

certification, record keeping, and reporting requirements for certain coating facilities using control devices. Adopted by the Indiana Air Pollution Control Board November 6, 1996. Filed with the Secretary of State April 22, 1997. Published at Indiana Register, Volume 20, Number 9, June 1, 1997. Effective May 22, 1997.

(B) 326 IAC 8-5-5 Graphic arts operations. Adopted by the Indiana Air Pollution Control Board November 6, 1996. Filed with the Secretary of State April 22, 1997. Published at Indiana Register, Volume 20, Number 9, June 1, 1997. Effective May 22, 1997.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA-4071a; FRL-6104-4]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision establishes and requires volatile organic compounds (VOC) reasonably available control technology (RACT) for eight (8) major sources located in Pennsylvania. The intended effect of this rule is to approve source-specific plan approvals and operating permits that establish the above-mentioned RACT requirements in accordance with the Clean Air Act. This action is being taken under section 110 of the Clean Air Act.

DATES: This final rule is effective August 28, 1998 unless the Agency receives adverse comment by July 29, 1998.

Should the Agency receive adverse or critical comments it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Comments may be mailed to David Campbell, Air Protection Division, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: David Campbell, (215) 566-2196, at the EPA Region III office or via e-mail at campbell.dave@epamail.epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: On April 16, 1996 and March 24, 1998, the Commonwealth of Pennsylvania submitted formal revisions to its State Implementation Plan (SIP). Each source subject to this rulemaking will be identified and discussed below. Any plan approvals and operating permits submitted coincidentally with those being approved in this document, and not identified below, will be addressed in a separate rulemaking action.

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and NO_x sources by no later than May 31, 1995. The major source size is determined by its location, the classification of that

area and whether it is located in the ozone transport region (OTR), which is established by the CAA. The Pennsylvania portion of the Philadelphia ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as either moderate or marginal nonattainment areas or are designated attainment for ozone.

However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements (including RACT as specified in sections 182(b)(2) and 182(f)) apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The Pennsylvania submittals that are the subject of this document are meant to satisfy the RACT requirements for eight (8) sources in Pennsylvania.

Summary of SIP Revision

The details of the RACT requirements for the source-specific plan approvals and operating permits can be found in the docket and accompanying technical support document (TSD) and will not be reiterated in this document. Briefly, EPA is approving a revision to the Pennsylvania SIP pertaining to the determination of RACT for eight (8) major sources. Several of the operating permits contain conditions irrelevant to the determination of VOC RACT. Consequently, these provisions are not being included in this approval for source-specific VOC RACT.

RACT Determinations

The following table identifies the individual operating permits EPA is approving. The specific emission limitations and other RACT requirements for these sources are summarized in the accompanying technical support document, which is available upon further request from the EPA Region III office listed in the **ADDRESSES** section of this document.

PENNSYLVANIA.—VOC AND NO_x RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source	County	Plan approval (PA #) operating permit (OP #) compliance permit (CP #)	Source type	"Major source" pollutant
The Fibre-Metal Products Company.	Delaware	23-0025	Miscellaneous manufacturing (safety products).	VOC
Finnaren & Haley, Inc	Montgomery	46-0070	Paint manufacturing	VOC
Fres-co System USA, Inc	Bucks	09-0027	Graphic arts	VOC
Graphic Packaging Corp	Chester	15-0013	Graphic arts	VOC

PENNSYLVANIA.—VOC AND NO_x RACT DETERMINATIONS FOR INDIVIDUAL SOURCES—Continued

Source	County	Plan approval (PA #) operating permit (OP #) compliance permit (CP #)	Source type	"Major source" pollutant
Montour Oil Service Company	Lycoming	41-0013	Petroleum storage and distribution terminal.	VOC
Atlantic Refining and Marketing Corporation.	Northumberland	49-0015	Petroleum storage and distribution terminal.	VOC
Transwall Corp	Chester	15-0025	Graphic arts	VOC
Tavo Packaging, Inc	Bucks	09-0008	Miscellaneous manufacturing (office furniture).	VOC

EPA is approving this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the rule should adverse or critical comments be filed. This rule will be effective August 28, 1998 without further notice unless the Agency receives relevant adverse comments by July 29, 1998.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on the proposed rule. Only parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 28, 1998 and no further action will be taken on the proposed rule. If adverse comments are received that do not pertain to all paragraphs subject to this rule, those paragraphs not affected by the adverse comments will be finalized in the manner described here. Only those paragraphs that receive adverse comments will be withdrawn in the manner described here.

Final Action

EPA is approving eight (8) operating permits as VOC RACT for eight (8) individual sources.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic,

and environmental factors and in relation to relevant statutory and regulatory requirements.

Administrative Requirements

A. Executive Order 12866

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.

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 impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates Act

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 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 Federal 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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report

regarding today's action under section 801 because this is a rule of particular applicability.

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 28, 1998. Filing a petition for reconsideration by the Regional Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action to approve VOC RACT determinations for a number of individual sources in Pennsylvania as a revision to the Commonwealth's SIP may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

F. 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 that is (1) likely to be "economically significant" as defined under Executive Order 12866, and (2) the Agency has reason to believe that the environmental health or safety risk addressed by the rule may have a disproportionate effect on children. If a 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, "Protection of Children from Environmental Health Risks and Safety Risks" because this is not an "economically significant" regulatory action as defined by E.O. 12866, and because it does not involve decisions on environmental health or safety risks that may disproportionately affect children.

List of Subjects in 40 CFR Part 52

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

Dated: May 13, 1998.

William Wisniewski,

Acting Regional Administrator, Region III.

40 CFR part 52, is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(132) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(132) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC RACT, submitted on April 16, 1996 and March 24, 1998 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Two (2) letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC RACT determinations in the form of operating permits on the following dates: April 16, 1996 and March 24, 1998.

(B) Operating permits (OP):

(1) The Fibre-Metal Products Company (Delaware County), OP 23-0025, effective February 20, 1998, except for the expiration date and conditions Nos. 16 and 17 relating to non-RACT provisions.

(2) Finnaren & Haley, Inc. (Montgomery County), OP 46-0070, effective March 5, 1998, except for the expiration date and conditions Nos. 13 and 15 relating to non-RACT provisions.

(3) Fres-co System USA, Inc. (Bucks County), OP 09-0027, effective March 5, 1998, except for the expiration date and conditions No. 22 relating to non-RACT provisions.

(4) Graphic Packaging Corporation (Chester County), OP 15-0013, effective February 28, 1998, except for the expiration date and conditions Nos. 19 and 20 relating to non-RACT provisions.

(5) Montour Oil Service Company (Lycoming County), OP 41-0013, effective March 19, 1998, except for the expiration date and conditions Nos. 7 and 9 relating to non-RACT provisions.

(6) Atlantic Refining and Marketing Corporation (Northumberland County), OP 49-0015, effective March 19, 1998, except for the expiration date and conditions Nos. 8 and 10 relating to non-RACT provisions.

(7) Transwall Corporation (Chester County), OP 15-0025, effective March 10, 1998, except for the expiration date and conditions Nos. 15, 19, and 21 relating to non-RACT provisions.

(8) Tavo Packaging, Inc. (Bucks County), OP 09-0008, effective

November 8, 1995 except for the expiration date and condition No. 7 relating to non-RACT provisions.

(ii) Additional material.

(A) Remainder of the Commonwealth of Pennsylvania's April 16, 1996 and March 24, 1998 VOC and NO_x RACT SIP submittals for the relevant sources.

(B) Additional clarifying material submitted by Pennsylvania: Letter dated March 24, 1998 from James M. Seif, Secretary, Pennsylvania Department of Environmental Protection providing additional information on Tavo Packaging, Inc.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 148, 268, and 271

[FRL-6115-4]

RIN 2050-AD79

Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities; Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendment.

SUMMARY: On May 4, 1998, EPA published regulations listing two organobromine production wastes as hazardous. It also set land disposal restrictions prohibitions and treatment standards for those wastes. This document corrects purely technical errors in the final regulations.

EFFECTIVE DATE: This rule is effective on June 29, 1998.

ADDRESSES: Supporting materials for the final rule are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA. The Docket Identification Number is F-98-OBLF-FFFFF. The RCRA Docket is open from 9 a.m. to 4 p.m. Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost \$0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline at (800) 424-9346 (toll free) or (703) 920-9810 in the Washington, DC