

V. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000. As discussed in section IV of this document, findings of failure to attain and reclassification of nonattainment areas under section 186(b)(2) of the CAA do not in-and-of-themselves create any new requirements. Therefore, I certify that today's action does not have a significant impact on small entities.

VI. Unfunded Mandates Act

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of

\$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA believes, as discussed above, that the finding of failure to attain and reclassification of the Fairbanks nonattainment area are factual determinations based upon air quality considerations and must occur by operation of law and, hence, do not impose any Federal intergovernmental mandate, as defined in section 101 of the Unfunded Mandates Act.

VII. 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).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations.

Authority: 42 U.S.C. 7401-7671q.

Dated: February 20, 1998.

Chuck Findley,

Acting Regional Administrator, Region 10.

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

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

2. In section 81.302, the table for "Alaska-Carbon Monoxide" is amended for the Fairbanks area by replacing "moderate" with "serious" under the classification column to read as follows:

§ 81.302 Alaska.

* * * * *

ALASKA—CARBON MONOXIDE

Designated area	Designation		Classification	
	Date ¹	Type	Date ¹	Type
* * *	* * *	* * *	* * *	* * *
Fairbanks Area, Fairbanks Election District (part), Fairbanks nonattainment area boundary.	Nonattainment	Mar. 30, 1998	Serious.
* * *	* * *	* * *	* * *	* * *

[FR Doc. 98-5090 Filed 2-26-98; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-5970-4]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Browning-Ferris Industries—South

Brunswick Landfill superfund site from the National Priorities List.

SUMMARY: The U.S. Environmental Protection Agency (EPA) announces the deletion of the Browning-Ferris Industries—South Brunswick Landfill Site in South Brunswick Township, Middlesex County, New Jersey from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of New Jersey have determined that the Site poses no

significant threat to public health or the environment and, therefore, no further remedial measures pursuant to CERCLA are appropriate.

EFFECTIVE DATE: February 27, 1998.

FOR FURTHER INFORMATION CONTACT: Mary Anne Rosa, Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007-1866, (212) 637-4407.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Browning-Ferris Industries—South Brunswick Landfill Site, South Brunswick Township, Middlesex County, New Jersey.

A Notice of Intent to Delete for this Site was published in the **Federal**

Register on November 6, 1997 (62 FR 60058). The closing date for comments on the Notice of Intent to Delete was December 8, 1997. No comments were received therefore, EPA has not prepared a Responsiveness Summary.

EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, and Water supply.

Dated: February 2, 1998.

William J. Muszynski,

Acting Regional Administrator.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp., p.351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p.193.

Appendix B—[Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the entry for the South Brunswick Landfill site in South Brunswick, NJ.

[FR Doc. 98–4817 Filed 2–26–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

42 CFR Part 61

RIN 0991–AA96

Service Fellowships

AGENCY: Office of the Secretary, HHS.

ACTION: Interim final rule with request for comments.

SUMMARY: The Department of Health and Human Services (HHS) is amending the regulations governing service fellowships by revising the current authority citation, extending the time limitation on initial appointments from 2 years to 5 years, permitting extensions of appointments for up to 5 years rather than year-to-year, and deleting obsolete references to the Surgeon General. These changes are being made to provide HHS health agencies with greater flexibility to recruit and retain talented scientists and to update obsolete references.

DATES: *Effective Date:* February 27, 1998. *Comment Date:* The Secretary is requesting written comments on this interim final rule which must be received on or before April 28, 1998.

ADDRESSES: Written comments on the interim final rule may be sent to Jerry Moore, NIH Regulations Officer, National Institutes of Health, 31 CENTER DR MSC 2075, BETHESDA, MD 20892–2075. Comments may also be sent electronically by facsimile (301–402–0169) or by e-mail (jm40z@nih.gov).

FOR FURTHER INFORMATION CONTACT: Jerry Moore at the address above or by telephone (301) 496–4607; (not a toll-free number). For information with regard to service fellowships contact Edie Bishop, Office of Human Resource Management, National Institutes of Health, 31 CENTER DR MSC 0424, BETHESDA, MD 20892–0424, telephone (301) 402–9484 (not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 207(g) of the Public Health Service Act, as amended, authorizes the Secretary to designate individual scientists, other than Commissioned Officers of the Public Health Service (PHS), to receive fellowships; to be appointed for duty with the Service and compensated without regard to the civil service classification laws; to hold their fellowships under conditions prescribed therein; and to be assigned for studies or investigations either in the United States or foreign countries during the terms of their fellowships.

Consistent with the legislative intent of the PHS Act, § 61.32 of the implementing regulations codified at 42 CFR Part 61, states that service fellowships “may be provided to secure the services of talented scientists for a period of limited duration for health-related research, studies, and investigations where the nature of the work or the character of the individual’s services render customary employing methods impracticable or less effective.”

Section 61.38 currently restricts initial fellowship appointments to a period not to exceed two years, with extensions on a year-to-year basis. HHS is amending § 61.38 of the service fellowship regulations to make time limitations more flexible. Specifically, HHS is extending the current time limitation on initial appointments from 2 to 5 years, and revising the requirements with respect to extensions to permit extensions for up to 5 years rather than year-to-year. These changes are being made to provide HHS health agencies with greater flexibility to recruit and retain their scientists. It is anticipated that the increased flexibility will provide for simplified recruitment and classification. Employment will continue to be linked to scientific excellence as determined by agency peer review processes.

The authority citation and the references to the Surgeon General in § 61.33, § 61.34, § 62.35, § 61.36, § 61.37, and § 61.38 are being revised to reflect that the authority for the service fellowships are vested in the Secretary. § 61.30 is amended to remove the paragraph designations and the definition for the term “Surgeon General” and to add the definition for the term “Secretary,” and § 61.34 is amended to remove clause (b) and redesignate clause (c) as (b) to reflect current policy.

Notice and public comment and delayed effective date have been waived for these amendments because it has been found for good cause in accordance with 5 U.S.C. 553(b)(B) that notice and comment are “impracticable, unnecessary or contrary to the public interest.” Notice and comment are unnecessary and contrary to the public interest because the changes in the duration of service fellowship appointments will not in any way adversely affect service fellowship recipients or others, and the other changes are not substantive or remove obsolete requirements regarding the qualifications of applicants. Extending the permissible duration of the fellowships will make it possible for the Public Health Service to better fulfill the purpose of encouraging and promoting research through the fellowships and provide a broader range of research options for the fellows. For the same reasons, this regulation is effective immediately. This will enable both the Public Health Service and the service fellows to benefit promptly from appointments of longer duration. Applicants for fellowships or recipients do not need any lead time to prepare for the changes because all application requirements and conditions of the