast approaching, you have agreed to endeavor to distribute this memorandum broadly at the earliest practicable time to all facilities that may be subject to the MACT standard.

Questions regarding this matter should be directed to the Air Enforcement Division, 202-564-1088.

Sincerely,

Steven A. Herman,

Assistant Administrator.

Identical letters sent to:

Mr. John Prokof, Independent Liquid Terminal Association (ILTA), 1133 15th Street, NW, Suite 650, Washington, D.C. 20005.

Ms. Michele Joy, Association of Oil Pipelines (AOPL), 110 Vermont Ave, NW, Washington, D.C. 20005.

Mr. Tom Osburn, Society of Independent Gasoline Marketers of America (SIGMA), 11911 Freedom Drive, Reston, Virginia 20190.

cc: Regional Counsel, Regions I-X, Regional Air Program Directors, Regions I-X, John Seitz, Director, OAQPS, Lydia Wegman, Deputy Director, OAQPS, Bruce Jordan, Director, ESD.

[FR Doc. 98-1133 Filed 1-15-98; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 20

[CC Docket No. 94-102, FCC 97-402]

### Wireless Compatibility With Enhanced 911 Emergency Calling Systems

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule, petitions for reconsideration.

**SUMMARY:** The Federal Communications Commission has adopted a *Memorandum Opinion and Order* in the wireless Enhanced 911 (E911) rulemaking proceeding, reaffirming its commitment to the rapid implementation of technologies needed to bring emergency help to wireless callers throughout the United States. The action is taken to resolve petitions for reconsideration of the rules adopted in the *First Report and Order* concerning the availability of basic 911 services and the implementation of E911 for wireless telecommunications services. The primary goal of this proceeding is to ensure that reliable, effective 911 and E911 service is available to wireless users as soon as technologically possible. The limited revisions to the Commission's rules adopted in this decision are intended to

remedy technical problems raised in the record. This *Memorandum Opinion and Order* contains proposed information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed information collections contained in this proceeding.

**EFFECTIVE DATE:** The definition of "designated PSAP" in § 20.3, and §§ 20.18(a), (b), (c), and (g) become effective January 16, 1998. The remaining rule amendments become effective February 17, 1998. Written comments on the proposed or modified information collections by the public are due January 20, 1998. Written comments must be submitted by the OMB on the proposed information collections on or before February 10, 1998.

**ADDRESSES:** A copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, D.C. 20554, or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov), and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725-17th Street, N.W., Washington, D.C. 20503, or via the Internet to [fain\\_t@al.eop.gov](mailto:fain_t@al.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** Won Kim or Dan Grosh, Policy Division, Wireless Telecommunications Bureau, at (202) 418-1310. For additional information concerning the information collections contained in the *Memorandum Opinion and Order*, contact Judy Boley at 202-418-0214, or via the Internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the *Memorandum Opinion and Order* (MO&O) in CC Docket No. 94-102, FCC 97-402, adopted December 1, 1997, and released December 23, 1997. The complete text of this MO&O is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Services, at (202) 857-3800, 1231 20th Street, N.W., Washington, D.C. 20036.

### Synopsis of the Memorandum Opinion and Order

1. In this MO&O, pursuant to Section 1.429 of the Commission's Rules,<sup>1</sup> the

<sup>1</sup> See Section 1.429(b) of the Commission's Rules, 47 CFR 1.429(b).