

owns or controls ten percent or more of the voting stock, or an equivalent interest in an unincorporated business enterprise.) Key changes proposed by BEA for the BE-15 survey will raise the exemption level for the survey to \$30 million on the BE-15(SF) short form, up from \$10 million (measured by the company's total assets, sales, or net income or loss), and increasing the exemption level at which the long form will be required to \$100 million, up from \$50 million. Both changes reduce respondent burden for smaller companies. In addition, BEA proposes several other changes that do not require a rule change. The revised forms will base industry coding on the North American Industry Classification System (NAICS) in place of the U.S. Standard Industrial Classification system, and will modify the detail collected on the composition of external financing of the reporting enterprise, on research and development expenditures, and on the operations of foreign-owned businesses in individual States.

A copy of the proposed survey forms may be obtained from: Chief, Direct Investment in the United States Branch, International Investment Division, BE-49, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, DC 20230; phone (202) 606-5577.

#### Executive Order 12612

These proposed rules do not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under E.O. 12612.

#### Executive Order 12866

These proposed rules have been determined to be not significant for purposes of E.O. 12866.

#### Paperwork Reduction Act

These proposed rules contain a collection of information requirement subject to the Paperwork Reduction Act. The collection of information requirement contained in the proposed rule has been submitted to the Office of Management and Budget for review under section 3507 of the Paperwork Reduction Act.

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection displays a currently valid Office of Management and Budget Control Number. Such a Control Number (0608-0034) has been displayed.

Public reporting burden for this collection of information is estimated to vary from 2 to 550 hours per response, with an average of 26 hours per response. This includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the agency, including whether the information will have practical utility; (b) the accuracy of the burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Comments should be addressed to: Director, Bureau of Economic Analysis (BE-1), U.S. Department of Commerce, Washington, DC 20230; and to the Office of Management and Budget, O.I.R.A., Paperwork Reduction Project 0608-0034, Washington, DC 20503.

#### Regulatory Flexibility Act

The Assistant General Counsel for Legislation and Regulation, Department of Commerce, has certified to the Chief Counsel for Advocacy, Small Business Administration, under provisions of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this proposed rulemaking, if adopted, will not have a significant economic impact on a substantial number of small entities. Most small businesses are not foreign owned, and many that are will not be required to report in the survey because their assets, sales, and net income are each below the exemption level at which reporting is required. In addition, the proposed rule changes increase the exemption level at which reporting will be required, thereby eliminating the reporting requirement for a number of companies. In addition, the exemption level at which the long form version of the survey is required is being raised from \$50 million to \$100 million, thus minimizing the reporting requirements for many companies who previously filed the long form. These provisions are intended to reduce the reporting burden on smaller companies.

#### List of Subjects in 15 CFR Part 806

Economic statistics, Foreign investment in the United States,

Reporting and recordkeeping requirements.

**J. Steven Landefeld,**

*Director, Bureau of Economic Analysis.*

For the reasons set forth in the preamble, BEA proposes to amend 15 CFR part 806 as follows:

#### PART 806—DIRECT INVESTMENT SURVEYS

1. The authority citation for 15 CFR part 806 continues to read as follows:

**Authority:** 5 U.S.C. 301, 22 U.S.C. 3101-3108, and E.O. 11961 (3 CFR, 1977 Comp., p. 86), as amended by E.O. 12013 (3 CFR, 1977 Comp., p. 147), E.O. 12318 (3 CFR, 1981 Comp., p. 173), and E.O. 12518 (3 CFR, 1985 Comp., p. 348).

#### § 806.15 [Amended]

2. Section 806.15(i) is amended as follows:

The exemption level of \$10,000,000 in the first sentence is revised to read "\$30,000,000"; in the second sentence, the long form exemption level of \$50,000,000 is revised to read "\$100,000,000"; and the short form exemption level "at least one of the three items exceeds \$10,000,000 but no one item exceeds \$50,000,000 (positive or negative)" is revised to read "at least one of the three items exceeds \$30,000,000 but no one item exceeds \$100,000,000 (positive or negative)." [FR Doc. 99-797 Filed 1-13-99; 8:45 am]

BILLING CODE 3510-06-M

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[LA-50-1-7401; FRL-6213-4]

#### Approval and Promulgation of Air Quality Implementation Plans; Louisiana: Revision to the State Implementation Plan (SIP) for the Ozone Maintenance Plan for St. James Parish

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The EPA is proposing to approve a revision to the Louisiana SIP for the St. James Parish ozone maintenance area, submitted by the State of Louisiana on April 23, 1998. The revision includes: an adjustment to the volatile organic compound (VOC) emission inventory for the 1990 base year of the approved maintenance plan, and changes to the approved contingency plan's triggers and control measures. This rulemaking action is

being taken under sections 110, 301 and part D of the Clean Air Act (the Act).

**DATES:** Comments must be received on or before February 16, 1999.

**ADDRESSES:** Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733. Louisiana Department of Environmental Quality, Office of Air Quality and Radiation Protection, H. B. Garlock Building, 7290 Bluebonnet Blvd., Baton Rouge, Louisiana, 70810.

**FOR FURTHER INFORMATION CONTACT:** Lt. Mick Cote, Air Planning Section (6PD-L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7219.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

The Clean Air Act as amended in 1977 required areas that were designated nonattainment based on a failure to meet the ozone National Ambient Air Quality Standard (NAAQS) to develop SIPs with sufficient control measures to expeditiously attain and maintain the standard. St. James Parish was designated under section 107 of the 1977 Clean Air Act as nonattainment with respect to the ozone NAAQS on September 11, 1978 (40 CFR 81.319). As required by part D and section 110 of the 1977 Clean Air Act, the State of Louisiana submitted an ozone SIP. The EPA fully approved this ozone SIP on October 29, 1981 (46 FR 53412). Further, the EPA approved a revision to this ozone SIP on May 5, 1994 (59 FR 23164).

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted (Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q). The ozone nonattainment designation for this parish continued by operation of law according to section 107(d)(1)(C)(i) of the Act, as amended in 1990 (See 56 FR 56694, November 6, 1991). Since the State had not yet collected the required three years of ambient air quality data necessary to petition for redesignation to attainment, this area was designated as unclassifiable-incomplete data for

ozone. The Louisiana Department of Environmental Quality (LDEQ) then collected more than 3 years of ambient monitoring data that showed no violations of the one-hour ozone NAAQS of .12 parts per million. A violation of the ozone standard occurs if data show four or more exceedances during a consecutive 3-year period. Accordingly, on May 25, 1993, Louisiana requested the redesignation of St. James Parish to attainment with respect to the ozone NAAQS. This request was accompanied by an ozone maintenance SIP. Certain approvability issues were raised, and the State submitted a revised redesignation request and maintenance plan on December 15, 1994.

Region 6 evaluated the December 1994 submittal, and published its direct final approval rule in the **Federal Register** on September 12, 1995 (60 FR 47280). No adverse comments were received on the direct final, and the attainment designation and maintenance plan approval for St. James Parish were effective on November 13, 1995. For detailed information concerning the ozone redesignation and SIP approval process and the applicable Federal guidance, please review the September 12, 1995, direct final **Federal Register** rule.

Our office received the Governor's submittal of the April 23, 1998, SIP revision for St. James Parish on April 30, 1998. The technical evaluation that follows includes a thorough review of the overwhelming transport demonstration, the emissions inventory revision, the revised growth projections, and the revised contingency measures. We have also reviewed LDEQ's approach to ensure that this action is consistent with actions taken elsewhere in the Nation.

##### **II. Analysis of the Current Contingency Plan**

The ozone monitor in St. James Parish recorded three exceedances of the one-hour ozone standard in 1995. The approved maintenance plan for St. James Parish included contingency measures to be adopted and implemented if future air quality conditions warranted such action. These future conditions were identified in the contingency plan as self-generated or transport ozone exceedances. To this end, the State intended to review any future ozone exceedance to determine whether the episode was due to local emissions or transport from an upwind source. If the ozone exceedance was a result of local conditions, then the contingency measure corresponding to that particular exceedance would be

triggered, and the State would begin the rulemaking process to adopt the triggered measure into the State's regulations.

The LDEQ discussed with us its belief that the three ozone exceedances recorded in 1995 were the result of transport from the Baton Rouge area. Given that St. James Parish did not violate the ozone standard in 1995, and that the intent of the contingency plan language was to ensure that the State had the opportunity to review the source of the ozone exceedances to determine whether a contingency measure was triggered, EPA agreed to provide LDEQ with the additional time necessary for completion of a transport demonstration. Further, it was EPA's position that, if the ozone exceedances were determined to be the result of transport and not self-generated, implementation of a local contingency measure would not contribute to local improvements.

On July 31, 1996, LDEQ submitted a trajectory analysis to EPA. This analysis was intended to demonstrate overwhelming transport from the Baton Rouge area as the cause of the three 1995 exceedances in St. James Parish. A September 5, 1996, letter from EPA to LDEQ raised questions about the demonstration, and suggested three options for the State to consider to meet its SIP obligation.

The LDEQ opted to use the EPA recommended Urban Airshed Model (UAM) to demonstrate overwhelming transport. In addition, the LDEQ revised its contingency plan for St. James Parish to make it consistent with contingency plans elsewhere in the State and the Nation.

##### **III. Analysis of State Submittal**

The revision to the ozone SIP for St. James Parish is comprised of the following elements: (1) A correction to the 1990 point source inventory and growth projections, (2) a change to the contingency plan triggering event from three exceedances of the one-hour ozone standard to a violation of the one-hour ozone standard (four exceedances in any consecutive three-year period), and (3) a clarification to the narrative portion of the contingency plan, which discusses the State's procedures for evaluation of whether a triggering event has occurred.

###### **A. 1990 Point Source Inventory**

The LDEQ compiled a comprehensive inventory of VOCs, oxides of nitrogen (NO<sub>x</sub>), and carbon monoxide (CO) to represent emissions from area, stationary, and mobile sources in St. James Parish. This inventory was included as part of the December 15,

1994, redesignation request from the State, and was approved by EPA on September 12, 1995 (60 FR 47280). The LDEQ later discovered a reporting error which resulted in a 1,052 ton per year overestimation of the VOC emissions generated in St. James Parish. A facility named LAJET had ceased operations prior to 1990, but its VOC emissions were inadvertently left on the State's emission data base. The EPA regional office has researched both the State's data base and EPA's Aerometric

Information Retrieval System, and has confirmed that the facility did cease operations prior to 1990. Both databases have been adjusted to correct this error.

The LDEQ has corrected the 1990 base year source and emissions inventory, and submitted it to EPA as a revision to the ozone SIP for St. James Parish. The revision also includes new growth projections for each category of source (point, area, mobile) and pollutant (VOCs, NO<sub>x</sub>, CO) through 2005.

The EPA agrees with the contents of the revised 1990 base year inventory, and the projections through 2005 still demonstrate maintenance of the one-hour ozone standard. The State followed EPA guidance in projecting growth, and its methodology for growth factor selection is acceptable. For these reasons, EPA proposes to approve the revised 1990 base year inventory and projections for St. James Parish as listed below.

#### REVISED POINT SOURCE EMISSIONS

Company	SIC code	CO TPY	NO <sub>x</sub> TPY	VOC TPY
St. James Sugar Cooperative .....	2061	78	57	78
Colonial Sugar .....	2062	12	76	6
Occidental Chemical .....	2812	4	96	2
Kaiser Aluminum & Chemical Co .....	2819	98	11,105	35
Chevron Chemical Co .....	2865	63	518	68
Laroche Chemicals .....	2869	0	0	27
Faustina .....	2873	274	767	143
Agrico—Uncle Sam Faustina .....	2874	2	18	1
Star Enterprise .....	2911	321	1,566	1,662
Calcliner Industries .....	2999	0	305	0
Agrico Faustina .....	4911	1	7	0
Transcontinental Gas Pipeline .....	4922	18	142	6
Agrico—Uncle Sam .....	4961	0	20	1
Totals .....	.....	871	14,677	2,029

#### REVISED POINT SOURCE PROJECTED EMISSIONS REPORTED IN TONS PER YEAR

SIC code	CO TPY	NO <sub>x</sub> TPY	VOC TPY	1990–1995 growth factor	Growth projections for 1995			1995–2000 growth factor	Growth projections for 2000			2000–2005 growth factors	Growth Projections for 2005		
					CO	NO <sub>x</sub>	VOC		CO	NO <sub>x</sub>	VOC		CO	NO <sub>x</sub>	VOC
20 .....	90	133	84	.96	86	128	81	.97	83	124	77	.96	80	119	74
28 .....	441	12,504	276	.99	437	12,379	273	1.00	437	12,379	273	.99	433	12,255	270
29 .....	321	1,871	1,662	1.00	321	1,871	1,662	1.01	324	1,890	1,679	.98	318	1,852	1,645
4919 .....	19	169	7	1.06	20	179	7	1.06	21	190	7	1.03	22	196	7
Total .....	871	14,677	2,029	.....	864	14,557	2,023	.....	865	14,583	2,036	.....	853	14,422	1,996

#### REVISED EMISSION BUDGET FOR ST. JAMES PARISH IN TONS PER YEAR

	1990	1995	2000	2005
Point Source CO .....	871	864	865	853
Point Source NO <sub>x</sub> .....	14,677	14,557	14,583	14,422
Point Source VOC .....	2,029	2,023	2,036	1,996
Area Source CO .....	93	93	95	95
Area Source NO <sub>x</sub> .....	36	36	37	37
Area Source VOC .....	435	436	444	445
Mobile Source Nonroad CO .....	2,386	2,393	2,438	2,442
Mobile Source Nonroad NO <sub>x</sub> .....	1,397	1,401	1,427	1,430
Mobile Source Nonroad VOC .....	551	552	563	564
Mobile Source CO .....	6,315	5,048	4,064	3,582
Mobile Source NO <sub>x</sub> .....	1,250	1,117	1,026	989
Mobile Source VOC .....	763	576	515	493
Total CO .....	9,665	8,398	7,462	6,972
Total NO <sub>x</sub> .....	17,360	17,111	17,073	16,878
Total VOC .....	3,778	3,587	3,558	3,498

### *B. St. James Parish Ozone Contingency Plan*

Section 175A of the Act requires that an ozone maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the one-hour ozone standard that occurs after redesignation of the area to attainment. The existing contingency plan for St. James Parish includes measures to be adopted prior to a recorded violation of the one-hour ozone standard. This more stringent approach identified VOC offsets and applicable reasonably available control technology (RACT) regulations to be adopted, based on two and three recorded ozone exceedances, respectively.

The approved contingency plan requires a review of the exceedance to determine whether the cause is due to local emissions or emissions transported from other areas. It was our interpretation that if the source of the exceedance was transport, no contingency measure would need to be implemented. If the source of the exceedances was determined to be local, then appropriate measures were identified for implementation.

The LDEQ submitted UAM results as part of its April 23, 1998, SIP revision. This UAM demonstration was developed in accordance with the EPA's *Guideline For Regulatory Application of The Urban Airshed Model* (July 1991), and the September 1, 1994, general transport guidance document entitled *Ozone Attainment Dates for Areas Affected by Overwhelming Transport*. This guidance identified modeling criteria for demonstrations from downwind areas where ozone transport makes it practically impossible for the area to attain the standard by its own attainment date.

The UAM demonstration submitted to EPA as part of the April 23, 1998, SIP revision indicates that ozone formed in the Baton Rouge nonattainment area in 1995 and was transported to St. James Parish, causing separate exceedances of the ozone standard. The EPA has evaluated this UAM demonstration and agrees that overwhelming transport from the Baton Rouge area was responsible for the three ozone exceedances recorded in St. James Parish in 1995. Further, a determination of transport for these 1995 ozone exceedances relieves LDEQ from any requirement to implement VOC offsets or any additional RACT in St. James Parish, since the source of the exceedances was not located within the parish. Please see the technical support document available from the EPA Regional Office

listed above for a detailed evaluation of the UAM demonstration.

The LDEQ has revised its existing contingency plan to base the triggering event on a localized violation of the one-hour ozone standard (four exceedances in a consecutive three-year period). Additionally, the revised contingency plan identifies a menu of one or more contingency measures to be adopted if a future violation is recorded and determined to be due to local conditions. The menu includes:

1. Limiting VOC emissions from filling of gasoline storage vessels;
2. Limiting VOC emissions from graphic arts for rotogravure and flexographic processes;
3. Limiting VOC emissions for Synthetic Organic Chemical Manufacturing Industry reactor processes and distillation operations;
4. Limiting VOC emissions from batch processing;
5. Limiting VOC emission from cleanup solvent processing;
6. Limiting VOC emissions from industrial wastewater; and/or,
7. Implementing a 1.1 to 1 offset ratio for permits.

If it is determined, within 120 days after the recorded violation, that the recorded violation is not due to transport from an upwind area, the Secretary of LDEQ then has six months to select an appropriate measure, and an additional 20 months for implementation of that contingency measure to be completed. The selected contingency measure, therefore, will be implemented within 30 months of the recorded violation.

These contingency measures and the schedule for implementation satisfy the requirements of section 175A(d) of the Act, and EPA is today proposing approval of the revised contingency plan for St. James Parish.

### *C. One Hour Ozone Standard Revocation*

On July 18, 1997, EPA finalized a revision to the NAAQS for ozone which changed the standard from 0.12 parts per million (ppm) averaged over one hour, to 0.08 ppm, averaged over eight hours. The EPA revoked the one hour standard based on an area's attainment of the one hour ozone standard. The revocation of the one hour standard was based on quality assured air monitoring data for the years 1994–1996.

On July 16, 1997, President Clinton issued a directive to Administrator Browner on implementation of the new ozone standard, as well as the current one hour ozone standard (62 FR 38421). In that directive the President laid out a plan for how the new ozone and

particulate matter standards, as well as the current one hour standard, are to be implemented. A December 29, 1997, memorandum entitled "Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM10 NAAQS," signed by Richard D. Wilson, EPA's Acting Assistant Administrator for Air and Radiation, reflected that directive. The purpose of the guidance reflected in the memorandum is to ensure that the momentum gained by States to attain the one hour ozone NAAQS was not lost when moving toward implementing the eight hour ozone NAAQS.

The guidance document explains that maintenance plans will remain in effect for areas where the one hour standard is revoked; however, those maintenance plans may be revised to withdraw certain contingency measure provisions that have not been triggered or implemented prior to EPA's determination of attainment and revocation. Where the contingency measure is linked to the one hour ozone standard or air quality ozone concentrations, the measures may be removed from the maintenance plan. Measures linked to non-air quality elements, such as emissions increases or vehicle miles traveled, may be removed if the State demonstrates that removing the measure will not affect an area's ability to attain the eight hour ozone standard.

After the one hour standard is revoked for an area, EPA believes it is permissible to withdraw contingency measures designed to correct exceedances or violations of that standard. Since such measures were designed to address future violations of a standard that no longer exists, it is no longer necessary to retain them. Furthermore, EPA believes that future attainment and maintenance planning efforts should be directed toward attaining the eight hour ozone NAAQS. As part of the implementation of the eight hour ozone standard, the State's ozone air quality will be evaluated and eight hour attainment and nonattainment designations will be made.

The final revocation action was published on June 5, 1998 (63 FR 31013). St. James Parish was included as an area whose air quality data qualified it for having the one-hour ozone standard revoked, and as such the State now has the option to withdraw any non-triggered contingency measure from the SIP. If EPA approves the UAM demonstration and the revision to the SIP, the State could withdraw any or all non-triggered contingency measures. However, the State has decided to go further than required and continue to

include contingency measures in the revised maintenance plan for St. James Parish.

#### *D. Proposed Rulemaking Action*

The EPA has reviewed the SIP submittal for consistency with the Act, applicable EPA regulations and EPA policy, and is proposing to approve this April 23, 1998, UAM demonstration and SIP submittal to revise the ozone maintenance plan for St. James Parish under sections 110(k)(3), 301(a), and part D of the Act.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

### **IV. Administrative Requirements**

#### *A. Executive Order 12866*

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866, entitled "Regulatory Planning and Review."

#### *B. Executive Order 12875*

Under Executive Order 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, or EPA consults with those governments. If EPA consults with those governments, Executive Order 12875 requires that EPA provide to OMB 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 any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires that EPA 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 Executive Order 12875 do not apply to this rule.

#### *C. Executive Order 13045*

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have 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 rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

#### *D. Executive Order 13084*

Under Executive Order 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to OMB, 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 officials 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. The rule does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

#### *E. Regulatory Flexibility Act*

The Regulatory Flexibility Act, 5 U.S.C. 600 *et. seq.*, 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 proposed rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Act 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 this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 256-66 (1976); 42 U.S.C. 7410(a)(2).

#### *F. Unfunded Mandates*

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany 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. 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.

The EPA has determined that the proposed action does not include a Federal mandate that may result in estimated 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 preexisting 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.

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

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: December 18, 1998.

**Jerry Clifford,**

*Acting Regional Administrator, Region 6.*

[FR Doc. 99-664 Filed 1-13-99; 8:45 am]

BILLING CODE 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Parts 60, 61, 63, and 65**

[AD-FRL-6218-3]

RIN 2060-AG28

**Consolidated Federal Air Rule for the Synthetic Organic Chemical Manufacturing Industry—Reopening of Public Comment Period**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; Reopening of public comment period.

**SUMMARY:** The EPA is reopening the public comment period on the Notice of Proposed Rulemaking (NPRM) for the consolidated Federal Air Rule for the Synthetic Organic Chemical Manufacturing Industry, which was published in the **Federal Register** on October 28, 1998 (63 FR 57748). The purpose of this document is to reopen the public comment period from January 11, 1999, to February 10, 1999, in order to provide commenters adequate time to review the NPRM.

**DATES:** The EPA will accept written comments on the NPRM until February 10, 1999.

**ADDRESSES:** Comments on the NPRM should be submitted (in duplicate) to: Air and Radiation Docket and Information Center (MC-6102), Attention, Docket No. A-96-01, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460. The EPA requests that a separate copy also be sent to the contact person listed below (Mr. Rick Colyer). The docket may be inspected at the above address between 8:00 a.m. and 5:30 p.m. on weekdays. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** For information concerning the NPRM, contact Mr. Rick Colyer, Emission Standards Division (MD-13), U.S.

Environmental Protection Agency, Research Triangle Park, N.C., 27711, telephone number (919) 541-5262, fax number (919) 541-0942, or e-mail: colyer.rick@epa.gov.

Dated: January 4, 1999.

**Robert Perciasepe,**

*Assistant Administrator, OAR.*

[FR Doc. 99-775 Filed 1-13-99; 8:45 am]

BILLING CODE: 6560-50-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 745**

[OPPTS-62156F; FRL-6056-1]

RIN 2070-AC63

**Lead: Identification of Dangerous Levels of Lead; Reopening of Comment Period**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** EPA is reopening the comment period on a proposed rule that would provide guidelines for managing lead in paint, dust, and soil in residences and child-occupied facilities. EPA has received additional comments from various parties involved with environmental justice issues regarding extension of the comment period. In order to ensure that all parties, including those that may lack access to the various publications in which EPA has publicized the issuance of the proposal, have sufficient opportunity to submit their comments, the Agency will continue to accept comments until March 1, 1999.

**DATES:** The comment period is reopened and comments are due on or before March 1, 1999.

**ADDRESSES:** Each written comment must bear the docket control number OPPTS-62156F. All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. G-099, East Tower, Washington, DC 20460.

Written comments and data may also be submitted electronically to: oppt.ncic@epa.gov. Follow the instructions in Unit II. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

All written comments which contain information claimed as CBI must be clearly marked as such. Three copies, sanitized of any comments containing

information claimed as CBI, must also be submitted and will be placed in the public record for this rulemaking. Persons submitting information, any portion of which they believe is entitled to treatment as CBI by EPA, must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

**FOR FURTHER INFORMATION CONTACT:**

*General information:* National Lead Information Center's Clearinghouse, 1-800-424-LEAD (5323).

*Technical and policy questions:*

Jonathan Jacobson, Office of Pollution Prevention and Toxics (7404), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 260-3779; e-mail address: jacobson.jonathan@epa.gov.

**SUPPLEMENTARY INFORMATION:****I. Background**

In the **Federal Register** of June 3, 1998 (63 FR 30302) (FRL-5791-9), EPA published a proposed rule under Title IV of the Toxic Substances Control Act (TSCA). Section 403 of TSCA (15 U.S.C. 2683) directs EPA to promulgate regulations identifying lead-based paint hazards, lead-contaminated dust, and lead-contaminated soil. Section 402 of TSCA (15 U.S.C. 2682) directs EPA to promulgate regulations governing lead-based paint activities. Section 404 of TSCA (15 U.S.C. 2684) requires that any State that seeks to administer and enforce the requirements established by the Agency under section 402 of TSCA must submit to the Administrator a request for authorization of such a program.

On October 1 and November 5, 1998, EPA announced in the **Federal Register** extensions to the comment period for this proposed rule (63 FR 52662 (FRL-6037-7) and 63 FR 59754 (FRL-6044-9), respectively). The last extension gave the public until December 31, 1998, to submit comments. EPA has decided to reopen the comment period as discussed in the "SUMMARY" of this document. Comments that were submitted between December 31, 1998 (the closing date of the previous comment period) and January 14, 1999, need not be resubmitted. The Agency will accept any comments submitted on or before March 1, 1999. The Agency is not likely to extend the comment period beyond that date.