

### *Regulatory Flexibility Act*

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, requires that EPA prepare a regulatory flexibility analysis for regulations that have a significant impact on a substantial number of small entities. As indicated below, the permit issued today is not a "rule" subject to the Regulatory Flexibility Act. EPA prepared a regulatory flexibility analysis, however, on the promulgation of the Offshore Subcategory guidelines on which many of the permit's effluent limitations are based. That analysis shows that issuance of this permit will not have a significant impact on a substantial number of small entities.

### *Unfunded Mandates Reform Act*

Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104-4, generally requires Federal agencies to assess the effects of their "regulatory actions" on State, local, and tribal governments and the private sector. UMRA uses the term "regulatory actions" to refer to regulations. (See, e.g., UMRA section 201, "Each agency shall \* \* \* assess the effects of Federal regulatory actions \* \* \* (other than to the extent that such regulations incorporate requirements specifically set forth in law)" (emphasis added)). UMRA section 102 defines "regulation" by reference to section 658 of Title 2 of the U.S. Code, which in turn defines "regulation" and "rule" by reference to section 601(2) of the Regulatory Flexibility Act (RFA). That section of the RFA defines "rule" as "any rule for which the agency publishes a notice of proposed rulemaking pursuant to section 553(b) of [the Administrative Procedure Act (APA)], or any other law \* \* \*".

NPDES general permits are not "rules" under the APA and thus not subject to the APA requirement to publish a notice of proposed rulemaking. NPDES general permits are also not subject to such a requirement under the CWA. While EPA publishes a notice to solicit public comment on draft general permits, it does so pursuant to the CWA section 402(a) requirement to provide "an opportunity for a hearing." Thus, NPDES general permits are not "rules" for RFA or UMRA purposes.

EPA has determined that the proposed permit would not contain a Federal requirement that may result in

expenditures of \$100 million or more for State, local and tribal governments, in the aggregate, or the private sector in any one year.

The Agency also believes that the permit would not significantly nor uniquely affect small governments. For UMRA purposes, "small governments" is defined by reference to the definition of "small governmental jurisdiction" under the RFA. (See UMRA section 102(1), referencing 2 U.S.C. 658, which references section 601(5) of the RFA.) "Small governmental jurisdiction" means governments of cities, counties, towns, etc., with a population of less than 50,000, unless the agency establishes an alternative definition.

The permit, as proposed, also would not uniquely affect small governments because compliance with the proposed permit conditions affects small governments in the same manner as any other entities seeking coverage under the permit. Additionally, EPA does not expect small governments to operate facilities authorized to discharge by this permit.

### *National Environmental Policy Act*

When it was proposed, EPA determined that issuance of the now expired NPDES New Source General Permit for the Western Portion of the Outer Continental Shelf of the Gulf of Mexico was a major Federal action significantly affecting the quality of the human environment. Thus, pursuant to the National Environmental Policy Act of 1969, evaluation of the potential environmental consequences of the permit action in the form of an Environmental Impact Statement (EIS) was required. The Minerals Management Service had previously examined the environmental consequences in their final EIS which was conducted for oil and gas lease sales 142 and 143 in the OCS Region of the Gulf of Mexico. EPA adopted that EIS and prepared a Supplemental EIS (SEIS) to allow for additional consideration and evaluation of potential impacts on air quality, water quality, including radium in produced water, and cumulative effects. The Final SEIS was completed in December 1994 and the Record of Decision was prepared and dated September 28, 1995.

Reissuance of the NPDES general permit for New and Existing Sources in the Western Portion of the Outer

Continental Shelf of the Gulf of Mexico will not result in any new impacts which were not subjected to NEPA analysis in either Mineral Management Service's EIS or the SEIS produced by EPA Region 6. All discharges proposed to be authorized by the reissued permit were addressed in that NEPA Review. Thus EPA does not propose to prepare a supplemental environmental impact statement for this action.

**William B. Hathaway,**

*Director, Water Quality Protection Division,  
EPA Region 6.*

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## FEDERAL ELECTION COMMISSION

[Notice 1998-1]

### Filing Dates for the New York Special Election

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of filing dates for special election.

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**SUMMARY:** New York has scheduled a special election on February 3, 1998, to fill the U.S. House seat in the Sixth Congressional District vacated by Representative Floyd Flake.

Committees required to file reports in connection with the Special General Election on February 3 should file a Pre-General Report on January 22, 1998; and a Post-General Election Report on March 5, 1998.

**FOR FURTHER INFORMATION CONTACT:** Ms. Bobby Werfel, Information Division, 999 E Street, N.W., Washington, DC 20463, Telephone: (202) 219-3420; Toll Free (800) 424-9530.

**SUPPLEMENTARY INFORMATION:** All principal campaign committees of candidates who participate in the New York Special General Election and all other political committees not filing monthly which support candidates in the Special Election shall file a 12-day Pre-General Report on January 22, with coverage dates from the close of the last report filed, or the date of the committee's first activity, whichever is later, through January 14, and a Post-General Report on March 5, with coverage dates from January 15 through February 23, 1998.

CALENDAR OF REPORTING DATES FOR NEW YORK SPECIAL ELECTION FOR COMMITTEES INVOLVED IN THE SPECIAL  
GENERAL (02/03/98)

Report	Close of books <sup>1</sup>	Registered/ Certified mailing date <sup>2</sup>	Filing date
Pre-General <sup>3</sup> (1997 Activity) .....	12/31/97	<sup>4</sup> 01/20/98	01/22/98
Pre-General (1998 Activity) .....	01/14/98	<sup>4</sup> 01/20/98	01/22/98
Post-General .....	02/23/98	03/05/98	03/05/98

<sup>1</sup> The period begins with the close of books of the last report filed by the committee. If the committee has filed no previous reports, the period begins with the date of the committee's first activity.

<sup>2</sup> Reports sent by registered or certified mail must be postmarked by the mailing date; otherwise, they must be received by the filing date.

<sup>3</sup> Because reports should not include activity for more than one calendar year, committees should file the Pre-General Report on two forms. One form should cover 7/1/97–12/31/97 and be labeled "Year-End Report." The other form should cover 1/1/98–1/14/98 and be labeled "Pre-General Report." The filing of two forms satisfies both Pre-General and Year-End filing requirements.

<sup>4</sup> The mailing date has been adjusted because the computed mail date would have fallen on a federal holiday.

Dated: January 9, 1998.

**Joan D. Aikens,**

*Chairman, Federal Election Commission.*

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## FEDERAL MEDIATION AND CONCILIATION SERVICE

### Labor-Management Cooperation Program Application Solicitation for Labor-Management Committees FY1998

#### A. Introduction

The following is the final solicitation for the Fiscal Year (FY) 1998 cycle of the Labor-Management Cooperation Program as it pertains to the support of labor-management committees. These guidelines represent the continuing efforts of the Federal Mediation and Conciliation Service to implement the provisions of the Labor-Management Cooperation Act of 1978 which was initially implemented in FY81. The Act generally authorizes FMCS to provide assistance in the establishment and operation of company/plant, area, public sector, and industry-wide labor-management committees which:

(A) Have been organized jointly by employers and labor organizations representing employees in that company/plant, area, government agency, or industry; and

(B) Are established for the purpose of improving labor-management relationships, job security, and organizational effectiveness; enhancing economic development; or involving workers in decisions affecting their jobs, including improving communication with respect to subjects of mutual interest and concern.

The Program Description and other sections that follow, as well as a separately published FMCS Financial and Administrative Grants Manual,

make up the basic guidelines, criteria, and program elements a potential applicant for assistance under this program must know in order to develop an application for funding consideration for either a company/plant, area-wide, industry, or public sector labor-management committee. Directions for obtaining an application kit and an optional video tape may be found in Section H. A copy of the Labor-Management Cooperation Act of 1978, included in the application kit, should be reviewed in conjunction with this solicitation.

#### B. Program Description

##### Objectives

The Labor-Management Cooperation Act of 1978 identifies the following seven general areas for which financial assistance would be appropriate:

- (1) To improve communication between representatives of labor and management;
- (2) To provide workers and employers with opportunities to study and explore new and innovative joint approaches to achieving organizational effectiveness;
- (3) To assist workers and employers in solving problems of mutual concern not susceptible to resolution within the collective bargaining process;
- (4) To study and explore ways of eliminating potential problems which reduce the competitiveness and inhibit the economic development of the company/plant, area, or industry;
- (5) To enhance the involvement of workers in making decisions that affect their working lives;
- (6) To expand and improve working relationships between workers and managers; and
- (7) To encourage free collective bargaining by establishing continuing mechanisms for communication between employers and their employees through Federal assistance in the

formation and operation of labor-management committees.

The primary objective of this program is to encourage and support the establishment and operation of joint labor-management committees to carry out specific objectives that meet the forementioned general criteria. The term "labor" refers to employees represented by a labor organization and covered by a formal collective bargaining agreement. These committees may be found at either the plant (company), area, industry, or public sector levels. A plant or company committee is generally characterized as restricted to one or more organizational or productive units operated by a single employer. An area committee is generally composed of multiple employers of diverse industries as well as multiple labor unions operating within and focusing upon city, county, contiguous multicounty, or statewide jurisdictions. An industry committee generally consists of a collection of agencies or enterprises and related labor union(s) producing a common product or service in the private sector on a local, state, regional, or nationwide level. A public sector committee consists either of government employees and managers in one or more units of a local or state government, managers and employees of public institutions of higher education, or of employees and managers of public elementary and secondary schools. Those employees must be covered by a formal collective bargaining agreement or other enforceable labor-management agreement. In deciding whether an application is for an area or industry committee, consideration should be given to the above definitions as well as to the focus of the committee.

In FY 1998, competition will be open to company/plant, area, private industry, and public sector committees. Public Sector committees will be