

liquidating corporations. If the distributing corporation makes a distribution of property in complete liquidation under section 332 to a foreign distributee corporation that meets the stock ownership requirements of section 332(b) with respect to the stock of the distributing corporation, then the distributing corporation shall complete a Form 926 and attach a signed copy of such form to its U.S. income tax return for the year of the distribution. The property description contained in Part III of the Form 926 shall contain a description of all property distributed by the liquidating corporation (regardless of whether the property qualifies for nonrecognition). The description shall also identify the property excepted from gain recognition under § 1.367(e)-2(b)(2)(ii) and (iii). If the distributing corporation distributes property that will be used by the foreign distributee corporation in a U.S. trade or business and the distributing corporation does not recognize gain on such distribution under § 1.367(e)-2(b)(2)(i), then the distributing corporation may satisfy the requirements of this section by completing Part 1 of the Form 926, noting thereon that the information required by the Form 926 is contained in the statement required by § 1.367(e)-2(b)(2)(i)(C)(2), and attaching a signed copy of the Form 926 to its U.S. income tax return for the year of the distribution.

* * * * *

(g) *Effective dates.* This section applies to transfers occurring on or after July 20, 1998, except paragraph (e) of this section, which applies to transfers that are subject to §§ 1.367(e)-1(f) and 1.367(e)-2(e). See § 1.6038B-1T for transfers occurring prior to July 20, 1998— See also § 1.6038B-1T(e) in effect prior to August 9, 1999, (as contained in 26 CFR part 1 revised April 1, 1999) for transfers described in section 367(e) that are not subject to §§ 1.367(e)-1(f) and 1.367(e)-2(e).

Par. 5. Section 1.6038B-1T is amended by revising the section heading, revising paragraph (e) and revising the first sentence of paragraph (g), to read as follows.

§ 1.6038B-1T Reporting of certain transactions to foreign corporations (temporary).

* * * * *

(e) [Reserved] For further guidance, see § 1.6038B-1(e).

* * * * *

(g) *Effective date.* This section applies to transfers occurring after December 31, 1984. * * *

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

Par. 6. The authority citation for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

Par. 7. In § 602.101, paragraph (b) is amended in the table by removing the entries for 1.367(e)-1T and 1.367(e)-2T, revising the entry for 1.6038B-1, and adding entries in numerical order to read as follows:

§ 602.101 OMB Control numbers.

* * * * *				
(b) * * *				
CFR part or section where identified and described				Current OMB Control No.
* * * * *				
1.367(e)-1			1545-1487
1.367(e)-2			1545-1487
* * * * *				
1.6038B-1			1545-1487
				1545-1615
* * * * *				

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

Approved: July 29, 1999.

Donald C. Lubick,

Assistant Secretary of the Treasury.

[FR Doc. 99-20092 Filed 8-6-99; 8:45 am]

BILLING CODE 4830-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[RI-38-6985a; A-1-FRL-6411-3]

Approval and Promulgation of Air Quality Implementation Plans; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference for Rhode Island

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: EPA is revising the format of 40 CFR part 52 for materials submitted by Rhode Island that are incorporated by reference (IBR) into its respective State implementation plan (SIP). The regulations affected by this format change have all been previously submitted by the respective State agency and approved by EPA.

EFFECTIVE DATE: This action is effective August 9, 1999.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations: Environmental Protection Agency, Region 1, One Congress Street, Boston, MA 02203; 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, D.C. **FOR FURTHER INFORMATION CONTACT:** Mr. Donald O. Cooke, Environmental Scientist, at the above Region 1 address or at (617) 918-1668.

SUPPLEMENTARY INFORMATION: This format revision will primarily affect the "Identification of plan" sections of 40 CFR part 52, as well as the format of the SIP materials that will be available for public inspection at the Office of the Federal Register (OFR), the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, D.C., and the Regional Office. The sections of 40 CFR part 52 pertaining to provisions promulgated by EPA or State-submitted materials not subject to IBR review remain unchanged.

Background

Each State is required to have a SIP which contains the control measures and strategies which will be used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as emission inventories, monitoring network, attainment demonstrations, and enforcement mechanisms. The control measures and strategies must be formally adopted by each State after the public has had an opportunity to comment on them. They are then submitted to EPA as SIP revisions on which EPA must formally act.

Once these control measures are approved by EPA after notice and comment, they are incorporated into the SIP and are identified in part 52 (Approval and Promulgation of Implementation Plans), Title 40 of the Code of Federal Regulations (40 CFR part 52). The actual State Regulations which are approved by EPA are not reproduced in their entirety in 40 CFR part 52, but are "incorporated by reference," which means that the citation of a given State regulation with a specific effective date has been approved by EPA. This format allows both EPA and the public to know which measures are contained in a given SIP and insures that the State is enforcing the regulations. It also allows EPA and

the public to take enforcement action, should a State not enforce its SIP-approved regulations.

The SIP is a living document which can be revised by the State as necessary to address the unique air pollution problems in the State. Therefore, EPA from time to time must take action on SIP revisions which may contain new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and OFR. EPA began the process of developing (1) a revised SIP document for each State that would be incorporated by reference under the provisions of 1 CFR part 51; (2) a revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR, and (3) a revised format of the "Identification of plan" sections for each applicable subpart to reflect these revised IBR procedures. The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

Content of Revised IBR Document

The new SIP compilations contain the Federally-approved portion of regulations and source specific permits submitted by each State agency. These regulations and source specific permits have all been approved by EPA through previous rule making actions in the **Federal Register**. The compilations are stored in 3-ring binders and will be updated, primarily on an annual basis.

Each compilation contains two parts. Part 1 contains the regulations and part 2 contains the source specific permits that have been approved as part of the SIP. Each part has a table of contents identifying each regulation or each source specific permit. The table of contents in the compilation corresponds to the table of contents published in 40 CFR part 52 for these States. The Regional EPA Offices have the primary responsibility for ensuring accuracy and updating the compilations. The Region 1 EPA Office developed and will maintain the compilations for Rhode Island. A copy of the full text of each State's current compilation will also be maintained at the Office of the Federal Register and EPA's Air Docket and Information Center.

EPA is continuing, with this document, the phasing in of SIP compilations for individual States. This revised format is consistent with the SIP compilation requirements of section 110(h)(1) of the Clean Air Act.

Revised Format of the "Identification of Plan" Sections in Each Subpart

In order to better serve the public, EPA is revising the organization of the "Identification of plan" section and including additional information which will make it clearer as to what provisions constitute the enforceable elements of the SIP.

The revised Identification of plan section will contain five subsections: (a) Purpose and scope, (b) Incorporation by reference, (c) EPA approved regulations, (d) EPA approved source specific permits, and (e) EPA approved nonregulatory provisions such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

Enforceability and Legal Effect

All revisions to the applicable SIP become federally enforceable as of the effective date of the revisions to paragraph (c), (d) or (e) of the applicable identification of plan found in each subpart of 40 CFR part 52. To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, EPA is retaining the original Identification of Plan section, previously appearing in the CFR as the first or second section of part 52 for each State subpart. After an initial two year period, EPA will review its experience with the new system and enforceability of previously approved SIP measures, and will decide whether or not to retain the Identification of plan appendices for some further period.

Notice of Administrative Change

Today's rule constitutes a "housekeeping" exercise to ensure that all revisions to State programs that have occurred are accurately reflected in 40 CFR part 52. State SIP revisions are controlled by EPA regulations at 40 CFR part 51. When EPA receives a formal SIP revision request, the Agency must publish the proposed revision in the **Federal Register** and provide for public comment before approval.

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs.

Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order (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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 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 any 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

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 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, or EPA consults with those 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 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. 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

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 SIP approvals under section 110 and subchapter I, part D of the Clean Air 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 create 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 Clean Air Act, preparation of 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 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.

EPA has determined that the approval action promulgated 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 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. 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. EPA will submit a report containing this rule 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**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the Rhode Island SIP compilation has previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: July 19, 1999.

John P. DeVillars,

Regional Administrator, Region 1.

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 52—[AMENDED]

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

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

Subpart OO—Rhode Island

2. Section 52.2070 is redesignated as § 52.2087 and the heading and paragraph (a) are revised to read as follows:

§ 52.2087 Original identification of plan section.

(a) This section identifies the original "Air Implementation Plan for the State of Rhode Island" and all revisions submitted by Rhode Island that were federally approved prior to August 9, 1999.

* * * * *

3. A new § 52.2070 is added to read as follows:

§ 52.2070 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for Rhode Island

under section 110 of the Clean Air Act, 42 U.S.C. 7401-7671q and 40 CFR part 51 to meet national ambient air quality standards.

(b) Incorporation by reference. (1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to August 9, 1999 was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material

will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after August 9, 1999, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 1 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the

State implementation plan as of August 9, 1999.

(3) Copies of the materials incorporated by reference may be inspected at the Region 1 EPA Office at One Congress Street, Boston, MA 02203; the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC. 20460.

(c) EPA approved regulations.

EPA APPROVED RHODE ISLAND REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanations
Air Pollution Control Regulation 1.	Visible emissions.	02/22/77	05/07/81, 46 FR 25446.	
Air Pollution Control Regulation 2.	Handling of soft coal.	02/22/77	05/07/81, 46 FR 25446.	
Air Pollution Control Regulation 3.	Particulate emissions from industrial processes..	02/22/77	05/07/81, 46 FR 25446.	
Air Pollution Control Regulation 4.	Open fires.	02/22/77	05/07/81, 46 FR 25446.	
Air Pollution Control Regulation 5.	Fugitive dust.	02/22/77	05/07/81, 46 FR 25446.	
Air Pollution Control Regulation 6.	Opacity monitors.	11/22/89	09/30/91, 56 FR 49416.	
Air Pollution Control Regulation 7.	Emission of air contaminants detrimental to persons or property..	07/19/77	05/07/81, 46 FR 25446.	
Air Pollution Control Regulation 8.	Limitation of sulfur in fuels..	05/02/85	01/08/86, 51 FR 756.	
Air Pollution Control Regulation 9.	Air pollution control permits..	08/19/96	06/02/99, 64 FR 29563	Except for Chapters 9.13, 9.14, 9.15, and Appendix A.
Air Pollution Control Regulation 10.	Air pollution episodes. ..	02/22/77	05/07/81, 46 FR 25446.	
Air Pollution Control Regulation 11.	Petroleum liquids marketing and storage..	01/31/93	12/17/93, 58 FR 65933.	
Air Pollution Control Regulation 12.	Incinerators.	04/22/81	04/26/82, 47 FR 17817.	
Air Pollution Control Revisions to Regulation 13.	Particulate emissions from fossil fuel fired steam or hot water generating units..	10/05/82	03/29/83, 48 FR 13027.	
Air Pollution Control Regulation 14.	Record keeping and reporting..	01/31/93	01/10/95, 60 FR 2526.	
Air Pollution Control Regulation 15.	Control of organic solvent emissions..	12/10/89	09/30/91, 56 FR 49416	Except subsections 15.1.16 and 15.2.2.
Air Pollution Control Regulation 16.	Operation of air pollution control system..	02/22/77	05/07/81, 46 FR 25446.	
Air Pollution Control Regulation 17.	Odors.	02/22/77	05/07/81, 46 FR 25446.	
Air Pollution Control Regulation 18.	Control of emissions from solvent metal cleaning..	12/10/89	09/30/91, 56 FR 49416	Except subsections 18.1.8, 18.2.1, 18.3.2(d), 18.3.3(f), and 18.5.2.
Air Pollution Control Regulation 19.	Control of VOCs from surface coating operations..	10/30/92	10/18/94, 59 FR 52429	Except 19.2.2, and the last sentence of 19.1.1, which RI did not submit as part of the SIP.
Air Pollution Control Regulation 21.	Control of VOCs from printing operations..	12/10/89	09/30/91, 56 FR 49416	Except subsections 21.1.15, and 21.2.2, and portion of subsection 21.5.2(h) which states "equivalent to" in the parenthetical.
Air Pollution Control Regulation 25.	Control of volatile organic compound emissions from cut-back and emulsified asphalt..	10/30/92	10/18/94, 59 FR 52429	Except 25.2.2, which RI did not submit as part of the SIP.

EPA APPROVED RHODE ISLAND REGULATIONS—Continued

State citation	Title/subject	State effective date	EPA approval date	Explanations
Air Pollution Control Regulation 26.	Control of organic solvent emissions from manufacture of synthesized pharmaceutical products..	10/30/92	10/18/94, 59 FR 52429	Except 26.2.3, which RI did not submit as part of the SIP.
Air Pollution Control Regulation 27.	Control of nitrogen oxide emissions..	01/16/96	09/02/97, 62 FR 46202.	
Air Pollution Control Regulation 29.3.	Emissions.	04/28/95	03/22/96, 61 FR 11735	This rule limits a source's potential to emit, therefore avoiding RACT, Title V Operating Permit.
Air Pollution Control Regulation 30.	Control of VOC from automotive refinishing operations..	06/27/95	02/02/96, 61 FR 3827.	
Air Pollution Control Regulation 31.	Consumer and commercial products..	03/31/94	10/30/96, 61 FR 55903	Except Section 31.2.2. and Section 31.5.2.
Air Pollution Control Regulation 32.	Marine vessels.	03/31/94	04/04/96, 60 FR 14978	Except Section 32.2.2 which Rhode Island did not submit as part of the SIP revision.
Air Pollution Control Regulation 33.	Architectural and industrial maintenance coatings..	03/31/94	10/30/96, 61 FR 55903	Except Section 33.2.2, and Section 33.5.2.
Air Pollution Control Regulation 38.	Nitrogen Oxides Allowance Program..	06/10/98	06/02/99, 64 FR 29567.	

(d) EPA-approved State Source specific requirements.

EPA-APPROVED RHODE ISLAND SOURCE SPECIFIC REQUIREMENTS

Name of source	Permit No.	State effective date	EPA approval date	Explanations
Narragansett Electric Company South Street Station in Providence.	A.H. File No. 83-12-AP	08/29/83	07/27/84, 49 FR 30177	Revisions to Air Pollution Control Regulation 8, "Sulfur Content of Fuels," specifying maximum sulfur-in-coal limits (1.21 lbs/MMBtu on a 30-day rolling average and 2.31 lbs/MMBtu on a 24-hour average). These revisions approve Section 8.3.4, "Large Fuel Burning Devices Using Coal," for South Street Station only.
Stanley Bostitch, Bostitch Division of Textron.	A.H. File No. 85-8-AP	06/06/85	12/11/86, 51 FR 44604	RI DEM and Bostitch administrative consent agreement effective 6/6/85. Requires Bostitch to reformulate certain solvent-based coatings to low/no solvent formulation by 12/31/86. Also addendum dated 9/20/85 defining emission limitations reformulated coatings must meet. (A) An administrative consent agreement between the RI DEM and Bostitch Division of Textron. (B) A letter to Bostitch Division of Textron from the RI DEM dated September 20, 1985 which serves as an addendum to the consent agreement. The addendum defines the emission limitations which Bostitch's Division of Textron reformulated coatings must meet.
Keene Corporation, East Providence, RI.	A.H. File No. 85-10-AP	09/12/85	08/31/87, 52 FR 2793 ...	RI DEM and Keene Corporation administrative consent agreement effective 9/12/85. Granting final compliance date extension for the control of organic solvent emissions from six paper coating lines. (A) Letter from the RI DEM dated November 5, 1985 submitting revisions to the RI SIP. (B) An administrative consent agreement between the RI DEM and Keene Corporation.
Tech Industries	File No. 86-12-AP	11/24/87	03/10/89, 54 FR 10147	RI DEM and Tech Industries original administrative consent agreement (86-12-AP) [except for provisions 7 and 8] effective 6/12/86, an addendum effective 11/24/87, defining and imposing reasonably available control technology to control volatile organic compounds.

EPA-APPROVED RHODE ISLAND SOURCE SPECIFIC REQUIREMENTS—Continued

Name of source	Permit No.	State effective date	EPA approval date	Explanations
University of Rhode Island.	A.P. File No. 87-5-AP ..	03/17/87	09/19/89, 54 FR 38517	(A) An administrative consent agreement (86-12-AP), except for Provisions 7 and 8, between the RI DEM and Tech Industries effective June 12, 1986. (B) An addendum to the administrative consent agreement (86-12-AP) between the RI DEM and Tech Industries. The addendum was effective November 24, 1987. (C) Letters dated May 6, 1987; October 15, 1987; and January 4, 1988 submitted to the EPA by the RI DEM. Revisions to the SIP submitted by the RI DEM on April 28, 1989, approving a renewal of a sulfur dioxide bubble for the University of Rhode Island.
University of Rhode Island.	File No. 95-50-AP	03/12/96	09/02/97, 62 FR 46202	An administrative consent agreement between RIDEM and University of Rhode Island, Alternative NO _x RACT (RI Regulation 27.4.8)
Providence Metallizing in Pawtucket, Rhode Island.	File No. 87-2-AP	04/24/90	09/06/90, 55 FR 36635	Define and impose RACT to control volatile organic compound emissions. (A) Letter from the RIDEM dated April 26, 1990, submitting a revision to the RI SIP. (B) An administrative consent agreement (87-2-AP) between the RI DEM and Providence Metallizing effective July 24, 1987. (C) An amendment to the administrative consent agreement (87-2-AP) between the RI DEM and Providence Metallizing effective May 4, 1989. (D) An addendum to the administrative consent agreement (87-2-AP) between the RI DEM and Providence Metallizing effective April 24, 1990.
Tillotson-Pearson in Warren, Rhode Island.	File No. 90-1-AP	06/05/90	08/31/90, 55 FR 35623	Revisions to the SIP submitted by the RI DEM on May 24, 1990, to define and impose RACT to control volatile organic compound emissions. (A) Letter from the RI DEM dated May 24, 1990 submitting a revision to the RI SIP. (B) An Administrative consent agreement (90-1-AP) between the RI DEM and Tillotson-Pearson.
Rhode Island Hospital ...	File No. 95-14-AP	11/27/95	09/02/97, 62 FR 46202	Alternative NO _x RACT. An administrative consent agreement between the RI DEM and RI Hospital.
Osram Sylvania Incorporated.	File No. 95-14-AP	09/04/96	09/02/97, 62 FR 46202	Alternative NO _x RACT. (A) An Administrative consent agreement between the RI DEM and Osram Sylvania Incorporated, file no. 95-14-AP, effective September 4, 1996. (B) An air pollution Permit approval, no. 1350 Osram Sylvania Incorporated issued by RIDEM effective May 14, 1996.
Algonquin Gas Transmission Company.	File No. 95-52-AP	12/05/95	09/02/97, 62 FR 46202	Alternative NO _x RACT. (A) Letter from the RI DEM dated September 17, 1996 submitting a revision to the RI SIP. (B) An administrative consent agreement between RIDEM and Algonquin Gas Transmission Company, effective on December 5, 1995.
Bradford Dyeing Association, Inc.	File No. 95-28-AP	11/17/95	09/02/97, 62 FR 46202	Alternative NO _x RACT. An administrative consent agreement between RIDEM and Bradford Dyeing Association, Inc.
Hoechst Celanese Corporation.	File No. 95-62-AP	11/20/95	09/02/97, 62 FR 46202	Alternative NO _x RACT. An administrative consent agreement between RIDEM and Hoechst Celanese Corporation.

EPA-APPROVED RHODE ISLAND SOURCE SPECIFIC REQUIREMENTS—Continued

Name of source	Permit No.	State effective date	EPA approval date	Explanations
Naval Education and Training Center in Newport.	File No. 96-07-AP	03/04/96	09/02/97, 62 FR 46202	Alternative NO _x RACT. An administrative consent agreement between RIDEM and Naval Education and Training Center in Newport.
Rhode Island Economic Development.	File No. 96-04-AP	09/02/97	06/02/99, 64 FR 29567	Alternative NO _x RACT. A consent agreement between RIDEM and Rhode Island Economic Development Corporation's Central Heating Plant in North Kingstown.

(e) Nonregulatory.

RHODE ISLAND NON REGULATORY

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approved date	Explanations
Notice of public hearing..	Statewide	Submitted 02/09/72	06/15/72, 37 FR 11911.	Proposed Implementation Plan Regulations, RI Department of Health.
Miscellaneous non-regulatory additions to the plan correcting minor deficiencies.	Statewide	Submitted 02/29/72	07/27/72, 37 FR 15080.	Approval and promulgation of Implementation Plan Miscellaneous Amendments, RI Department of Health.
Compliance schedules	Statewide	Submitted 04/24/73	06/20/73, 38 FR 16144.	Submitted by RI Department of Health.
AQMA identifications for the State of Rhode Island.	Statewide	Submitted 04/11/74	04/29/75, 40 FR 18726.	Submitted by RI Department of Health.
Letter identifying Metropolitan Providence as an AQMA.	Metropolitan Providence.	Submitted 09/06/74	04/29/75, 40 FR 18726.	Submitted by the Governor.
A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR part 58.	Statewide	Submitted 01/08/80	01/15/81, 46 FR 3516	Submitted by the RI Department of Environmental Management Director.
Attainment plans to meet the requirements of Part D of the Clean Air Act, as amended in 1977, Included are plans to attain the carbon monoxide and ozone standards and information allowing for the re-designation of Providence to non-attainment for the primary TSP standard based on new data.	Statewide	Submitted 05/14/79, 06/11/79, 08/13/79, 01/08/80, 01/24/80, 03/10/80, 03/31/80, 04/21/80, 06/06/80, 06/13/80, 08/20/80, 11/14/80, 03/04/81, 03/05/81 and, 04/16/81.	05/07/81, 46 FR 25446.	Attainment plans to meet the requirements of Part D of the Clean Air Act, as amended in 1977.
A program for the review of construction and operation of new and modified major stationary sources of pollution in non-attainment areas.				
Certain miscellaneous provisions unrelated to Part D are also included.				
Section VI, Part II, "Stationary Source Permitting and Enforcement" of the narrative.	Statewide	Submitted 05/14/82; and 07/01/82.	06/28/83, 48 FR 29690.	As submitted by RI DEM on May 14, 1982 and July 1, 1982 for review of new major sources and major modifications in non-attainment areas. Also included are revisions to add rules for banking emission reductions.

RHODE ISLAND NON REGULATORY—Continued

Name of non regulatory SIP provision	Applicable geographic or nonattainment area	State submittal date/ effective date	EPA approved date	Explanations
Revisions to the Rhode Island State Implementation Plan for attainment of the primary National Ambient Air Quality Standard for ozone 1982 Ozone Attainment Plan.	Statewide	Submitted 05/14/82; 07/01/82; 07/07/82; 10/04/82; and 03/02/83.	07/06/83, 48 FR 31026.	Submitted by the Department of Environmental Management.
Revisions to attain and maintain the lead NAAQS.	Statewide	Submitted 07/07/83	09/15/83, 48 FR 41405.	Submitted by the Department of Environmental Management.
Section VI, Part II of the associated narrative of the RI SIP.	Statewide	Submitted 02/06/84; 01/27/84; and 06/06/84.	07/06/84, 49 FR 27749.	To incorporate the requirements for the Prevention of Significant Deterioration of 40 CFR 51.24, permitting major stationary sources of lead and other miscellaneous changes.
Letter from RI DEM submitting an amendment to the RI State Implementation Plan.	Statewide	Submitted 01/14/94; and 06/14/94.	10/30/96, 61 FR 55897.	A revision to the RI SIP regarding ozone monitoring. RI will modify its SLAMS and its NAMS monitoring systems to include a PAMS network design and establish monitoring sites. The State's SIP revision satisfies 40 CFR 58.20(f) PAMS requirements.
Section VII of the RI SIP Ambient Air Quality Monitoring.	Statewide	Submitted 03/15/94	10/30/96, 61 FR 55903.	Revision to the RI SIP regarding the States' Contingency Plan.
Letter from RI DEM submitting revisions.	Statewide	Submitted 03/15/94	04/17/97, 62 FR 18712.	The revisions consist of the State's 15 Percent Plan and Contingency Plan. EPA approved only the following portions of these submittals:
Letter from RI DEM submitting revision—Rhode Island's 15 Percent Plan and Contingency Plan.	Statewide	Submitted 03/15/94		<p>15 Percent Plan—the EPA approved the calculation of the required emission reductions, and the emission reduction credit claimed from surface coating, printing operations, marine vessel loading, plant closures (0.79 tons per day approved out of 0.84 claimed), cutback asphalt, auto refinishing, stage II, reformulated gas in on-road and off-road engines, and tier I motor vehicle controls.</p> <p>Contingency Plan—the EPA approved the calculation of the required emission reduction, and a portion of the emission reduction credits claimed from Consumer and Commercial products (1.1 tons per day approved out of 1.9 tons claimed), and architectural and industrial maintenance (AIM) coatings (1.9 tons per day approved out of 2.4 tons claimed).</p> <p>EPA concurrently disapproved portions of these SIP submissions, as discussed within Section 52.2084(a)(2).</p>

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[Region 2 Docket No. NY 32-194a, FRL-6414-1]

Approval and Promulgation of State Plans for Designated Facilities; New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the State Plan submitted by New York to implement and enforce the Emission Guidelines (EG) for existing Hospital/Medical/Infectious Waste Incinerators (HMIWI). The EG require states to develop plans to reduce toxic air emissions from all HMIWIs.

DATES: This direct final rule is effective on October 8, 1999 without further notice, unless EPA receives adverse comment by September 8, 1999. If adverse comment is 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: All comments should be addressed to: Raymond Werner, Acting Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866.

Copies of the state submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency,
Region 2 Office, Air Programs Branch,
290 Broadway, 25th Floor, New York,
New York 10007-1866.

New York State Department of
Environmental Conservation, Division
of Air Resources, 50 Wolf Road,
Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: Ted Gardella or Craig Flamm, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-3892 or (212) 637-4021, respectively.

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I. What Action Is EPA Taking Today?

EPA is approving New York's State Plan submitted on September 9, 1998, and supplemented on March 11, May 12, and May 15, 1999, for the control of air emissions from HMIWIs throughout the State, except for those HMIWIs located on Indian Nation land. When EPA developed the New Source Performance Standards (NSPS) for HMIWIs, we simultaneously developed the Emission Guidelines (EG) to control air emissions from older HMIWIs (see 62 FR 48348-48391, September 15, 1997). New York State developed a State Plan, as required by section 111(d) of the Clean Air Act (the Act), to adopt the EG into their body of regulations, and we are acting today to approve New York's State Plan.

Under section 129 of the Act, the EG are not federally enforceable. Section 129(b)(2) of the Act requires states to submit to EPA for approval State Plans that implement and enforce the EG. State Plans must be at least as protective as the EG, and they become federally enforceable upon approval by EPA. The procedures for adopting and submitting State Plans are located in 40 CFR part 60, subpart B.

EPA originally issued the subpart B provisions on November 17, 1975. EPA amended subpart B on December 19, 1995, to allow the subparts developed under section 129 to include specifications that supersede the general provisions in subpart B regarding the schedule for submittal of State Plans, the stringency of the emission limitations, and the compliance schedules, see 60 FR 65414 (December 19, 1995). This action approves the State Plan submitted by New York to implement and enforce the EG, as it applies to older HMIWI units.

II. Why Is EPA Approving New York's State Plan?

EPA has evaluated the HMIWI State Plan submitted by New York for consistency with the Act, EPA guidelines and policy. EPA has determined that New York's State Plan

meets all requirements and, therefore, EPA is approving New York's Plan to implement and enforce the EG, as it applies to older HMIWIs.

III. Why Does EPA Want To Regulate Air Emissions From HMIWIs?

When burned, hospital waste and medical/infectious waste emit various air pollutants, including hydrochloric acid, dioxin/furan, toxic metals (lead, cadmium, and mercury) and particulate matter. Mercury is highly hazardous and is of particular concern because it persists in the environment and bioaccumulates through the food web. Serious developmental and adult effects in humans, primarily damage to the nervous system, have been associated with exposures to mercury. Harmful effects in wildlife have also been reported; these include nervous system damage and behavioral and reproductive deficits. Human and wildlife exposure to mercury occur mainly through eating of fish. When inhaled, mercury vapor attacks also the lung tissue and is a cumulative poison. Short-term exposure to mercury in certain forms can cause hallucinations and impair consciousness. Long-term exposure to mercury in certain forms can affect the central nervous system and cause kidney damage.

Exposure to particulate matter can aggravate existing respiratory and cardiovascular disease and increase risk of premature death. Hydrochloric acid is a clear colorless gas. Chronic exposure to hydrochloric acid has been reported to cause gastritis, chronic bronchitis, dermatitis, and photosensitization. Acute exposure to high levels of chlorine in humans may result in chest pain, vomiting, toxic pneumonitis, pulmonary edema, and death. At lower levels, chlorine is a potent irritant to the eyes, the upper respiratory tract, and lungs.

Exposure to dioxin and furan can cause skin disorders, cancer, and reproductive effects such as endometriosis. These pollutants can also affect the immune system.

IV. What Are EPA's Requirements for HMIWIs?

On September 15, 1997, under sections 111 and 129 of the Act, EPA issued the NSPS applicable to new HMIWIs and the EG applicable to older HMIWIs. The NSPS and EG are codified at 40 CFR part 60, subparts Ec and Ce, respectively, see 62 FR 48348 (September 15, 1997).

Under the EG, EPA requires that affected older HMIWIs do the following:

- (1) Control emissions for the following designated pollutants: