

final rulemaking or included in the Administrative Record.

#### Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.s.t. on January 21, 1998. The location and time of the hearing will be arranged will be arranged with those persons requesting the hearing. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. If no one requests an opportunity to speak at the public hearing the hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

#### Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be posted at the location listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

### IV. Procedural Determinations

#### Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

#### Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed

by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

#### National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

#### Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

#### Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

#### Unfunded Mandates

OSM has determined and certifies pursuant to the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100

million or more in any given year on local, state, or tribal governments or private entities.

#### List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 29, 1997.

**Brent Wahlquist,**

*Regional Director, Mid-Continent Regional Coordinating Center.*

[FR Doc. 98-177 Filed 1-05-97; 8:45 am]

BILLING CODE 4310-05-M

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[IN76-1; FRL-5945-9]

#### Approval and Promulgation of Implementation Plan; Indiana

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) proposes to approve Indiana's request to grant an exemption for the northwest Indiana (Lake and Porter Counties) severe ozone nonattainment area from the otherwise applicable Oxides of Nitrogen (NO<sub>x</sub>) transportation conformity requirements. On May 24, 1996, the Indiana Department of Environmental Management (IDEM) submitted to the EPA a State Implementation Plan (SIP) revision request for an exemption under section 182(b)(1) of the Clean Air Act (Act) from the transportation conformity requirements for NO<sub>x</sub> for the northwest Indiana (Lake and Porter Counties) severe ozone nonattainment area. On November 26, 1996, IDEM submitted additional materials, including Public Hearing documentation to complete the submittal. The request is based on the urban airshed modeling (UAM) conducted for the attainment demonstration for the Lake Michigan Ozone Study (LMOS) modeling domain. The rationale for this proposed approval is set forth below; additional information is available at the address indicated below.

**DATES:** Written comments on this proposed action must be received by February 5, 1998.

**ADDRESSES:** Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Copies of the SIP revision and supporting documentation,

are available for inspection at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Patricia Morris at (312) 353-8656 before visiting the Region 5 Office.)

**FOR FURTHER INFORMATION CONTACT:** Patricia A. Morris, Regulation Development Section (AR-18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone Number (312) 353-6680.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Clean Air Act section 176(c)(3)(A)(iii) requires, in order to demonstrate conformity with the applicable SIP, that transportation plans and Transportation Improvement Programs (TIPs) contribute to emissions reductions in ozone and carbon monoxide nonattainment areas that do not have motor vehicle emissions budgets. This requirement is implemented in 40 CFR § 93.119, which establishes the so-called "build/no-build test." This test requires a demonstration that the "Action" scenario (representing the implementation of the proposed transportation plan/TIP) will result in lower motor vehicle emissions than the "Baseline" scenario (representing the implementation of the current transportation plan/TIP). In addition, the "Action" scenario must result in emissions lower than 1990 levels.

The November 24, 1993 transportation conformity rule<sup>1</sup> and the August 15, 1997, final transportation conformity rule amendments: Flexibility and Streamlining,<sup>2</sup> do not require the build/no-build test and less-than-1990 test for NO<sub>x</sub> as an ozone precursor in ozone nonattainment areas, where the Administrator determines that additional reductions of NO<sub>x</sub> would not contribute to attainment of the National Ambient Air Quality Standard (NAAQS) for ozone.

Clean Air Act section 176(c)(3)(A)(iii), which is the conformity provision requiring contributions to emission reductions before SIPs with emissions

budgets have been submitted, specifically references Clean Air Act section 182(b)(1). That section requires submission of State plans that, among other things, provide for specific annual reductions of volatile organic compounds (VOCs) and NO<sub>x</sub> emissions "as necessary" to attain the ozone standard by the applicable attainment date. Section 182(b)(1) further states that its requirements do not apply in the case of NO<sub>x</sub> for those ozone nonattainment areas for which EPA determines that additional reductions of NO<sub>x</sub> would not contribute to ozone attainment.

For ozone nonattainment areas, the process for submitting waiver requests and the criteria used to evaluate them are explained in the December 1993 EPA document "Guidelines for Determining the Applicability of Nitrogen Oxides Requirements Under Section 182(f)," and the May 27, 1994, and February 8, 1995, memoranda from John S. Seitz, Director of the Office of Air Quality Planning and Standards, to Regional Air Division Directors, titled "Section 182(f) NO<sub>x</sub> Exemptions—Revised Process and Criteria."

On July 13, 1994, the States of Illinois, Indiana, Michigan, and Wisconsin (the States) submitted to the EPA a petition for an exemption from the requirements of section 182(f) of the Clean Air Act (Act). The States, acting through the Lake Michigan Air Directors Consortium (LADCo), petitioned for an exemption from the Reasonably Available Control Technology (RACT) and New Source Review (NSR) requirements for major stationary sources of NO<sub>x</sub>. The petition also asked for an exemption from the transportation and general conformity requirements for NO<sub>x</sub> in all ozone nonattainment areas in the Region.

On March 6, 1995, the EPA published a rulemaking proposing approval of the NO<sub>x</sub> exemption petition for the RACT, NSR and transportation and general conformity requirements. A number of comments were received on the proposal. Several commenters argued that NO<sub>x</sub> exemptions are provided for in two separate parts of the Act, in sections 182(b)(1) and 182(f), but that the Act's transportation conformity provisions in section 176(c)(3) explicitly reference section 182(b)(1). In April 1995, the EPA entered into an agreement to change the procedural mechanism through which a NO<sub>x</sub> exemption from transportation conformity would be granted (*EDF et al. v. EPA*, No. 94-1044, U.S. Court of Appeals, D.C. Circuit). As a result, instead of a petition under 182(f), transportation conformity NO<sub>x</sub> exemptions for ozone nonattainment areas that are subject to section 182(b)(1)

are to be submitted as a SIP revision request. The northwest Indiana (Lake and Porter Counties) ozone nonattainment area is classified as severe (part of the Chicago severe nonattainment area) and, thus, is subject to section 182(b)(1). The EPA approved the NO<sub>x</sub> exemption for the States of Illinois, Indiana, Wisconsin and Michigan for RACT, NSR and general conformity on January 26, 1996, (61 FR 2428).

The transportation conformity requirements are found at sections 176(c)(2), (3), and (4) of the Act. The conformity requirements apply on an area-wide basis in all nonattainment and maintenance areas. The EPA's transportation conformity rule was amended on August 29, 1995 (60 FR 44762) to reference section 182(b)(1) rather than 182(f) as the means for exempting areas subject to section 182(b)(1) from the transportation conformity NO<sub>x</sub> requirements.

The May 24, 1996, SIP revision request from Indiana was submitted to meet the requirements of 182(b)(1). A public hearing on this SIP revision request was held on June 11, 1996.

In evaluating the 182(b) SIP revision request, the EPA considered whether additional NO<sub>x</sub> reductions would contribute to attainment of the standard in the Lake and Porter Counties ozone nonattainment area and also in the downwind areas of the LMOS modeling domain.

The role that NO<sub>x</sub> emissions play in producing ozone at any given place and time is complex. In the presence of sunlight, nitrogen dioxide (NO<sub>2</sub>) photodissociates into nitrogen oxide (NO) and a single oxygen atom. The oxygen atom reacts with molecular oxygen (O<sub>2</sub>) to form ozone (O<sub>3</sub>). NO, on the other hand, near its source area readily reacts with ozone to form O<sub>2</sub> and NO<sub>2</sub>. The generated NO<sub>2</sub> is then free to photodissociate and lead to ozone formation further downwind. The reaction of NO with ozone, which locally reduces ozone concentrations, is referred to as ozone scavenging and is one of the primary local sinks for ozone in the lower atmosphere in and near NO source areas. Since emissions of NO<sub>x</sub> from fuel combustion sources, whether internal combustion engines or stationary combustion sources, such as industrial boilers, contain significant amounts of NO, it is expected that ozone concentrations immediately downwind of such NO<sub>x</sub> sources will be reduced through ozone scavenging. Therefore, reducing NO<sub>x</sub> emissions can lead to increased ozone concentrations in the vicinity of the controlled NO<sub>x</sub> emission sources, whereas reducing NO<sub>x</sub>

<sup>1</sup> "Criteria and Procedures for Determining Conformity to State or Federal Implementation Plans of Transportation Plans, Programs, and Projects Funded or Approved under Title 23 U.S.C. of the Federal Transit Act," November 24, 1993 (58 FR 62188).

<sup>2</sup> "Transportation Conformity Rule Amendments: Flexibility and Streamlining: Final Rule" August 15, 1997 (62 FR 43780).

emissions may lead to reduction in ozone concentrations further downwind. Reducing NO<sub>x</sub> emissions in VOC-limited areas (areas with low VOC emissions relative to NO<sub>x</sub> emissions) may produce minimal ozone reductions or even ozone increases.

As outlined in relevant EPA guidance, the use of photochemical grid modeling is the recommended approach for testing the contribution of NO<sub>x</sub> emission reductions to attainment of the ozone standard. This approach simulates conditions over the modeling domain that may be expected at the attainment deadline for three emission reduction scenarios: (1) Substantial VOC reductions, (2) substantial NO<sub>x</sub> reductions, and (3) both VOC and NO<sub>x</sub> reductions. If the area wide predicted maximum one-hour ozone concentration for each day modeled under scenario (1) is less than or equal to those from scenarios (2) and (3) for the corresponding days, the test is passed and the section 182(f) NO<sub>x</sub> emissions reduction requirements would not apply.

In making this determination under section 182(b)(1) that the NO<sub>x</sub> requirements do not apply, or may be limited in the Lake Michigan area, the EPA has considered the national study of ozone precursors completed pursuant to section 185B of the Act. The EPA has based its decision on the demonstration and the supporting information provided in the SIP revision request.

## II. Summary of Submittal

On May 24, 1996, the State of Indiana submitted as a revision to the SIP, a request for a waiver from the transportation conformity NO<sub>x</sub> requirements for northwest Indiana (Lake and Porter Counties). The submittal included the LMOS UAM modeling for the attainment demonstration for 3 ozone episodes during 1991. The modeling supported the request by documenting that NO<sub>x</sub> reductions in the LMOS modeling domain would not contribute to attainment and, in fact, would be detrimental to the goal of reaching attainment. The IDEM held a public hearing on the submittal on June 11, 1996.

Pursuant to 40 CFR Part 93, Subpart A, 40 CFR Part 51, Subpart T, the SIP revision request seeks an exemption from the transportation conformity requirements for NO<sub>x</sub> in the northwest Indiana (Lake and Porter Counties) severe ozone nonattainment area. The States have utilized the UAM to demonstrate that reductions in NO<sub>x</sub> in the LMOS modeling domain will not contribute to attainment of the ozone

standard. To conduct the modeling analysis, the following steps were followed: (a) emissions were projected to 1996 (the deadline for implementation of the 15 percent reasonable further progress reduction) and 2007 (the attainment deadline for the severe nonattainment areas) from the 1990 base year, (b) it was assumed that a 40 percent VOC emission reduction beyond that achieved as a result of emission controls mandated by the Act would be necessary to attain the ozone standard in the LMOS modeling domain, (c) a 40 percent NO<sub>x</sub> emission reduction in grid B (that portion of the LMOS modeling domain that is essentially composed of the ozone nonattainment areas within the modeling domain) beyond the projected emission levels was assumed for all anthropogenic NO<sub>x</sub> emissions, (d) a 40 percent VOC emission reduction and a 40 percent NO<sub>x</sub> reduction in grid B beyond projected emission levels were assumed for all anthropogenic VOC and NO<sub>x</sub> emissions and (e) the ozone modeling results for (b), (c), and (d) were compared considering the modeled domain-wide peak ozone concentrations and temporal and spatial extent of modeled ozone concentrations above 120 parts per billion (ppb).

For all modeled days using 1996 and 2007 conditions, domain-wide peak ozone concentrations for "VOC-only" controls were found to be lower than or equal to those for "NO<sub>x</sub>-only" controls or those for "VOC plus NO<sub>x</sub>" controls. In addition, consideration of daily peak ozone isopleth maps (these maps are included in the documentation of the section 182(b) SIP revision request) shows that the "VOC-only" control scenario leads to the smallest areas with predicted peak ozone concentrations exceeding 120 ppb.

Additional sensitivity tests were conducted for a 40 percent NO<sub>x</sub> emission reduction that was applied only to point sources in Grid B for episode 2 and 1996 conditions for both an assumed NO<sub>x</sub> reduction alone and a 40 percent reduction in both VOCs and NO<sub>x</sub>. These sensitivity tests compared to the scenarios with across the board anthropogenic NO<sub>x</sub> reductions demonstrated that control of ground level NO<sub>x</sub> sources (such as transportation sources) did not contribute to attainment of the standard and in fact increased the domain wide peak ozone concentrations exceeding 120 ppb and the number of hours that exceeded 120 ppb. This result was more pronounced than with the point source only NO<sub>x</sub> control.

## III. Analysis of the Submittal

Review of the modeling results shows a very definite directional signal indicating that application of NO<sub>x</sub> controls in the northwest Indiana (Lake and Porter Counties) severe ozone nonattainment area would exacerbate peak ozone concentrations in the LMOS modeling domain. The LMOS modeling domain includes Chicago, Northwest Indiana, Western Michigan and Eastern Wisconsin. The States and LADCo have completed the validation process for the UAM modeling system used in the demonstration of attainment for the LMOS modeling domain and EPA has approved the validation. Documentation of the modeling validation is included in the SIP revision request materials.

Although ozone concentrations modeled further downwind from the urban source areas increase as a result of increased NO<sub>x</sub> point source emissions, this is not the case with the ground level NO<sub>x</sub> sources. Modeling results with low level NO<sub>x</sub> source reductions are included in the documentation and show a disbenefit when NO<sub>x</sub> emissions are reduced. LADCo and the States view the potential increase in outflow ozone concentrations with increasing NO<sub>x</sub> point source emissions to be marginal. More importantly, the SIP revision request demonstrates that additional reductions in NO<sub>x</sub> would not contribute to attainment of the ozone standard in the LMOS domain. These results are believed to be consistent with EPA's section 185B report to Congress. Therefore, based on the report's conformance with EPA guidance, the EPA believes the State of Indiana's demonstration is adequate, and thus is proposing to approve the transportation conformity waiver request. It is noted by LADCo, however, that subsequent modeling analyses may lead to an ozone attainment plan which includes, for specified portions of the LMOS domain only, both NO<sub>x</sub> and VOC emission controls. Indiana and the other LADCO states have indicated their intent to review the need for NO<sub>x</sub> reduction in the nonattainment area.

Monitoring data, such as concentrations of non-methane hydrocarbons and NO<sub>x</sub> and derived/monitored ozone production potentials of air parcels, collected for the urban source areas during the 1991 field study, generally support the approval of the NO<sub>x</sub> waiver. However, the primary basis for approval of the NO<sub>x</sub> waiver is the modeling results submitted in support of the waiver. The 1991 field data by themselves do not provide adequate support for the waiver, since these data

are limited in nature and do not assess the impacts of post-1991 NO<sub>x</sub> controls on LMOS modeling domain peak ozone concentrations.

VOC and NO<sub>x</sub> emission reductions were found to produce different impacts spatially. In and downwind of major urban areas, within the ozone nonattainment areas, VOC reductions were effective in lowering peak ozone concentrations, while NO<sub>x</sub> emission reductions resulted in increased peak ozone concentrations. Farther downwind, within attainment areas, VOC emissions reductions became less effective for reducing ozone concentrations, while NO<sub>x</sub> emission reductions were effective in lowering ozone concentrations. The magnitude of ozone decreases farther downwind due to NO<sub>x</sub> emission reductions was less than the magnitude of ozone increases in the ozone nonattainment areas as a result of the same NO<sub>x</sub> emission reductions.

Analyses of ambient data by LMOS contractors provided results which corroborated the modeling results. These analyses identified areas of VOC NO<sub>x</sub> limited conditions (VOC-limited conditions would imply a greater sensitivity of ozone concentrations to changes to VOC emissions; the reverse would be true for NO<sub>x</sub> limited conditions) and tracked the ozone and ozone precursor concentrations in the urban plumes as they moved downwind. The analyses indicated VOC-limited conditions in the Chicago/Northwest Indiana and Milwaukee areas and NO<sub>x</sub>-limited conditions further downwind. These results imply that VOC controls in the Chicago/Northwest Indiana, Milwaukee, and Western Michigan areas would be more effective at reducing peak ozone concentrations within the Lake Michigan ozone nonattainment areas.

The consistency between the modeling results and the ambient data analysis results for all episodes with joint data supports the view that the UAM modeling system developed in the LMOS may be used to investigate the relative merits of VOC versus NO<sub>x</sub> emission controls. The UAM-V results for all modeled episodes point to the benefits of VOC controls versus NO<sub>x</sub> controls in reducing the modeled domain peak ozone concentrations.

For a more detailed analysis of the modeling analysis results, please see the August 22, 1994 memorandum entitled "Technical Review of a Four State Request for a Section 182(f) Exemption from Oxides of Nitrogen (NO<sub>x</sub>) Reasonably Available Control Technology (RACT) and New Source

Review (NSR) Requirements", which is contained in the docket for this action.

The EPA believes LADCo's UAM application has adequately met the requirement to demonstrate that NO<sub>x</sub> controls within the Northwest Indiana (Lake and Porter Counties) severe ozone nonattainment area and through out the LMOS domain will not contribute, but instead will interfere with attainment of the ozone standard. The modeling demonstration has been used to support the approval of a NO<sub>x</sub> exemption for the States of Illinois, Indiana, Wisconsin and Michigan for Ract, NSR and general conformity (see 61 FR 5291). The modeling has also been used to support transportation conformity NO<sub>x</sub> waivers under 182(b) for the Chicago ozone nonattainment area in Illinois (see 61 FR 5291), and, Muskegon County in Michigan (see 62 FR 50512).

In considering the importance of the Ozone Transport Assessment Group (OTAG) process and attainment plan modeling efforts, the results of OTAG technical work are now available. The EPA published on November 7, 1997, a notice of proposed rulemaking which proposes to set State wide NO<sub>x</sub> budgets for 22 states including the State of Indiana. The proposed rulemaking would require appropriate States (including Indiana) to submit SIP measures to ensure emissions reductions of NO<sub>x</sub> needed to prevent significant transport of ozone. The States have the flexibility to determine which sources are the most appropriate from which to require reductions of NO<sub>x</sub>. The EPA, however, has based the proposed NO<sub>x</sub> budgets primarily on reductions from stationary sources such as utilities and industrial boilers. The EPA explains in the notice of proposed rulemaking the basis for the proposal and rationale.

#### IV. EPA Action

The EPA is proposing approval of the transportation conformity NO<sub>x</sub> waiver SIP revision for the State of Indiana.

The EPA reserves the right to require NO<sub>x</sub> emission controls for transportation sources under section 110(a)(2)(D) of the Act if future ozone modeling demonstrates that such controls are needed to achieve the ozone standard in downwind areas.

#### V. Administrative Requirements

##### A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

#### B. Regulatory Flexibility

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.

SIP approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. EPA.*, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2).

#### C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with 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. This Federal action approves pre-existing requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Ozone, Oxides of Nitrogen, Transportation conformity, Transportation-air quality planning, Volatile organic compounds.

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

Dated: December 19, 1997.

**David A. Ullrich,**

*Acting Regional Administrator.*

[FR Doc. 98-241 Filed 1-5-98; 8:45 am]

BILLING CODE 6560-50-P