

FOR FURTHER INFORMATION CONTACT: John A. McKeown, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, (404) 562-8913.

SUPPLEMENTARY INFORMATION: EPA announces the deletion of the Monsanto Superfund Site in Richmond County, Georgia from the National Priorities List (NPL), which is Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to 42 U.S.C. 9605 (40 CFR 300.425(e)(3) of the NCP), any site deleted from the NPL remains eligible for Fund-financed Remedial Actions in the event that conditions at the site warrant such action.

EPA published a Notice of Intent to Delete the Monsanto Superfund Site from the NPL on October 6, 1997 in the **Federal Register**, (62 FR 52072-52074). EPA received no comments on the proposed deletion; therefore, no responsiveness summary is necessary for attachment to this Notice of Deletion. Deletion of a site from the NPL does not affect the responsible party liability or impede agency efforts to recover costs associated with response efforts.

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, as that term is defined in 5 U.S.C. 804(3).

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, Water supply.

Dated: January 29, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, U.S. EPA Region 4.

40 CFR Part 300 is amended as follows:

PART 300—[AMENDED]

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

Authority: 33 U.S.C. 9601-9657; 42 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 191 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 site "Monsanto Corp. (Augusta Plant), GA".

[FR Doc. 98-5980 Filed 3-6-98; 8:45 am]

BILLING CODE 6560-50-P

LEGAL SERVICES CORPORATION

45 CFR Part 1611

Eligibility: Income Level for Individuals Eligible for Assistance

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: The Legal Services Corporation ("Corporation") is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the Federal Poverty Guidelines as issued by the Department of Health and Human Services.

EFFECTIVE DATE: March 9, 1998.

FOR FURTHER INFORMATION CONTACT: Victor M. Fortuno, General Counsel, Legal Services Corporation, 750 First Street NE., Washington, DC 20002-4250; 202-336-8810.

SUPPLEMENTARY INFORMATION: Section 1007(a)(2) of the Legal Services Corporation Act ("Act"), 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the Act provides that other specified factors shall be taken into account along with income.

Section 1611.3(b) of the Corporation's regulations establishes a maximum income level equivalent to one hundred and twenty-five percent (125%) of the Federal Poverty Guidelines. Since 1982, the Department of Health and Human Services has been responsible for updating and issuing the Poverty Guidelines. The revised figures for 1998 set out below are equivalent to 125% of the current Poverty Guidelines as published on Feb. 24, 1998 (63 FR 9235).

List of Subjects in 45 CFR Part 1611

Legal services.

For reasons set out in the preamble, 45 CFR 1611 is amended as follows:

PART 1611—ELIGIBILITY

1. The authority citation for Part 1611 continues to read as follows:

Authority: Secs. 1006(b)(1), 1007(a)(1) Legal Services Corporation Act of 1974, 42 U.S.C. 2996e(b)(1), 2996f(a)(1), 2996f(a)(2).

2. Appendix A of Part 1611 is revised to read as follows:

APPENDIX A OF PART 1611.—LEGAL SERVICES CORPORATION 1998 POVERTY GUIDELINES *

Size of family unit	All states but Alaska and Hawaii ¹	Alaska ²	Hawaii ³
1	\$10,063	\$12,588	\$11,575
2	13,563	16,963	15,600
3	17,063	21,338	19,625
4	20,563	25,713	23,650
5	24,063	30,088	27,675
6	27,563	34,463	31,700
7	31,063	38,838	35,725
8	34,563	43,213	39,750

* The figures in this table represent 125% of the poverty guidelines by family size as determined by the Department of Health and Human Services.

¹ For family units with more than eight members, add \$3,500 for each additional member in a family.

² For family units with more than eight members, add \$4,375 for each additional member in a family.

³ For family units with more than eight members, add \$4,025 for each additional member in a family.

Dated: March 4, 1998.

Victor M. Fortuno,

General Counsel.

[FR Doc. 98-5994 Filed 3-6-98; 8:45 am]

BILLING CODE 7050-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR PART 73

[MM Docket No. 96-16, FCC 98-19]

Revision of Broadcast EEO Rule Enforcement

AGENCY: Federal Communications Commission.

ACTION: Final rule; policy statement.

SUMMARY: This *Order and Policy Statement* adopts a change in the Commission's enforcement of the Equal Employment Opportunity (EEO) Rule for religious broadcasters. The announced change is similar to suggestions made by some commenters in response to the Commission's *Order and Notice of Proposed Rule Making (NPRM)*, MM Docket No. 96-16, which requested comment on ways to improve the Commission's EEO Rule and policies to offer relief to distinctly situated broadcasters without undermining the effectiveness of its EEO program. The Commission will now permit religious broadcasters, as

defined in the *Order and Policy Statement*, to establish religious belief or affiliation as a job qualification for all station employees. The Commission believes that this action will eliminate the potential danger of impermissible governmental interference with a religious broadcaster's judgment in the conduct and definition of its religious affairs.

DATES: Effective April 8, 1998.

FOR FURTHER INFORMATION CONTACT: Renee Licht, Deputy Chief, Mass Media Bureau. (202) 418-2600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Order and Policy Statement*, FCC 98-19, adopted February 5, 1998, and released February 25, 1998.

The complete text of this *Order and Policy Statement* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., at (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Synopsis of Order and Policy Statement

1. In the *Order and Policy Statement*, the Commission modifies enforcement of its broadcast Equal Employment Opportunity (EEO) Rule with respect to religious broadcasters. Responding to the Commission's request in *Order and Notice of Proposed Rule Making* (NPRM), MM Docket No. 96-16, 11 FCC Rcd 5154 (1996), 61 FR 9964, March 12, 1996, for ways to improve its EEO Rule and policies to afford relief to distinctly situated broadcasters, some commenters requested that the Commission permit religious licensees to establish religious affiliation or belief as a *bona fide* occupational qualification for all positions at their stations. The Commission's prior policy was to allow religious broadcasters a limited exemption from the Commission's prohibition of religious employment discrimination only for employees hired to espouse religious views over the air. Upon review of this matter, the Commission concludes that its policy should be expanded to permit religious broadcasters to use religious belief or affiliation as a job qualification for all station employees. The Commission believes that this action will eliminate the potential danger of impermissible governmental interference with a religious broadcaster's judgment in the conduct and definition of its religious affairs.

2. This action should be considered binding as to radio licensees and

permittees. It should be considered a non-binding policy statement for television licensees and permittees because section 334 of the Communications Act of 1934, as amended, 47 U.S.C. 334, prohibits revisions of EEO regulations concerning television licensees and permittees.

3. For these purposes, a "religious broadcaster" is defined as a licensee which is, or is closely affiliated with, a church, synagogue, or other religious entity, including a subsidiary of such an entity. Commission determination as to whether a licensee is a "religious broadcaster" will be made on a case-by-case basis, based upon the evaluation of certain characteristics of the religious entity.

4. Some commenters to the NPRM are concerned that expanding the Commission's current policy concerning religious broadcasters would lead to racial and ethnic discrimination and have a negative impact on equal opportunity in the industry. However, in the *Order and Policy Statement*, the Commission emphasizes that religious broadcasters are still required to operate their stations in the public interest, as defined in the Commission's rules and policies. Therefore, religious broadcasters are not permitted to engage in employment discrimination against women and minorities and are still required to comply with sections 73.2080(b) and (c) of the Commission's Rules, 47 CFR 73.2080(b) and (c), requiring broadcasters to maintain a positive, continuing program of specific practices designed to ensure equal employment opportunity, for persons who share their faith, in every aspect of station employment and practice. Religious broadcasters are also still required to file EEO Forms 396-A, 396, and 395-B and their EEO programs will continue to be subject to examination by the Commission at renewal time, as well as other relevant periods, to determine compliance with the EEO Rule.

Initial Paperwork Reduction Act of 1995 Analysis

The decision herein has been analyzed with respect to the Paperwork Reduction Act of 1995, Public Law No. 104-13, and found to impose or propose no modified information collection requirement on the public.

Final Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act ("RFA"),¹ see 5 U.S.C.

¹The RFA, see 5 U.S.C. 601 *et. seq.*, has been amended by the Contract With America Advancement Act of 1996, Public Law No. 104-121,

603, an Initial Regulatory Flexibility Analysis ("IRFA") was incorporated in the NPRM.² The Commission sought written public comments on the proposals in the NPRM, including the IRFA.

Joint Commenters³ criticize the IRFA for not stating that the proposals in the *Notice* could adversely affect some non-licensee entities including Black colleges, community groups which refer job candidates, discrimination victims, individual job applicants, petitioners to deny, and members of the listening and viewing audience. Joint Commenters maintain that the IRFA failed "to mention the limited resources available to each of these parties in meeting significant burdens which would be imposed on them by cutbacks in EEO enforcement."⁴ Joint Commenters' arguments are without merit. In the IRFA, the Commission did not indicate the economic impact of a rule change on any entity, stating that it "was unable to assess at this time what, if any, economic impact the proposed rule change would have on small business entities" and that a full assessment of the potential impact would be made, if applicable, at the final rulemaking stage.⁵ Furthermore, the entities described by Joint Commenters would not be discussed in the Regulatory Flexibility Analysis at any stage in this proceeding because such analysis is reserved for entities directly regulated and affected by the subject rule of a proceeding and the entities discussed by Joint Commenters are not so regulated and affected. See *Mid-Tex Electric Cooperative, Inc. v. Federal Energy Regulatory Commission*, 773 F.2d 327 (D.C. Cir. 1985).

We now believe that, pursuant to the RFA, see 5 U.S.C. 605(b), we can certify

110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996.

² 11 FCC Rcd at 5183.

³ Joint Commenters consist of the following organizations that filed their comments together: Minority Media Telecommunications Council, Office of Communication of the United Church of Christ, National Council of Churches, American Civil Liberties Union, American Hispanic Owned Radio Association, Association of Black Owned Television Stations, Black Citizens for a Fair Media, Black College Communications Association, Chinese for Affirmative Action, Cultural Environment Movement, Fairness and Accuracy in Reporting, Hispanic Association on Corporate Responsibility, League of United Latin American Citizens, Minority Business Enterprise Legal Defense and Education Fund, Inc., National Association for the Advancement of Colored People, National Association of Black Owned Broadcasters, National Bar Association, National Hispanic Media Coalition, National Rainbow Coalition, National Urban League, Operation PUSH, and Women's Institute for Freedom of the Press.

⁴ Comments of Joint Commenters at 119.

⁵ 11 FCC Rcd at 5183-84.

that the action taken in *this Order and Policy Statement*, as distinguished from the broader proposals contained in the entire *NPRM*, will not have a significant economic impact on a substantial number of small entities. Other issues and proposals will be addressed in a Report and Order to be issued at a later date. This action simply allows religious broadcasters to establish religious affiliation or belief as a *bona fide* occupational qualification for all station positions, an action which will not have a significant economic impact. Religious broadcasters are still required to ensure equal employment opportunity in every aspect of station employment policy and practice for persons who share their faith. The Commission will publish this certification in the **Federal Register**, and will provide a copy of the certification to the Chief Counsel for Advocacy of the Small Business Administration. The Commission will also include the certification in the report to Congress pursuant to the RFA, see 5 U.S.C. 801.

List of Subjects in 47 CFR Part 73

Radio broadcasting, Television broadcasting.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 98-5939 Filed 3-6-98; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-126; RM-9074]

Radio Broadcasting Services; Saint Florian, AL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 274A to Saint Florian, Alabama, as that community's first local aural transmission service, in response to a petition filed on behalf of Frederick A. Biddle dba Power Valley Enterprises. See 62 FR 24896, May 7, 1997. Coordinates used for Channel 274A at Saint Florian are 34-57-08 and 87-39-30. With this action, the proceeding is terminated.

DATES: Effective April 13, 1998. A filing window for Channel 274A at Saint Florian, Alabama, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a separate Order.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180. Questions related to the application filing process should be addressed to the Audio Services Division, (202) 418-2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-126, adopted February 18, 1998, and released February 27, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 reads as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alabama, is amended by adding Saint Florian, Channel 274A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-5930 Filed 3-6-98; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-187; RM-9149]

Radio Broadcasting Services; Patterson, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of West Wind Broadcasting, allots Channel 290A to Patterson, Iowa, as the community's first local aural transmission service. See FR 62 46707, September 4, 1997. Channel 290A can be allotted to Patterson in compliance with the Commission's minimum distance separation requirements without the imposition of a site

restriction. The coordinates for Channel 290A at Patterson are 41-20-54 NL and 93-52-49 WL. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 13, 1998. A filing window for Channel 290A at Patterson, Iowa, will not be opened at this time. Instead the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 97-187, adopted February 18, 1998, and released February 27, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by adding Patterson, Channel 290A.

Federal Communications Commission

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-5932 Filed 3-6-98; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-155; RM-9109]

Radio Broadcasting Services; Winthrop, WA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Rick Miles and Don Ashford, allots Channel 248A at Winthrop,