

provided sufficient information upon which to base a response, or for other good cause.

II. Reduction and Waiver of Civil Penalties for Small Entities

1. DOE offices shall consider on a case-by-case basis whether to reduce or waive an initial assessment of a civil penalty against a small entity for violation of a statutory or regulatory requirement in accordance with the policies that follow.

2. A small entity that has been assessed a civil penalty by DOE shall not be eligible for a reduction or waiver of the penalty if any of the following apply:

(a) The violation involves willful or criminal conduct by the small entity;

(b) The small entity has not made a good faith effort to comply with the law; or

(c) The violation poses a serious threat to health, safety, or the environment.

3. Subject to the exclusions in paragraph 2, DOE offices may consider the following factors in deciding whether to reduce or waive a civil penalty against a small entity:

(a) The small entity's history of legal or regulatory violations;

(b) The degree of culpability of the small entity when it committed the violation;

(c) The extent to which the small entity cooperated during the investigation;

(d) The extent to which the small entity engaged in subsequent corrective actions to mitigate the effects of the violation and prevent future violations;

(e) The extent to which the small entity reasonably relied on misleading or erroneous advice given by a DOE employee;

(f) The ability of the small entity to pay the civil penalty, in whole or in part; and

(g) Any other relevant fact.

4. DOE offices should require a person requesting the reduction or waiver of a civil penalty under this policy to establish that it meets the definition of "small entity" set forth in Section III of this statement of policy.

5. This policy on reduction and waiver of civil penalties for small entities complements, and does not supersede, the general statement of enforcement policy in 10 CFR part 820, appendix A, which applies to enforcement of nuclear safety requirements.

6. The Department reserves the right to reduce or waive civil penalties in appropriate individual circumstances where it determines that a reduction or

waiver is permitted by law and warranted by the public interest.

III. Definition of "Small Entity"

For purposes of this policy, *small entity* means a "small business," "small organization," or "small governmental jurisdiction" as defined by the Regulatory Flexibility Act, 5 U.S.C. 601. The Regulatory Flexibility Act definitions are as follows:

(1) Small business has the same meaning as the term "small business concern" under section 3 of the Small Business Act, unless (DOE), after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of (DOE) and publishes such definition(s) in the **Federal Register**;

(2) Small organization means any not-for-profit enterprise which is independently owned and operated and is not dominant in its field, unless (DOE) establishes, after opportunity for public comment, one or more definitions of such term which are appropriate to the activities of (DOE) and publishes such definition(s) in the **Federal Register**; and

(3) Small governmental jurisdiction means governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand, unless (DOE) establishes, after opportunity for public comment, one or more definitions of such term which are appropriate to the activities of (DOE) and which are based on such factors as location in rural or sparsely populated areas or limited revenues due to the population of such jurisdiction, and publishes such definition(s) in the **Federal Register**.

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DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98-530-000]

Equitrans, L.P.; Notice of Request Under Blanket Authorization

May 15, 1998.

Take notice that on May 8, 1998, Equitrans, L.P. (Equitrans), 3500 Park Lane, Pittsburgh, PA 15275, filed in Docket No. CP98-530-000, a request, pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act

(18 CFR 157.205 and 157.211), for authorization to install a tap, metering, electronic flow measurement, and appurtenant facilities for the delivery of transportation gas to AFG Industries, Inc. (AFG) in Flemington District, Taylor County, West Virginia, under Equitrans' blanket certificate authorization issued in Docket No. CP83-508-000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Specifically, Equitrans seeks authorization to install a tap connection on its existing pipeline, Number GST-902. Equitrans relates that it will have a ten year firm transportation agreement with AFG. Equitrans states that the annual delivered volumes will be approximately 1,642,000 Dth, with a peak day volume of 5,000 Dth and a daily contractual obligation of 4,300 Dth. Equitrans asserts that all volumes delivered to AFG will be within contractually permissible levels.

Equitrans states that this change is not prohibited by an existing tariff and that it has sufficient capacity to accomplish the deliveries specified without detriment or disadvantage to its other customers. Equitrans estimates the cost to construct the facilities at approximately \$127,200, a portion of which will be reimbursed by AFG to Equitrans. Equitrans has sent a copy of this request to the West Virginia Public Service Commission.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

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