

governments in the aggregate; or to private sector, of \$100 million or more. Under Section 205, USEPA 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 USEPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

USEPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. 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 to the private sector, result from this action.

G. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, OMB must approve all "collections of information" by EPA. The Act defines "collection of information" as a requirement for "answers to * * * identical reporting or recordkeeping requirements imposed on ten or more persons * * *" 44 U.S.C. 3502(3)(A). Because this rulemaking action only applies to one company, the Paperwork Reduction Act does not apply.

H. National Technology Transfer and Advancement Act of 1995 (NTTAA)

Section 12(d) of NTTAA, Pub. L. 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary standards. This rulemaking action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

I. Submission to Congress and the Comptroller General

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. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this rulemaking action under section 801 because this is a rule of particular applicability.

J. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 15, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and record keeping requirements.

Dated: April 9, 1999.

Carol M. Browner,
Administrator.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart O—Illinois

3. Section 52.726 is amended by adding paragraph (t) to read as follows:

§ 52.726 Control strategy: Ozone.

* * * * *

(t) The Illinois volatile organic compound (VOC) rules that apply to the Stepan Company Millsdale Plant for volatile organic liquid storage (35 Ill. Admin. Code Part 218, Subpart B), batch processing (35 Ill. Admin. Code Parts 218 and 219, Subpart V) and continuous

reactor and distillation processes (35 Ill. Admin. Code Part 218, Subpart Q) were approved by the United States Environmental Protection Agency (USEPA) on August 8, 1996, April 2, 1996, and June 17, 1997, respectively. Because these rules have been approved into the State Implementation Plan and represent reasonably available control technology for VOC, USEPA revokes the June 29, 1990 Federal Implementation Plan as it applies to Stepan and replaces it with Illinois' volatile organic liquid storage, batch process, and continuous reactor and distillation process rules.

[FR Doc. 99-9466 Filed 4-15-99; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 114-4085; FRL-6325-5]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of Revision to the 1990 Baseyear Inventory for Rockwell Heavy Vehicles, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve a revision to the Commonwealth of Pennsylvania State Implementation Plan (SIP) submitted by the Pennsylvania Department of Environmental Protection (PADEP) on April 8, 1998. This revision consists of including the carbon monoxide (CO), volatile organic compounds (VOC) and nitrogen oxides (NO_x) emissions from Rockwell Heavy Vehicles, Inc., New Castle Forge Plant, in Lawrence County (Rockwell) in the point source portion of Pennsylvania's 1990 baseyear emission inventory. The intended effect of this action is to grant approval of the revision to the 1990 baseyear inventory and in so doing to render Rockwell's emissions eligible for consideration as emission reduction credits (ERCs) in accordance with the Pennsylvania SIP.

DATES: This direct final rule is effective on June 15, 1999, without further notice, unless EPA receives adverse comments by May 17, 1999. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental

Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Pennsylvania Department of Environmental Protection, Bureau of Air Quality, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Janice M. Lewis, (215) 814-2185, at the EPA Region III address above, or via e-mail at lewis.janice@epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the EPA Region III address above.

SUPPLEMENTARY INFORMATION:

I. Background

On April 8, 1998, PADEP formally submitted an amendment to its 1990 baseyear emission inventory as a SIP revision. The revision was made to include the CO, VOC and NO_x emitted by Rockwell as part of the point source portion of 1990 baseyear inventory. Previously this source's emissions were included as part of the area source portion of the 1990 baseyear inventory because it is a minor source.

II. Summary of the SIP Revision

Rockwell was a paint coater of motor vehicle parts and was considered an existing minor source for SIP planning purposes. The entire plant shut down on May 31, 1993. Because it was a minor source, Rockwell's 1990 emissions were included in the area source portion of the Pennsylvania 1990 baseyear emission inventory. On April 8, 1998, Pennsylvania requested a SIP revision to transfer Rockwell's 1990 emissions of CO, VOC and NO_x from the area source portion of the SIP-approved 1990 baseyear inventory to the point source portion of that inventory. In so doing PADEP listed Rockwell (by name) as a point source, specified its emissions of CO, VOC and NO_x, and rendered those emissions eligible for consideration as ERCs in accordance with the relevant requirements of the Pennsylvania SIP's new source review permitting program.

This SIP revision is the mechanism chosen by PADEP for EPA to recognize Rockwell's specifically quantified 1990 emissions so they meet the eligibility

criteria to be used as ERCs. Under the SIP-approved new source review regulation, emission reductions to be used as ERCs for purposes of satisfying emission offset requirements must be surplus, permanent, quantifiable and both state and federally enforceable. To satisfy these requirements, EPA is approving Pennsylvania's request to include Rockwell and its emissions of CO, VOC and NO_x in the point source portion of the SIP-approved 1990 baseyear inventory. EPA is also recognizing these emissions of CO, VOC and NO_x as eligible for consideration as ERCs.

The CO, VOC and NO_x emissions reductions were generated by the shutdown of the natural gas units and the spray booth at the Rockwell Heavy Vehicles, Inc. The plant wide emissions for 1990 for Rockwell Heavy Vehicles, Inc. were 8.3 tons per year (TPY) of CO, 13.4 TPY of VOC and 64.2 TPY of NO_x. Pennsylvania is requesting that these emissions be included for Rockwell in the point source portion of the SIP-approved 1990 baseyear inventory. The Pennsylvania banking rules (Chapter 127.206 and 127.207) permit the banking of emission reductions as ERCs provided that these reductions meet certain criteria, including being quantifiable, permanent, surplus and enforceable. Approval of this SIP revision for Rockwell renders the emission reductions generated by the shutdown of the facility eligible as ERCs under the Pennsylvania SIP. Additional details of the determination may be found in PADEP's submittal and the technical support document (TSD) prepared to support this rulemaking. Copies of these materials are available, upon request, from the EPA Regional office listed in the ADDRESSES section of this document.

EPA is approving the revision to the SIP-approved 1990 baseyear emission inventory to include Rockwell Heavy Vehicle, Inc. as a point source and is recognizing its emissions of CO, VOC and NO_x generated by the 1993 shutdown of the facility as being eligible for consideration as ERCs under the Pennsylvania SIP.

EPA is publishing this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This SIP revision will be effective June 15, 1999, without further notice unless the Agency receives adverse comments by

May 17, 1999. If EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the action did not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Parties interested in commenting on this action should do so at this time.

III. Final Action

EPA is approving the revision to the SIP-approved 1990 baseyear emission inventory to include Rockwell Heavy Vehicle, Inc. as a point source, submitted by the Commonwealth of Pennsylvania on April 8, 1998. In so doing EPA is recognizing the emission reductions of CO, NO_x and VOCs generated by the 1993 shutdown of the facility as eligible ERCs under the Pennsylvania SIP.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under E.O. 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If EPA complies by consulting, E.O. requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) is "economically significant," as defined under E.O. 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This final rule is not subject to E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any

rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because conditional approvals of SIP submittals 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, I certify 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 Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

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 regulation that includes a Federal mandate that may result in estimated annual 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 has determined that the approval action proposed does not include a federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

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. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability that affects only the Rockwell Heavy Vehicles, Inc., New Castle Forge Plant located in Lawrence County, Pennsylvania.

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to approve the 1990 baseyear emission inventory for Rockwell Heavy Vehicle, Inc. submitted by DEP must be filed in the United States Court of Appeals for the appropriate circuit by June 15, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to approve the 1990 base year emission inventory for Rockwell Heavy Vehicle, Inc. may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Ozone.

Dated: April 5, 1999.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart NN—Pennsylvania

2. Section 52.2036 is amended by adding paragraph (k) to read as follows:

§ 52.2036 1990 Baseyear emission inventory .

* * * * *

(k) Rockwell Heavy Vehicle, Inc., New Castle Forge Plant, Lawrence County—On April 8, 1998 the Pennsylvania Department of Environmental Protection requested that EPA include the CO, VOC and NO_x emissions from this facility in the 1990 base year emission inventory. The CO, VOC and NO_x emissions from the natural gas units and the spray booth of this facility are hereby approved as part of the 1990 point source inventory. The 1990 CO, VOC and NO_x emissions from the natural gas units are 8.3 TPY, 1.2 TPY and 64.2 TPY, respectively. The 1990 VOC emissions from the spray booth is 12.1 TPY.

[FR Doc. 99-9464 Filed 4-15-99; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[PA129-4083a; FRL-6323-6]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC RACT Determinations for Individual Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Pennsylvania state implementation plan (SIP). The revisions impose reasonably available control technology (RACT) to reduce volatile organic compounds (VOC) emissions from six (6) major sources located in Pennsylvania. EPA is approving these revisions to establish RACT requirements in accordance with the Clean Air Act.

DATES: This rule is effective on June 15, 1999 without further notice, unless EPA receives adverse written comment by May 17, 1999. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the

Federal Register and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Kathleen Henry, Air Protection Division, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Linda Miller, (215) 814-2068, at the EPA Region III office or via e-mail at miller.linda@epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION:**I. Background**

On December 8, 1995, October 18, 1996, July 24, 1998 and October 2, 1998, the Pennsylvania Department of Environmental Protection (PADEP) submitted formal revisions to its state implementation plan (SIP). Each submittal consisted of source-specific operating permits imposing RACT on individual sources. Each source covered by this rulemaking will be specifically identified and discussed below. Any additional operating permits for other individual sources submitted coincidentally with those being addressed in this document will be addressed in a separate rulemaking action.

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and nitrogen oxides (NO_x) sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA.

The entire State of Pennsylvania is located in the OTR. The Pennsylvania portion of the Philadelphia ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as moderate or marginal nonattainment areas, were previously classified as marginal but are now areas where the one-hour ozone standard no longer applies, or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements (including RACT as specified in sections 182(b)(2) and 182(f)) apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The Pennsylvania submittals that are the subject of this document are meant to satisfy the RACT requirements to reduce VOC emissions from six (6) sources in Pennsylvania.

II. Summary of SIP Revision

The details of the RACT requirements imposed in each of the source-specific operating permits can be found in the state submittals and in the accompanying technical support document (TSD) prepared by EPA to support of this rulemaking action. Copies of the TSD are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. Briefly, EPA is approving revisions to the Pennsylvania SIP pertaining to the determination of RACT for six (6) major sources of VOC. Several of the operating permits contain conditions irrelevant to the determination and imposition of RACT. Consequently, those provisions of the operating permits were not considered part of PADEP's SIP revision request to approve RACT for these six (6) sources.

The following table identifies the individual operating permits EPA is approving. The specific emission limitations and other RACT requirements for these sources are summarized in the accompanying TSD prepared by EPA to support this rulemaking. As previously stated copies of the TSD are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document.