

SUMMARY: The Secretary amends the William D. Ford Federal Direct Loan Program regulations to add the Office of Management and Budget (OMB) control number to certain sections of the regulations. These sections contain information collection requirements approved by OMB. The Secretary takes this action to inform the public that these requirements have been approved and affected parties must comply with them.

EFFECTIVE DATE: These regulations are effective on July 1, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Smith, U.S. Department of Education, 600 Independence Avenue, SW, ROB-3, Room 3045, Washington, DC 20202, telephone 202-708-8242. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION: Final regulations for the William D. Ford Federal Direct Loan Program were published in the **Federal Register** on November 28, 1997 (62 FR 63428). Compliance with information collection requirements in certain sections of these regulations was delayed until those requirements were approved by OMB under the Paperwork Reduction Act of 1995. OMB approved the information collection requirements in the regulations on December 4, 1997. The information collection requirements in these regulations will therefore become effective with all of the other provisions of the regulations on July 1, 1998.

Waiver of Proposed Rulemaking

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of OMB control numbers is purely technical and does not establish substantive policy. Therefore, the Secretary has determined under 5 U.S.C. 553(b)(B), that public comment on the regulations is unnecessary and contrary to the public interest.

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List of Subjects in 34 CFR Part 685

Administrative practice and procedure, Colleges and universities, Loan programs—education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: June 19, 1998.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

The Secretary amends Part 685 of Title 34 of the Code of Federal Regulations as follows:

PART 685—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

1. The authority citation for Part 685 continues to read as follows:

Authority: 20 U.S.C. 1087a *et seq.*, unless otherwise noted.

§ 685.212 [Amended]

2. Section 685.212, is amended by adding the OMB control number following the section to read as follows: “(Approved by the Office of Management and Budget under control number 1840-0672)”

[FR Doc. 98-17131 Filed 6-25-98; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[OR-2-0001; FRL-6115-5]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) approves the Section 111(d) State Plan submitted by Oregon on May 14, 1997, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing Municipal Solid Waste (MSW) Landfills.

DATES: This action is effective on August 25, 1998 unless significant, material, and adverse comments are received by July 27, 1998. If significant, material, and adverse comments are received a timely withdrawal will be published in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments should be addressed to: Catherine Woo, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of materials submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ-107), Seattle, Washington 98101, and at Oregon Department of Environmental Quality, 811 SW Sixth Avenue, Portland, Oregon 97204.

FOR FURTHER INFORMATION CONTACT: Catherine Woo, Office of Air Quality (OAQ-107), EPA, Seattle, Washington 98101, (206) 553-1814.

SUPPLEMENTARY INFORMATION:

I. Background

On March 12, 1996, pursuant to Section 111 of the Clean Air Act (Act), the EPA promulgated new source performance standards (NSPS) applicable to new MSW Landfills and EG applicable to existing MSW Landfills. The NSPS and EG are codified at 40 CFR Part 60, Subparts WWW and Cc, respectively. See 61 FR 9905 (March 12, 1996). Under Section 111(d) of the Act, the EPA established procedures whereby States submit plans to control existing sources of designated pollutants. Designated pollutants are defined as pollutants which are not included on a list published under Section 108(a) of the Act (i.e., National Ambient Air Quality Standard pollutants), but to which a standard of performance for new sources applies under Section 111. Under Section 111(d), emission standards are to be adopted by the States and submitted to EPA for approval. The standards limit the emissions of designated pollutants from existing facilities which, if new, would be subject to the NSPS. Such facilities are called designated facilities.

The procedures under which States submit these plans to control existing sources are defined in 40 CFR Part 60,

Subpart B. According to Subpart B, the States are required to develop plans within Federal guidelines for the control of designated pollutants. The EPA publishes guideline documents for development of State emission standards along with the promulgation of any NSPS for a designated pollutant. These guidelines apply to designated pollutants and include information such as a discussion of the pollutant's effects, description of control techniques and their effectiveness, costs and potential impacts. Also as guidance for the States, recommended emission limits and times for compliance are set forth, and control equipment which will achieve these emission limits are identified in Subpart Cc for existing MSW Landfills. The EG specified limits for landfill gas requires affected facilities to operate a control system designed to reduce collected non-methane organic compounds (NMOC) concentrations by 98 weight-percent, or reduce the outlet NMOC concentration to 20 parts per million or less, using the test methods specified in 40 CFR 60.754(d).

II. Discussion

On May 14, 1997, the Oregon Department of Environmental Quality (ODEQ) submitted to EPA their 111(d) State Plan for implementing and enforcing the emission guidelines for existing MSW landfills in the State. The Plan contained Emission Standards and Limitations, Compliance Schedule, Emission Inventory, Source Surveillance, Compliance Assurance and Enforcement, and applicable State regulations (OAR 340-025-0740, and OAR 340-025-0745).

The approval of ODEQ's State Plan is based on finding that: (1) ODEQ provided adequate public notice of public hearings for the proposed rulemaking which allows Oregon to implement and enforce the EG for MSW Landfills, and (2) ODEQ also demonstrated that it has the legal authority to adopt emission standards and compliance schedules applicable to the designated facilities; enforce applicable laws, regulations, standards and compliance schedules; seek injunctive relief; obtain information necessary to determine compliance; require recordkeeping; conduct inspections and tests; require the use of monitors; require emission reports of owners and operators; and make emission data publicly available.

ODEQ's regulations adopt 40 CFR Part 60, Subpart WWW and require existing MSW Landfills to comply with the Subpart WWW emission standards and limitations. In its State Plan submittal, ODEQ affirms that MSW Landfills

subject to OAR 340-025-0740 must comply with 40 CFR Part 60, Subpart WWW. Attachment 3a summarizes all emission standards and limitations for the major pollutant categories related to the designated sites and facilities. This approach is approved because the NSPS Subpart WWW requirements are at least as protective as the Federal requirements contained in Subpart Cc for existing MSW Landfills.

ODEQ also submitted Oregon Administrative Rule (OAR) 340-025-00745, which adopts 40 CFR Subpart WWW. Thus, the compliance schedules and increments of progress specified in Subpart WWW are part of the State Plan and apply to each existing MSW Landfill as stipulated in Subpart WWW. The State Rule's requirement that existing MSW Landfills comply with the compliance schedule and legally enforceable increments of progress as stated in Subpart WWW has been reviewed and is approved as being at least as protective as Federal requirements for existing MSW Landfills in Subpart Cc.

Oregon included in its Plan, under Attachment 3b, emission inventories for all its applicable sources. There are approximately 91 existing landfills in Oregon's inventory, including several closed facilities subject to the initial reporting requirements of the EG. In these inventories, all designated pollutants have been identified and data provided for each.

Oregon cites its legal authority (ORS 468.095, 468A.050(2), and 468A.070) to determine the compliance status by requiring owners and operators of designated facilities to maintain records and report to ODEQ the nature and amount of emissions from the facilities. Oregon also cites its legal authority (468.055(1)&(2)) to conduct periodic inspection and testing, as necessary, of designated facilities. The State's ability to provide emission data correlated with the emission standards to the public is referenced in its State Plan submittal as well as in OAR 340-025-0740 and OAR 340-025-0745. Finally, Oregon will provide reports on progress of plan enforcement as required by 40 CFR 60.25.

All measures and other elements in the State Plan must be enforceable by ODEQ. (See Sections 111(d) and 40 CFR Part 60.) During EPA's review of a previous State Implementation Plan revision, a problem was detected concerning the State's ability to adequately enforce point source permits. EPA determined that, because a five-day advance notice provision required by Oregon Revised Statute (ORS) 468.126(1) (1991) can bar civil

penalties from being imposed for certain permit violations, ORS 468 fails to provide the adequate enforcement authority the State must demonstrate to obtain State Plan submittal, required by the Clean Air Act for program approval.

However, following EPA notification to Oregon, the Governor of Oregon signed into law new legislation amending ORS 468.126 on September 3, 1993. This amendment added paragraph 468.126(2)(e) which provides that the five-day advance notice required by ORS 468.126(1) does not apply if the notice requirement will disqualify the State's program from Federal approval or delegation. ODEQ responded to EPA's interpretation of the application of 468.126(2)(e) and agreed that, if Federal statutory requirements preclude the use of the five-day advance notice provision, no advance notice will be required for violations of the State Plan requirements. Because the five-day notice provision in ORS 468.126(1) could preclude enforcement of the State Plan in some instances, application of the notice provision would preclude approval of the State MWC Plan. Accordingly, pursuant to ORS 468.126(2)(e), the five-day notice will not be required for permit violations of the State Plan.

Nothing in this action should be construed as making any determination or expressing any position regarding Oregon's audit privilege and penalty immunity law ORS 468.963, Oregon Audit Privilege Act, or its impact upon any approved provision in the State Plan, including any subsequent revisions. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Clean Air Act program resulting from the effect of Oregon's audit privilege and immunity law. A state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities. EPA may at any time invoke its authority under the Clean Air Act, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the Clean Air Act is likewise unaffected by a state audit privilege or immunity law.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA has included a parallel proposal to approve the ODEQ

State Plan. If no significant, material, and adverse comments are received by July 27, 1998, this action will be effective August 25, 1998.

If the EPA receives significant, material, and adverse comments by the above date, this action will be withdrawn before the effective date by publishing a subsequent document in the **Federal Register** that will withdraw this final action. All public comments received will be addressed in a subsequent final rule based on the parallel proposed rule published in today's **Federal Register**. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective August 25, 1998.

III. Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Pursuant to section 605(b) of the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities. This Federal action approves pre-existing requirements under federal, State or local law, and imposes no new requirements on any entity affected by this rule, including small entities. Therefore, these amendments will not have a significant impact on a substantial number of small entities.

C. 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 on 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.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 25, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2).

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Emission

guidelines, Intergovernmental relations, Municipal solid waste landfills, Reporting and recordkeeping requirements.

Dated: June 8, 1998.

Chuck Findley,

Acting Regional Administrator, Region 10.

40 CFR Part 62 is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

Subpart MM—Oregon

2. Section 62.9350 is amended by adding paragraphs (b)(5) and (c)(5) to read as follows:

§ 62.9350 Identification of plan.

* * * * *

(b) * * *

(5) Control of landfill gas emission from existing Municipal Solid Waste Landfill plan was submitted by Oregon Department of Environmental Quality on May 14, 1997.

(c) * * *

(5) Existing municipal solid waste landfills.

3. Subpart MM is amended to add § 62.9510 and a new undesignated heading to read as follows:

Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

§ 62.9510 Identification of sources.

The plan applies to all existing MSW landfill facilities in Oregon meeting the requirements as stated in their State regulations.

[FR Doc. 98-17119 Filed 6-25-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL-6114-4]

Fuels and Fuel Additives; Amendments to the Enforcement Exemptions for California Gasoline Refiners

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In this action, EPA is amending certain requirements of the reformulated gasoline (RFG) regulations which are applicable to California gasoline refiners, importers and oxygenate blenders. These amendments