

marked with such identification is registered.

(d) *Acceptable locations of notice.* The following are acceptable means of affixing and placement of a design notice:

(1) In close proximity to the hull identification number required by 33 CFR 181.23;

(2) In close proximity to the driver's console such that it is in plain view from the console;

(3) If the vessel is twenty feet in length or less and is governed by 33 CFR 183.21, in close proximity to the capacity marking; and

(4) In close proximity to the make and/or model designation of the vessel.

§ 212.5 Recordation of distinctive identification of vessel hull designer

(a) *General.* Any owner of a vessel hull may record a distinctive identification with the Register of Copyrights for purposes of using such distinctive identification in a design protection notice required by 17 U.S.C. 1306. A distinctive identification of an owner may not be used in a design notice before it has first been recorded with the Register.

(b) *Forms.* The Copyright Office does not provide forms for the use of persons recording distinctive identifications of ownership of a vessel hull. However, persons recording distinctive identifications are encouraged to use the suggested format available on the Copyright Office website (<http://www.loc.gov/copyright/vessels>).

(c) *Recording distinctive identifications.* Any distinctive identification of an owner of a vessel hull may be recorded with the Register of Copyrights provided that a document containing the following is submitted:

(1) The name and address of the owner;

(2) A statement of the owner that he/she is entitled to use the distinctive identification;

(3) A statement or depiction of the identification; and

(4) A recordation fee of \$50.

(d) The document should be mailed to: Dept. D-VH, Vessel Hull Registration, P.O. Box 71380, Washington, DC 20024-1380.

§ 212.6 Recordation of transfers and other documents

The conditions prescribed in § 201.4 of this chapter for recordation of transfers of copyright ownership and other documents pertaining to copyright are applicable to the recordation of documents pertaining to design

protection of vessel hulls under 17 U.S.C. chapter 13.

Dated: June 24, 1999.

Marybeth Peters,

Register of Copyrights.

James H. Billington,

Librarian of Congress.

[FR Doc. 99-16828 Filed 7-6-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 9 and 430

[FRL-6372-9]

RIN 2040-AD05

Amendment to the Effluent Limitations Guidelines and Standards for the Bleached Papergrade Kraft and Soda Subcategory of the Pulp, Paper, and Paperboard Point Source Category: Final Rule; OMB Approvals Under the Paperwork Reduction Act: Technical Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendments.

SUMMARY: This action promulgates an amendment to the effluent limitations guidelines and standards under the Clean Water Act for the pulp, paper and paperboard point source category. The amendment affects only existing direct discharging mills in the Bleached Papergrade Kraft and Soda Subcategory that choose to enroll in the Voluntary Advanced Technology Incentives Program (VATIP). EPA established the VATIP as part of the final Pulp and Paper "Cluster Rules" on April 15, 1998. Today's amendment adds a component to the VATIP. This amendment requires a plan (referred to as the "Milestones Plan") specifying research, construction, and other activities leading to achievement of the VATIP effluent limitations with accompanying dates for achieving these milestones. The purpose of the Milestones Plan is to provide the permitting authority with mill-specific information upon which to base permit requirements reflecting reasonable interim milestones. In compliance with the Paperwork Reduction Act (PRA), this action also makes a technical amendment to the table in Part 9 that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for Pulp, Paper, and

Paperboard Point Source Category. EPA is amending Part 9 to include the OMB control number for the Milestones Plan requirement being promulgated today and the OMB control number for the information collection requirements associated with the best management practices regulations promulgated last year as part of the Cluster Rules.

DATES: The effective date of these amendments is August 6, 1999. For compliance dates, see the **SUPPLEMENTARY INFORMATION** section under the heading "Compliance Dates."

ADDRESSES: The public record (excluding confidential business information) for this rulemaking is available for review at the EPA's Water Docket, 401 M Street, SW, Washington DC, 20460. For access to docket materials, call (202) 260-3027 between 9:00 a.m. and 3:30 p.m. for an appointment.

FOR FURTHER INFORMATION CONTACT: Mr. Mark A. Perez, Engineering and Analysis Division (4303), U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460; call (202) 260-2275 or e-mail: perez.mark@epa.gov. Information is also available from the EPA pulp and paper website: <http://www.epa.gov/OST/pulppaper>.

SUPPLEMENTARY INFORMATION:

Overview

This preamble describes the legal authority for the amendment to Part 430, background information on the VATIP, and the rationale for the Milestones Plan. It also discusses the technical amendment to Part 9.

Regulated Entities

Entities potentially regulated by the amendment to Part 430 are those existing, direct discharging mills that chemically pulp wood fiber using kraft or soda methods to produce bleached papergrade pulp and/or bleached paper or paperboard, if they choose to enroll in the VATIP. Entities affected by the technical amendment to Part 9 are those operations that chemically pulp wood fiber using kraft, sulfite, or soda methods to produce bleached papergrade pulp and/or bleached paper/paperboard, insofar as today's technical amendment means the mills in Subparts B and E are now required to comply with the information collection requirements contained in 40 CFR 430.03 (subject to the deadlines in 40 CFR 430.03(j)). Regulated categories and entities include:

Category	Rule	SIC code	NAICS code	Examples of regulated entities
Industry	Amendment to Part 430	2611, 2621	32211, 322121	Existing, direct discharging Bleached Papergrade Kraft and Soda mills that choose to enroll in the Voluntary Advanced Technology Incentives Program.
Industry	Amendment to Part 9	2611, 2621	32211, 322121	Mills that chemically pulp wood fiber using kraft, sulfite, or soda methods to produce bleached papergrade pulp and/or bleached paper/paperboard.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by today's actions. This table lists the types of entities that EPA is now aware could potentially be regulated by today's actions. Other types of entities not listed in the table could also be affected. To determine whether your facility is regulated by today's actions, you should carefully examine the applicability criteria in Section 430.20 of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of today's actions to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Judicial Review

In accordance with 40 CFR 23.2, today's rule shall be considered promulgated for the purposes of judicial review at 1 pm Eastern Time on July 21, 1999. Under section 509(b)(1) of the Clean Water Act (CWA), judicial review of today's amendment to the effluent limitations guidelines and standards already codified at 40 CFR Part 430 is available in the United States Court of Appeals by filing a petition for review within 120 days from the date of promulgation of this amendment. Under section 509(b)(2) of the CWA, the requirements in this regulation may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Compliance Dates

Existing, direct dischargers presently enrolled or intending to enroll in the Voluntary Advanced Technology Incentives Program must comply with the requirements of this amendment by October 5, 1999, or by the date the discharger applies for a National Pollutant Discharge Elimination System (NPDES) permit containing limitations and conditions based on 40 CFR 430.24(b), whichever is later.

I. Legal Authority

This regulation establishes requirements for submitting a Milestones Plan by existing, direct discharging mills that choose to enroll

in the Voluntary Advanced Technology Incentives Program (VATIP). This amendment to Part 430 is promulgated under the authority of Sections 301, 304, 308, 402, and 501 of the Clean Water Act, as amended, (33 U.S.C. 1311, 1314, 1318, 1342, and 1361), and Section 112 of Clean Air Act, as amended (42 U.S.C. 7412). The technical amendment to Part 9 is promulgated under the authority of 7 U.S.C 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. #973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

II. The Milestones Plan Amendment

A. Background on the Voluntary Advanced Technology Incentives Program

EPA promulgated effluent limitations guidelines and standards for the Bleached Papergrade Kraft and Soda (Subpart B) subcategory of the pulp, paper and paperboard point source category on April 15, 1998 (40 CFR Part 430). Those regulations are commonly referred to as the Cluster Rules. In Section 430.24 of the final rule, EPA created the Voluntary Advanced Technology Incentives Program (VATIP), whereby participating mills agree to accept enforceable effluent limitations and conditions in their National Pollutant Discharge Elimination System (NPDES) permits that are more stringent than the baseline Best Available Technology Economically Achievable (BAT) limitations that would otherwise apply, in exchange for regulatory and enforcement-related rewards and incentives.

The VATIP effluent limitations for existing, direct discharging mills are specified in 40 CFR 430.24(b). EPA established the VATIP for Subpart B to

encourage direct discharging mills to move beyond baseline BAT technologies toward the “mill of the future,” which EPA believes will have a minimum impact on the environment. The development of increasingly more advanced process technologies that minimize the discharge of wastewater and wastewater pollutants is a critical step toward the Clean Water Act's ultimate goal of eliminating the discharge of pollutants into the Nation's waters. Therefore, the VATIP promotes EPA's statutory goal and establishes limitations that act as a beacon to show what is possible. (EPA also established an incentives program for new direct discharging sources, see 40 CFR 430.25(c), but today's amendment does not apply to that program.)

Existing, direct discharging mills that enroll in the VATIP can choose among three different levels of ultimate performance requirements, expressed as Tier I, Tier II, or Tier III. Tier III is the most stringent of the tiers. Each BAT Tier is made up of an array of increasingly more stringent effluent limitations in the form of enforceable milestones. See, e.g., 40 CFR 430.24(b)(2). Each tier culminates in the ultimate performance requirements of that particular tier. See 40 CFR 430.24(b)(4)(i). EPA is providing incentives that include additional time for achieving those requirements. Mills enrolled at BAT Tier I have until April 15, 2004 to achieve their ultimate VATIP effluent limitations. For Tier II, the date is April 15, 2009, and for Tier III the date is April 15, 2014. See 40 CFR 430.24(b)(4)(ii). For further details on the incentives associated with this voluntary program, see Section IX of the preamble to the Cluster Rules (63 FR 18504, 18593–611 (April 15, 1998)) and The Voluntary Advanced Technology Incentives Program Technical Support Document (DCN 14488 in the rulemaking record).

In order to facilitate achievement of the ultimate VATIP limitations required by this program, today's rule requires all existing mills participating in the VATIP to submit a Milestones Plan to the NPDES permitting authority detailing, for each enrolled fiber line,

the strategy the mill will follow to develop and implement the technologies or processes it intends to use to achieve the VATIP limitations associated with the chosen incentive tier. EPA proposed this amendment at the same time it promulgated the Cluster Rules, including the VATIP. See 63 FR 18796 (April 15, 1998).

B. Rationale for the Milestones Plan

The Milestones Plan described in this amendment to 40 CFR 430.24 is intended to provide information to the permitting authority for its use in developing interim limitations and/or permit conditions under 40 CFR 430.24(b)(2). The purpose of those limitations and conditions, identified as Best Professional Judgment Milestones in the current regulation, is to ensure that existing mills enrolled in the VATIP will make reasonable progress toward the achievement of the interim and ultimate Voluntary Advanced Technology BAT limitations codified at 40 CFR 430.24(b)(3) and (4). The Milestones Plan required by today's rule is not itself enforceable, but rather serves as the basis for the Best Professional Judgment Milestones limitations and conditions, which are enforceable. EPA intends that an individualized Milestones Plan for each existing mill enrolled in the VATIP will provide sufficient flexibility to the mill and the permitting authority so that the Best Professional Judgment Milestones limitations and conditions in the NPDES permit can reflect the unique situation at that mill.

C. Description of the Milestones Plan

The Milestones Plan requirement is codified at 40 CFR 430.24(c). The Milestones Plan, which must address each fiber line enrolled in the VATIP, must describe each envisioned new technology component or process modification the mill intends to implement in order to achieve the applicable Voluntary Advanced Technology BAT limits. See 40 CFR 430.24(c)(1). In addition, the Milestones Plan must include a master schedule showing the sequence of implementing the new technologies and process modifications and identifying critical path relationships within the sequence. See 40 CFR 430.24(c)(2).

The Milestones Plan must include for each new technology or process modification, a schedule that identifies the anticipated initiation and completion dates of construction, installation and operational "shakedown" period associated with the technology components or process modifications and, when applicable, the

anticipated dates of initiation and completion of associated research, process development, and mill trials. EPA expects research, process development, and mill trials to be undertaken for those technologies or process modifications that are not commercially available or demonstrated on a full-scale basis at the time the plan is developed. The Milestones Plan must also include the anticipated dates that the technologies and processes identified in the Milestones Plan will be fully operational, including the appropriate anticipated magnitude of reductions in effluent quantity and anticipated improvements in effluent quality associated with each technology and process modification implemented as measured at the bleach plant (for bleach plant, pulping area and evaporator condensates flow and BAT parameters other than Adsorbable Organic Halides (AOX)) and at the end of the pipe (for AOX), and the dates the discharger expects those reductions and improvements to be achieved. See 40 CFR 430.24(c)(3). The anticipated reductions in effluent quantity and improvement in effluent quality described in the Milestones Plan will assist the permitting authority in establishing interim milestones.

The plan also must include contingency plans in the event that any of the technologies or processes specified in the Milestones Plan need to be adjusted or alternative approaches developed to ensure that the VATIP limitations are achieved by the dates specified in 40 CFR 430.24(b). See 40 CFR 430.24(c)(4). EPA believes that contingency planning is appropriate because mills may decide to employ innovative or untested technologies and processes to achieve the VATIP limitations, and EPA wants to ensure that achievement of those limitations will not be delayed in the event certain preliminary approaches prove to be unsuccessful. Indeed, the time periods specified for complying with the ultimate Tier II and Tier III VATIP limitations specifically took into account the uncertainties surrounding some of the associated technologies and processes. See 63 FR at 18605. The Milestones Plan must be signed by the responsible corporate officer as defined in 40 CFR 122.22. See 40 CFR 430.24(c)(5).

Mills at all Tier levels are encouraged to provide, as an appendix to the Milestones Plan, vendor documentation or preliminary studies. Mills enrolling in either Tier II or III levels are also encouraged to provide feasibility studies, research proposals and reports, and literature on minimum effluent

technology. Mills enrolling in the Tier III level are additionally encouraged to provide literature on closed cycle technology.

D. Permit Writers' Responsibilities

EPA expects the permitting authority to use the information contained in these Milestones Plans, as well as its own best professional judgment, to establish enforceable narrative or numeric limitations and/or special permit conditions that reflect these interim milestones. EPA also expects permit writers to include reopener clauses in the permits to adjust these limitations and conditions as appropriate to reflect the results of research, process development, mill trials, and contingencies the permit writer gathers during periodic review of the mill's progress in implementation of the Milestones Plan.

E. Changes Since Proposal

EPA received comments on the proposed Milestones Plan regulation indicating that a mill may wish to claim as Confidential Business Information (CBI) the technologies or processes by which it intends to achieve the interim and ultimate VATIP limitations. EPA agrees that this situation could occur. Therefore, although not required to do so, because Part 2 controls in any case, EPA is including language in the final rule in Section 430.24(c) specifically indicating that a mill can claim all or part of the Milestones Plan as confidential. To assert such claims, the discharger would need to follow procedures set forth in 40 CFR Part 2 and 40 CFR 122.7. Such claims would then be handled pursuant to 40 CFR Part 2 when EPA is the permitting authority and pursuant to applicable state rules and regulations governing CBI when states are the permitting authorities.

Today's final regulation also requires mills asserting a CBI claim to prepare a public summary of the confidential portion of the plan and to submit that summary to the permitting authority along with the Milestones Plan. This requirement would allow the public, on request, to obtain information about the mill's progress in achieving its VATIP limitations.

Today's final regulation also corrects an inadvertent omission that occurred in the proposal. In the preamble to the proposed rule, EPA described the proposed rule as including a requirement for mills to describe in the Milestones Plan the anticipated reductions in effluent quantity and improvements in effluent quality as measured at the bleach plant (for bleach

plant, pulping area and evaporator condensates flow and BAT parameters other than Adsorbable Organic Halides (AOX) and at the end of the pipe (for AOX). See 63 FR at 18798. EPA intended to include this provision in the proposed regulatory text as well as in the preamble, but did not do so. Today's final regulation incorporates this provision at Section 430.24(c)(3). In the final regulation, EPA is also clarifying that the requirement to include contingency plans in the Milestones Plan is a stand-alone requirement rather than simply a facet of the milestone schedules, as may have been implied by the proposal. This provision is now set forth at 40 CFR 430.24(c)(4). EPA is also making minor additional changes to enhance clarity. The burden estimates developed by EPA for these provisions under the Paperwork Reduction Act reflected the requirements as promulgated today rather than as set forth in the proposed regulatory text.

III. The Technical Amendments to Part 9

EPA is also amending the table of currently approved information collection request (ICR) control numbers issued by the Office of Management and Budget (OMB) for various regulations. Today's amendment updates the table to list the information requirements promulgated under today's Milestones Plan amendment, as well as the information requirements for direct and indirect dischargers associated with the best management practices (BMPs) promulgated as part of the Pulp and Paper Cluster Rules, which appeared in the **Federal Register** on April 15, 1998. See 63 FR 18504. The affected regulations are codified at 40 CFR 430.24(c) (the Milestones Plan) and 40 CFR 430.03 (BMPs). The OMB control number for 40 CFR 430.24 is 2040-0202 and 40 CFR 430.03 is 2040-0207.

EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR Part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists CFR citations with reporting and/or recordkeeping requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR Part 1320.

These ICRs were previously subject to public notice and comment prior to OMB approval. See 63 FR 71634 (Dec. 28, 1998) (BMPs); 63 FR 57294 (Oct. 27, 1998) (Milestones Plan). As a result,

EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

As a result of today's technical amendment pertaining to BMPs, EPA is now authorized under the Paperwork Reduction Act to conduct or sponsor the information collection requirements in 40 CFR 430.03. Similarly, all dischargers subject to those requirements now are required to comply with them, consistent with the deadlines set forth in 40 CFR 430.03(j). The substantive BMP provisions covered by the OMB control number are 40 CFR 430.03(c), (d), (e), (f), (g), (h), and (i).

IV. Administrative Requirements for the Amendment to Part 430

A. Executive Order 12866, Regulatory Planning and Review

Under Executive Order 12866, 58 FR 51735 (October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this rule is not a "significant regulatory action" and is therefore not subject to OMB review.

B. Regulatory Flexibility Act as Amended by the Small Business Regulatory Enforcement Fairness Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.* as amended by the Small Business Regulatory Enforcement Fairness Act, EPA

generally is required to prepare a regulatory flexibility analysis describing the impact of a regulatory action on small entities as part of the rulemaking. The RFA defines "small entity" to mean a small business, small organization or small governmental jurisdiction. Under section 605(b) of the RFA, if the Administrator certifies that the rule will not have a significant economic impact on a substantial number of small entities, EPA is not required to prepare a regulatory flexibility analysis.

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities because there are no small entities subject to the rule. At the time EPA published the Cluster Rule, EPA had determined that there were only three mills in Subpart B that were owned by small businesses (where small businesses are defined as firms employing no more than 750 workers) (63 FR 18504, 18611-12 (April 15, 1998)). EPA has since determined that there are no longer any small businesses in Subpart B because these mills are no longer owned by firms with fewer than 750 employees. The mills that were owned by small firms have been bought by larger firms or are owned by companies that have increased in size.

C. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements contained in this rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2040-0202.

These information collection activities consist of a Milestones Plan to be submitted by facilities that enroll in the Voluntary Advanced Technology Incentives Program (VATIP) to the NPDES permitting authority. This Milestones Plan specifies research, construction, and other activities leading to achievement of the VATIP effluent limitations with accompanying dates for achieving these milestones. The purpose of the Milestones Plan is to provide the permitting authority with mill-specific information upon which to base permit requirements reflecting reasonable interim milestones. A facility may submit their Milestones Plan to the NPDES permitting authority as confidential business information (CBI), however, the mill must prepare and submit to the NPDES permitting authority a summary of the plan for public release.

EPA estimates 56, 154, and 328 hours for the preparation and submittal of the

Milestones Plan for mills enrolling in Tier I, Tier II, and Tier III of the VATIP, respectively. The Agency anticipates 14 mills to enroll in Tier I, 13 mills to enroll in Tier II, and 2 mills to enroll in Tier III.

Estimating \$65 and \$100 per hour for process engineering time and senior management time, respectively (labor plus overhead), mills will incur a one-time cost burden of \$3,990 for enrollment in Tier I, \$11,120 for enrollment in Tier II, and \$23,840 for enrollment in Tier III. These estimates include vendor documentation or preliminary studies at all Tier levels and additional feasibility studies, research proposals and reports, and literature at Tier II and III levels.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes time needed to: review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information and disclosing and providing information; adjust the existing ways to comply with previously applicable instructions and requirements; train personnel to be able to respond to the collection of information; search data sources; complete and review the collection of information and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor a collection of information, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for PRA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. EPA is amending the table in 40 CFR Part 9 of currently approved ICR control numbers issued by OMB for various regulations to list the information requirements contained in this final rule.

D. Unfunded Mandates Reform Act (UMRA)

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million

or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA published a notice of proposed rulemaking for today's amendment at 63 FR 18796 (April 15, 1998). Today's rule contains no Federal mandates (under the provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector. The rule imposes no enforceable duty on any State, local or tribal governments or the private sector. The VATIP, which now requires the submission of a Milestones Plan, is a voluntary program. The UMRA excludes from the definition of "Federal private sector mandate" duties that arise from participation in a Federal voluntary program. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA. Further, EPA has determined that this rule does not affect any small governments. The rule contains no regulatory requirements that might significantly or uniquely affect small governments. Thus, this rule is not subject to the requirements of section 203 of UMRA.

E. Executive Order 12875, Enhancing the Intergovernmental Partnership

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 complies by consulting, Executive Order 12875 requires EPA to 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, any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 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 amendment to Part 430 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 Executive Order 12875 do not apply to this rule.

F. Executive Order 13084, Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute that significantly 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. Today's amendment to Part 430 does not create a mandate on tribal governments. It does not impose any enforceable duties or substantial direct compliance costs on them. Accordingly, the requirements of

Section 3(b) of Executive Order 13084 do not apply to this rule.

G. Executive Order 12898

Executive Order 12898 directs Federal agencies to "determine whether their programs, policies, and activities have disproportionately high adverse human health or environmental effects on minority populations and low-income populations." (Sec. 3-301 and Sec. 3-302). This rule will not have any adverse health or environmental effects on those populations.

H. Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule initiated after April 21, 1997, or proposed after April 21, 1998, that (1) is determined to be "economically significant" as defined under Executive Order 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 these 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.

Today's amendment to Part 430 is not subject to Executive Order 13045 because the Notice of Proposed Rulemaking was published before April 21, 1998, and because it is not an economically significant rule as defined under Executive Order 12866.

I. National Technology Transfer and Advancement Act

As noted in the proposed rule, Section 12(d) of the National Technology Transfer and Advancement Act ("NTTAA"), Public Law 104-113, 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 the Office of Management and Budget, an explanation when the Agency decides not to use available and potentially applicable voluntary consensus standards. This action does not involve technical standards. Therefore, EPA did

not consider the use of any voluntary consensus standards.

V. Administrative Requirements for the Technical Amendments to Part 9

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the technical amendment to Part 9 is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, the technical amendment does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). The technical amendment also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655 (May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This portion of today's rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it is not economically significant as defined under Executive Order 12866. Further, EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. Today's technical amendment is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. EPA's compliance with these statutes and Executive Orders for the underlying requirements is discussed above for the Milestones Plan and, for the BMP requirements in the **Federal Register** Final Rule publishing those requirements. See 63 FR at 18611-16 (April 15, 1998).

VI. Congressional Review Act

The Congressional Review Act, 5 U.S.C. Section 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. EPA will submit a report containing this rule and the technical amendments and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a major rule as defined by 5 U.S.C. Section 804(2). This rule will be effective August 6, 1999.

List of Subjects

40 CFR Part 9

Reporting and recordkeeping requirements.

40 CFR Part 430

Environmental protection, Pulp and paper products industry, Reporting and recordkeeping requirements, Water pollution control.

Dated: June 30, 1999.

Carol M. Browner,
Administrator.

For the reasons set forth in the preamble, title 40 chapter I of the Code of Federal Regulations, parts 9 and 430, are amended as follows:

PART 9—OMB APPROVALS UNDER THE PAPERWORK REDUCTION ACT

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

2. In § 9.1, the table is amended by adding entries in numerical order under the indicated heading "Pulp, Paper, and Paperboard Point Source Category" and by removing the entry for "430.24-430.27" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

40 CFR citation	OMB control No.
* * *	* *
Pulp, Paper, and Paperboard Point Source Category:	
* * *	* *
430.03	2040-0207

40 CFR citation	OMB control No.
* * *	* *
430.24(a)	2040-0033
430.24(b)	2040-0033
	2040-0202
430.24(c)	2040-0202
430.24(d)	2040-0033
430.24(e)	2040-0033
430.25-430.27	2040-0033
* * *	* *

PART 430—THE PULP, PAPER, AND PAPERBOARD POINT SOURCE CATEGORY

1. The authority citation for part 430 continues to read as follows:

Authority: Sections 301, 304, 306, 307, 308, 402, and 501 of the Clean Water Act, as amended, (33 U.S.C. 1311, 1314, 1316, 1317, 1318, 1342, and 1361), and Section 112 of Clean Air Act, as amended (42 U.S.C. 7412).

2. Section 430.24 is amended by revising paragraph (b)(2) and adding paragraph (c) to read as follows:

§ 430.24 Effluent limitations representing the degree of effluent reduction attainable by the application of best available technology economically achievable (BAT).

* * * * *

(b) * * *

(2) Best Professional Judgment Milestones: Narrative or numeric limitations and/or special permit conditions, as appropriate, established by the permitting authority on the basis of his or her best professional judgment that reflect reasonable interim milestones toward achievement of the effluent limitations specified in paragraphs (b)(3) and (b)(4) of this section, as applicable, after consideration of the Milestones Plan submitted by the discharger in accordance with paragraph (c) of this section.

* * * * *

(c) All dischargers enrolled or intending to enroll in the Voluntary Advanced Technology Incentives Program must submit to the NPDES permitting authority a Milestones Plan covering all fiber lines enrolled or intended to be enrolled in that program at their mill by October 5, 1999 or the date the discharger applies for an NPDES permit containing limitations and conditions based on paragraph (b) of this section, whichever is later. Mills may claim all or part of the Milestones Plan as confidential business information (CBI) in accordance with 40 CFR Part 2 and 40 CFR 122.7. If a mill claims all or part of the plan as CBI, the mill must prepare and submit to the

NPDES permitting authority a summary of the plan for public release. The Milestones Plan must include the following information:

(1) A description of each anticipated new technology component or process modification that the discharger intends to implement in order to achieve the limitations in paragraphs (b)(3) and (b)(4) of this section;

(2) A master schedule showing the sequence of implementing the new technology components or process modifications and identifying critical path relationships within the sequence;

(3) A schedule for each individual new technology component or process modification that includes:

(i) The anticipated initiation and completion dates of construction, installation and operational "shakedown" period associated with the technology components or process modifications and, when applicable, the anticipated dates of initiation and completion of associated research, process development, and mill trials;

(ii) The anticipated dates that the discharger expects the technologies and process modifications selected to achieve the limitations specified in paragraphs (b)(3) and (b)(4) of this section to be operational on a full-scale basis; and

(iii) The anticipated magnitude of reductions in effluent quantity and the anticipated improvements in effluent quality associated with each technology and process modification implemented as measured at the bleach plant (for bleach plant, pulping area and evaporator condensates flow and BAT parameters other than Adsorbable Organic Halides (AOX)) and at the end of the pipe (for AOX), and the dates the discharger expects those reductions and improvements to be achieved;

(4) Contingency plans in the event that any technology or process specified in the Milestones Plan need to be adjusted or alternative approaches developed to ensure that the limitations specified in paragraphs (b)(3) and (b)(4) of this section are met; and

(5) A signature by the responsible corporate officer as defined in 40 CFR 122.22.

* * * * *

[FR Doc. 99-17207 Filed 7-6-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX-92-1-7368; FRL-6342-9]

Approval and Promulgation of Air Quality Implementation Plans; Texas; Revised Format for Materials Being Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: The EPA is revising the format of 40 Code of Federal Regulations (CFR) part 52 for materials submitted by Texas that are incorporated by reference (IBR) into the State Implementation Plans (SIPs). The regulations affected by this format change have all been previously submitted by the respective State agency and approved by EPA. This format revision will primarily affect the "Identification of plan" of 40 CFR 52.2270, as well as the format of the SIP materials that will be available for public inspection at the EPA Region 6 office, the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, DC., and the Office of the Federal Register. The sections of 40 CFR 52.2270 pertaining to provisions promulgated by EPA or State-submitted materials not subject to IBR review and 40 CFR 52.2271 through 52.2309 remain unchanged. The EPA has determined that good cause exists for issuing this rule without public comment.

EFFECTIVE DATE: This action is effective July 7, 1999.

ADDRESSES: The SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733; Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, SW, Room M1500, Washington, DC 20460; and Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Scoggins, Air Planning Section (6PD-L) at the above Region 6 address or at (214) 665-7354.

SUPPLEMENTARY INFORMATION:

Background

Each State is required by section 110(a)(1) of the Clean Air Act (Act), to have a SIP that contains the control