

(ii) A transfer which occurs by reason of a change in the designated beneficiary, or a rollover of credits or account balances from the account of one beneficiary to the account of another beneficiary, will be treated as a taxable gift by the old beneficiary to the new beneficiary if the new beneficiary is assigned to a lower generation than the old beneficiary, as defined in section 2651, regardless of whether the new beneficiary is a member of the family of the old beneficiary. The transfer will be subject to the generation-skipping transfer tax if the new beneficiary is assigned to a generation which is two or more levels lower than the generation assignment of the old beneficiary. The five year averaging rule described in paragraph (b)(2) of this section may be applied to the transfer.

(iii) *Example.* The application of this paragraph (b)(3) is illustrated by the following example:

*Example.* In Year 1, P makes a contribution to a QSTP on behalf of P's child, C. In Year 4, P directs that a distribution from the account for the benefit of C be made to an account for the benefit of P's grandchild, G. The rollover distribution is treated as a taxable gift by C to G, because, under section 2651, G is assigned to a generation below the generation assignment of C.

(c) *Estate tax treatment for estates of decedents dying after August 20, 1996, and before June 9, 1997.* The gross estate of a decedent dying after August 20, 1996, and before June 9, 1997, includes the value of any interest in any QSTP which is attributable to contributions made by the decedent to such program on behalf of a designated beneficiary.

(d) *Estate tax treatment for estates of decedents dying after June 8, 1997—(1) In general.* Except as provided in paragraph (d)(2) of this section, the gross estate of a decedent dying after June 8, 1997, does not include the value of any interest in a QSTP which is attributable to contributions made by the decedent to such program on behalf of any designated beneficiary.

(2) *Excess contributions.* In the case of a decedent who made the election under section 529(c)(2)(B) and paragraph (b)(3)(i) of this section who dies before the close of the five year period, that portion of the contribution allocable to calendar years beginning after the date of death of the decedent is includible in the decedent's gross estate.

(3) *Designated beneficiary decedents.* The gross estate of a designated beneficiary of a QSTP includes the value of any interest in the QSTP.

#### **§ 1.529-6 Transition rules.**

(a) *Effective date.* Section 529 is effective for taxable years ending after

August 20, 1996, and applies to all contracts entered into or accounts opened on August 20, 1996, or later.

(b) *Programs maintained on August 20, 1996.* Transition relief is available to a program maintained by a State under which persons could purchase tuition credits, certification or similar rights on behalf of, or make contributions for educational expenses of, a designated beneficiary if the program was in existence on August 20, 1996. Such program must meet the requirements of a QSTP before the later of August 20, 1997, or the first day of the first calendar quarter after the close of the first regular session of the State legislature that begins after August 20, 1996. If a State has a two-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature. The program, as in effect on August 20, 1996, shall be treated as a QSTP with respect to contributions (and earnings allocable thereto) pursuant to contracts entered into under the program. This relief is available for contributions (and earnings allocable thereto) made before, and the contracts entered into before, the first date on which the program becomes a QSTP. The provisions of the program, as in effect on August 20, 1996, shall apply in lieu of section 529(b) with respect to such contributions and earnings. A program shall be treated as meeting the transition rule if it conforms to the requirements of section 529, §§ 1.529-1 through 1.529-5 and this section by the date this document is published as final regulations in the **Federal Register**.

(c) *Retroactive effect.* No income tax liability will be asserted against a QSTP for any period before the program meets the requirements of section 529, §§ 1.529-1 through 1.529-5 and this section if the program qualifies for the transition relief described in paragraph (b) of this section.

(d) *Contracts entered into and accounts opened before August 20, 1996—(1) In general.* A QSTP may continue to maintain agreements in connection with contracts entered into and accounts opened before August 20, 1996, without jeopardizing its tax exempt status even if maintaining the agreements is contrary to section 529(b) provided that the QSTP operates in accordance with the restrictions contained in this paragraph (d). However, distributions made by the QSTP, regardless of the terms of any agreement executed before August 20, 1996, are subject to tax according to the rules of § 1.529-3 and subject to the reporting requirements of § 1.529-4.

(2) *Interest in program pledged as security for a loan.* An interest in the program, or a portion of an interest in the program, may be used as security for a loan if the contract giving rise to the interest was entered into or account was opened prior to August 20, 1996 and the agreement permitted such a pledge.

(3) *Member of the family.* In the case of an account opened or a contract entered into before August 20, 1996, the rules regarding a change in beneficiary, including the rollover rule in § 1.529-3(a) and the gift tax rule in § 1.529-5(b)(3), shall be applied by treating any transferee beneficiary permitted under the terms of the account or contract as a member of the family of the transferor beneficiary.

(4) *Eligible educational institution.* In the case of an account opened or contract entered into before August 20, 1996, an eligible educational institution is an educational institution in which the beneficiary may enroll under the terms of the account or contract.

**Michael P. Dolan,**

*Deputy Commissioner of Internal Revenue.*

[FR Doc. 98-22465 Filed 8-21-98; 8:45 am]

BILLING CODE 4830-01-U

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Parts 51, 52, 76, and 96**

#### **Availability of Documents for the Rulemaking for Certain States in the Ozone Transport Assessment Group Region**

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

**ACTION:** Notice of availability.

**SUMMARY:** This document announces the availability of various documents that relate to the notice of proposed rulemaking and supplemental notice of proposed rulemaking for the ozone transport rule. These documents have been, or shortly will be, placed in the docket for this rule, or have been made available on the EPA website.

**DATES:** Documents were placed in the docket on or about August 10, 1998.

**ADDRESSES:** Some of the documents have been placed in the docket for the ozone transport rule, Docket No. A-96-56, at the Air and Radiation Docket and Information Center (6102), US Environmental Protection Agency, 401 M Street SW, Room M-1500, Washington, DC 20460, telephone (202) 260-7548, and are available for viewing between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be

charged for copying. Other documents have been made available in electronic form at the following EPA websites: <http://www.epa.gov/scram001/regmodcenter/t28.htm> and <http://www.epa.gov/capi>.

**FOR FURTHER INFORMATION CONTACT:** Questions concerning today's document should be addressed to Kimber Smith Scavo, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD-15, Research Triangle Park, NC 27711, telephone (919) 541-3354; e-mail: [scavo.kimber@epa.gov](mailto:scavo.kimber@epa.gov).

**SUPPLEMENTARY INFORMATION:** The EPA published a notice of proposed rulemaking (NPR) dated November 7, 1997, "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone," (62 FR 60318). The EPA published a supplemental notice of proposed rulemaking (SNPR) dated May 11, 1998, "Supplemental Notice for the Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone," (63 FR 25902). This rulemaking may be referred to as the ozone transport rule, and has, more colloquially, been referred to as the NO<sub>x</sub> SIP Call or the OTAG SIP Call.

When EPA published the NPR, EPA established a 120-day comment period, ending on March 9, 1998. The EPA received numerous comments that this period was not adequate, particularly for performing air quality modeling. By notice dated April 9, 1998 (63 FR 17349), EPA extended the comment period to the close of the comment period for the SNPR, which was June 25, 1998.

Numerous States, industry groups, and others submitted air quality analyses to the docket during the initial and extended comment period.

Commenters also submitted comments on a wide range of issues raised under the NPR and SNPR.

In response to these comments, EPA has conducted additional air quality modeling analyses. The EPA is announcing today that information concerning these analyses was placed in the docket as of August 10, 1998, or shortly thereafter. See Appendix A for a more detailed description of this modeling information.

In addition, EPA has placed four additional sets of IPM run files at the <http://www.epa.gov/capi> web site, which provide the Agency's results of analysis of cap-and-trade options that EPA examined in developing the ozone transport rulemaking using the 1998 version of IPM. These files are described in Appendix B.

The EPA has previously made other information publicly available on EPA's Technology Transfer Network (TTN) site or the <http://www.epa.gov/ttn/oarpg/otagsip> web site (which, in effect, superseded the TTN site) or the <http://www.epa.gov/capi> web site. For example, EPA made available updated emissions inventory information on the TTN on or about February 3, 1998. See Appendix C for a list of documents already made available on the TTN or web site. The EPA indicated in the NPR that related documents could be found on the TTN or on other web sites (62 FR 60318).

The EPA anticipates that the notice of final rulemaking will be signed in September 1998.

In addition, the following documents have been, or will shortly be, placed in the docket.

1. E.H. Pechan & Associates, Inc., "Ozone Transport Rulemaking Non-Electricity Generating Unit Cost Analysis—Final Report," August 1998.

2. Documents evidencing the public availability of the IPM model and UAM-V: (i) Letter from Gary Vicinus, Executive Vice President, ICF Kaiser, to

Paul M. Stolpman, Director, Office of Atmospheric Programs, U.S. EPA, July 22, 1998 (IPM); (ii) Excerpts from "Analyzing Electric Power Generation Under the CAAA," Office of Air and Radiation, U.S. EPA (March 1998) (IPM); (iii) Letter from William F. Hunt, Jr., Director, Emissions Monitoring and Analyses Division, Office of Air Quality Planning and Standards, U.S. EPA to Andrea Bear Field, Esq., Hunton & Williams (April 15, 1998) (UAM-V).

In addition, EPA anticipates placing the following document in the docket in the near future.

a. Comparison of 8-hour model predictions and ambient 8-hour design values.

EPA may place additional documents in the docket, and if EPA does so, EPA will announce their availability by posting a notice on the <http://www.epa.gov/ttn/oarpg/otagsip> web site.

Dated: August 17, 1998.

**Robert D. Brenner,**

*Acting Director, Office of Air Quality Planning and Standards.*

## Appendix A—Modeling Information

### I. EPA UAM-V Model Runs

#### A. Description of Model Runs

1. "State-by-State" Zero-Out Runs using UAM-V for 4 OTAG episodes and 2007 SIP Call Base Case emissions  
Docket Number: V-L-02

—zero-out all manmade emissions for the following States, individually:

—AL, GA, IN, IL, KY, MA, MI, MO, NC, OH, SC, TN, VA, WI, WV

—zero-out all manmade emissions for the following groups of States:

—AL+GA+NC+SC+TN

—IL+WI

2. UAM-V runs for 4 OTAG episodes for various utility emissions limits and non-utility control levels, as indicated in the following table  
Docket Number V-L-01

Scenario	Utility	Non-utility point source
0.25 .....	0.25 lb/mmBTU for EGUs >25MWe. Interstate trading modeled using IPM.	60% reduction from uncontrolled levels for large sources.
0.20 .....	0.20 lb/mmBTU for EGUs >25MWe. Interstate trading modeled using IPM.	70% reduction from uncontrolled levels for large sources, RACT for medium sources.
0.15t .....	0.15 lb/mmBTU for EGUs >25MWe. Interstate trading modeled using IPM.	70% reduction from uncontrolled levels for large sources, RACT for medium sources.
0.12 .....	0.12 lb/mmBTU for EGUs >25MWe. Interstate trading modeled using IPM.	70% reduction from uncontrolled levels for large sources, RACT for medium sources.
Reg-1* .....	0.20 lb/mmBTU in the Southeast and Midwest, 0.15 lb/mmBTU in the Northeast and adjacent States for EGUs >25MWe. Interstate trading within zones subject to the same limit modeled using IPM.	70% reduction from uncontrolled levels for large sources, RACT for medium sources.
Reg-2* .....	0.20 lb/mmBTU in the Southeast, 0.15 lb/mmBTU in the Midwest and adjacent States and 0.12 lb/mmBTU in the Northeast for EGUs >25MWe. Interstate trading within zones subject to the same limit modeled using IPM.	70% reduction from uncontrolled levels for large sources, RACT for medium sources.

Scenario	Utility	Non-utility point source
0.15nt .....	0.15 lb/mmBTU for EGUs >25MWe. Intrastate trading only modeled using IPM.	70% reduction from uncontrolled levels for large sources, RACT for medium sources.

\* For the regionality cases, the Southeast includes Alabama, Georgia, North Carolina, South Carolina, and Tennessee; the Midwest includes Illinois, Indiana, Kentucky, Michigan, Missouri and Wisconsin; the Northeast includes Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island; the adjacent States include Ohio, Virginia and West Virginia.

3. UAM-V "Transport Runs" for 4 OTAG episodes [information to be docketed shortly]

—3 scenarios designed to examine the "transport" benefits of the SIP Call:

—Scenario 1: 0.15nt emissions in the Northeast SIP Call States with 2007 SIP Call Base Case emissions

elsewhere

—Scenario 2: 0.15nt emissions in Georgia with 2007 SIP Call Base Case emissions elsewhere

—Scenario 3: 0.15nt emissions in Illinois, Indiana, and Wisconsin with 2007 SIP Call Base Case emissions elsewhere

4. UAM-V Utility/Non-Utility Zero-Out runs for 4 OTAG episodes using OTAG 2007Base1c emissions [information to be docketed shortly]

—zero-out utility and non-utility

emissions in multi-state areas

—19 multi-state zero-out runs/

performed

B. Specific information docketed for

each of the UAM-V EPA model runs

1. Tabular summaries of the types listed below are provided for each of the following metrics:

—Metrics:

(1) number of predicted exceedances of the NAAQS

(2) magnitude and frequency of "ppb" impacts

(3) total "ppb" impacts

(4) population-weighted total "ppb" impacts

—Tabular Summaries:

(1) 1-Hour Daily Max (and Hourly) for each 1-hr Nonattainment Area

(2) 1-Hour Daily Max (and Hourly) for each State, based on counties designated nonattainment for the 1-hr NAAQS

(3) 8-Hour Daily Max for each State, based on monitoring data showing counties violating the 8-hr NAAQS

(4) 8-Hour Daily Max for each State, based on model predictions >=85 ppb

(5) 8-Hour Average 2nd High for each State, based on monitoring data showing counties violating the 8-hr NAAQS

(6) 8-Hour Average 2nd High for each State, based on model predictions >=85 ppb

2. Electronic versions of (a) the tabular summaries and (b) the "raw" model predictions in the form of daily "xymap" files will be available shortly via the following public download site: [ftp://www.epa.gov/pub/scram001/modelingcenter/model\\_out\\_put/](ftp://www.epa.gov/pub/scram001/modelingcenter/model_out_put/)

II. EPA CAMx Model Runs Docket Number: V-L-03

A. Description of Model Runs

1. Source Apportionment for various State and multi-State source areas using 2007 SIP Call Base Case emissions run for 4 OTAG episodes

B. Specific Information Docketed for the EPA CAMx Runs

1. Tabular summaries of the types listed below are provided for each of the following metrics:

—Metrics:

(1) magnitude and frequency of "ppb" impacts

(2) percentage of total man-made ozone in the "downwind" area contributed by the upwind area

(3) highest daily average contribution ("ppb" and percent of "downwind" ozone)

—Tabular Summaries of each metric are prepared for each of the following types of receptor areas:

(1) 1-hour Nonattainment Areas

(2) States, based on counties designated nonattainment for the 1-hr NAAQS

(3) States, based on monitoring data showing counties violating the 8-hr NAAQS

(4) States, based on model predictions >=85 ppb

2. Electronic versions of (a) the tabular summaries and (b) "raw" source-receptor contributions in the form of "ranktrack" output files will be available shortly via the following public download site: [ftp://www.epa.gov/pub/scram001/modelingcenter/model\\_out\\_put/](ftp://www.epa.gov/pub/scram001/modelingcenter/model_out_put/)

III. EPA Analysis of 8-Hour Design Values versus Model Predictions [information to be docketed shortly]

—Analysis and data files comparing 8-hr Base Year model predictions to 8-hr ambient design values derived from 1994–1996 monitoring data

#### Appendix B—IPM Runs

EPA has placed four additional sets of IPM run files at the <http://www.epa.gov/capi> web site, which provide the Agency's results of analysis of cap-and-trade options that EPA examined in developing the Ozone Transport Rulemaking using the 1998 version of IPM. These options are: 0.25, 0.20, 0.15,

and 0.12 (all which interstate trading); as well 0.15 (with intrastate trading).

The files are initially marked by a run number (e.g. "SIPI" is the alpha-numeric identifier of the Initial Base Case Run followed by a designation of the file type in abbreviated form (e.g. "CAR" for capacity available report) and a run year (e.g. T05 for 2005), if appropriate). They are "zip" (compressed) files, which can be "unzipped" (made ready for review with a text editor) using Pkzip software. Text files can be directly reviewed using Word Perfect and other word processing software. On file, containing unit-specific emissions projections, is in Microsoft Excel '97 format. The other files can be reviewed by using any good text editor. EPA uses the LIST utility for this purpose, but several others are available.

EPA recommends having on hand its Analyzing Electric Power Generation under the CAAA, March 1998, and the Supplemental Ozone Transport Rulemaking Regulatory Analysis, 1998, when reviewing the results. It is important to recognize that the costs in the IPM runs are in 1997 dollars, which EPA converted to 1990 dollars.

#### Appendix C—Information Available on TTN or Web Site

The following describes documents that, at various times during the course of this rulemaking, EPA has made available on the TTN or the <http://www.epa.gov/ttn/oarpg/otagsip> or <http://www.epa.gov/capi> web sites. In some cases, the date that the document was made available on the TTN or web site is indicated:

1. File Description File Date File Types Official transcript of proceedings of public hearing on proposed supplement to No. SIP call. 6–22–98

2. List of persons scheduled to give testimony at SIP—call public hearing on 5/29/98 in Washington, DC. 5–28–98

3. Signed version of SNPR (04/28/98) 4–29–98

4. Figure for Section 7 of SNPR 4–29–98

5. Tables for Section 7 of SNPR 4–29–98

6. May 29, 1998 Public Hearing information 4–29–98

7. SRNP Fact Sheet 4–29–98

8. Reopening the comment period for certain issues raised in the Proposed Rulemaking for a Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone. 4-9-98

9. Supplemental Ozone Transport Regulatory Analysis (Zip file contains the Word Perfect files) 4-7-98

10. Technical Support Document on Development of Modeling Inventory And Budgets For The Ozone Transport Sip Call 4-2-98

a. Appendix A, List of Daily EGU Inventory 4-2-98

b. Appendix B, List of Seasonal EGU Inventory 4-2-98

c. Appendix C, List of Sources Moved From OTAG Utility to Non-EGU Data 4-2-98

d. Appendix D, List of Large and Medium Non-EGU Sources 4-2-98

11. Draft—Seasonal budget components and total budgets revisions that were made to the budgets that were proposed on November 7, 1997 3-9-98

12. Transcript from Public Hearing on Ozone Transport SIP Call—2/3/98 2-25-98

13. Transcript from Public Hearing on Ozone Transport SIP Call—2/4/98 2-25-98

14. Explanation of Revised Budget Calculations 2-3-98

15. Draft Appendices for Revised Budget Calculations for Electric Generation Sources 2-3-98

16. Draft Appendices for Revised Budget Calculations for Non-electric Generation Point Sources 2-3-98

17. Draft Public Hearing on Ozone Transport SIP Call Speaking Schedule 2-2-98

18. FACT SHEET: Notice of Public hearing—Proposed Finding of Significant Contribution and Proposed Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone 1-7-98

19. Proposed Rule for Reducing Regional Transport of Ozone (Fact Sheet) 10-10-97

20. Proposed Rule for Reducing Regional Transport of Ozone (FR Notice) [Corrected FR version (10/24/97)] 10-10-97

21. Appendix B—OTAG Recommendations 10-10-97

22. Appendix C Table II-1—OTAG 2007 State Total NO<sub>x</sub> Emissions (tons/day) [Reformatted tables for FR version of appendix C] 10-10-97

23. Appendix C Table II-2—OTAG 2007 State NO<sub>x</sub> Emissions (tons/day) and Emissions Density (tons/day/1000 sq. mi.) [Reformatted tables for FR version of appendix C] 10-10-97

24. Appendix C Table II-3—OTAG 2007 Baseline Control Measures [Reformatted tables for FR version of appendix C] 10-10-97

25. Appendix C Table II-4a—OTAG Strategy Control Packets for NO<sub>x</sub> [Reformatted tables for FR version of appendix C] 10-10-97

26. Appendix C Table II-4b—OTAG Strategy Control Packets for VOC [Reformatted tables for FR version of appendix C] 10-10-97

27. Appendix C Table II-5a—Round 1 and 2 Control Levels by Emissions Sector [Reformatted tables for FR version of appendix C] 10-10-97

28. Appendix C Table II-5b—Domainwide Round 1 and 2 Emission Totals by Sector [Reformatted tables for FR version of appendix C] 10-10-97

29. Appendix C Table II-6—Round 3 Control Levels by Geographic Zone [Reformatted tables for FR version of appendix C] 10-10-97

30. Appendix C Table II-7—Round 3 Control Levels by Geographic Zone [Reformatted tables for FR version of appendix C] 10-10-97

31. Appendix C Table II-8a—Counties Violating the 1-Hr Ozone NAAQS Based on 1993-1995 Ambient Air Quality Monitoring Data [Reformatted tables for FR version of appendix C] 10-10-97

32. Appendix C Table II-8b—Counties Violating the 8-Hr Ozone NAAQS Based on 1993-1995 Ambient Air Quality Monitoring Data [Reformatted tables for FR version of appendix C] 10-10-97

33. Appendix C Table II-9a—Summary of Air Quality Contributions to Downwind Nonattainment, for SubRegions 1-6 [Reformatted tables for FR version of appendix C] 10-10-97

34. Appendix C Table II-9b—Summary of Air Quality Contributions to Downwind Nonattainment, for SubRegions 7-12 [Reformatted tables for FR version of appendix C] 10-10-97

35. Appendix C Table II-10—Number of Impacts in Each "Downwind" State by Impact Concentration Range for Each SubRegion—Approach 1: 1-Hr "Violating Counties" [Reformatted tables for FR version of appendix C] 10-10-97

36. Appendix C Table II-11—Number of Impacts in Each "Downwind" State by Impact Concentration Range for Each Subregion—Approach 2: 1-Hr "All Grid Cells" [Reformatted tables for FR version of appendix C] 10-10-97

37. Appendix C Table II-12—Number of Impacts in Each "Downwind" State by Impact Concentration Range for Each Subregion—Approach 3: 8-Hr "Violating Counties" [Reformatted tables for FR version of appendix C] 10-10-97 Appendix C Table II-13—

Number of Impacts in Each "Downwind" State by Impact Concentration Range for Each Subregion—Approach 4: 8-Hr "All Grid Cells" [Reformatted tables for FR version of appendix C] 10-10-97

38. Appendix C Table II-14a—Percent of 2007 State Total NO<sub>x</sub> Emissions by Subregion [Reformatted tables for FR version of appendix C] 10-10-97

39. Appendix C Table II-14b—Percent 2007 Baseline NO<sub>x</sub> Emissions by Subregion, by State [Reformatted tables for FR version of appendix C] 10-10-97

40. Appendix C Table II-15—Estimate of Local Control Cost Avoided by OTAG Strategy [Reformatted tables for FR version of appendix C] 10-10-97

41. Appendix D Figure II-1—OTAG Modeling Domain 10-10-97 Appendix D Figure II-2—Location of Subregions 10-10-97

42. Appendix D Figure II-3—OTAG Round 3 Geographic Zones (shaded areas are 3 "major" nonattainment areas) 10-10-97

43. Appendix D Figure II-4—Transport Wind Vectors During Regionally High Ozone Days 10-10-97

44. Appendix E—Control Strategies Contained in Model Run 5 of the Ozone Transport Assessment Group 10-10-97

45. Calculation of Budget Components Technical Support Document [Revised Version] 10-27-97

46. Technical Support Document Appendix A—Unit-Specific Electric Generation Data (Utility-Owned Units) 10-14-97

47. Technical Support Document Appendix B—Unit-Specific Electric Generation Data (Non Utility-Owned Units) 10-14-97

48. Technical Support Document Appendix C—List of Large Non-Utility Point Sources 10-14-97

49. Proposed Ozone Transport Rulemaking Regulatory Analysis 10-16-97

50. Revised DRAFT Utilization Information for Electricity Generators Used in Budget Calculations for the Proposed SIP Call (zipped Microsoft Excel file)

51. Road Map to IPM Rule Files for the Proposed Ozone Transport Rulemaking

52. Data Used to Determine State-Specific Electricity Generator Growth Used in the Ozone Transport Rulemaking (zipped Microsoft Excel file)

53. Proposed Ozone Transport Rulemaking Regulatory Analysis (October 1997)

54. Summary of State-specific 1996-2007 Growth Factors for Electricity Generating Units in the SIP Call Region. Comparison table and explanation.

55. Supplemental Ozone Transport Rulemaking Regulatory Analysis, April 1998. These zipped WordPerfect files provide the complete regulatory analysis that EPA prepared for the SNPR.

56. Segments of five IPM runs used to prepared the electric power industry emissions reduction and cost analysis in Supplemental Ozone Transport Rulemaking Regulatory Analysis.

57. Estimates of annual incremental costs of combustion controls on coal-fired units that are part of EPA's estimates of compliance costs for the SNPR.

58. Analyzing Electric Power Generation under the CAAA, March 1998.

59. Supplemental Ozone Transport Rulemaking Regulatory Analysis, April 7, 1998.

60. Initial Base Case—Winter 1998 Electricity Demand Forecast, SIPJ

61. 0.15 Trading—Winter 1998 Electricity Demand Forecast, SIP2

62. Final Base Case—Winter 1998 Electricity Demand Forecast, SIP5\_2

63. Initial Base Case—Summer 1996 Electricity Demand Forecast, SIP3

64. 0.15 Trading—Summer 1996 Electricity Demand Forecast, SIP14.

65. Incremental cost analyses. This zipped file contains:

a. Title IV Controls-AllStates.xls (part of Initial Base Case cost analysis, in Excel97)

b. AddedTitleIVControlsOutside OTR.xls (part of Final Base cost analysis, in Excel97)

c. ExplnCtmbCtrl.doc (tex. explanation of how analysis was done, in Word97)

[FR Doc. 98-22528 Filed 8-21-98; 8:45 am]

BILLING CODE 6560-50-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[AD-FRL-6145-7]

RIN 2060-AE04

### National Emission Standards for Hazardous Air Pollutants From Secondary Lead Smelting

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

**ACTION:** Proposed rule; amendments to rule.

**SUMMARY:** This action amends the national emission standards for hazardous air pollutants (NESHAP) for new and existing secondary lead smelters. Changes to the NESHAP are being made to address comments received following promulgation of the

final rule. Four changes are being made to the final rule. Two are minor typographical corrections, while two are technical corrections. In the Final Rules section of this **Federal Register**, the EPA is also making these amendments as a direct final rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no significant adverse comments. A detailed rationale for the action is set forth in the direct final rule. If no significant adverse comments are received by the due date (see **DATES** section below), no further action will be taken with respect to this proposal, and the direct final rule will become final on the date provided in that action. If the EPA receives significant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this notice. Any parties interested in commenting on this notice should do so at this time.

**DATES: Comments.** Comments must be received on or before September 23, 1998, unless a hearing is requested by September 5, 1998. If a hearing is requested, written comments must be received by October 8, 1998.

**Public Hearing.** Anyone requesting a public hearing must contact the EPA no later than September 5, 1998. If a hearing is held, it will take place on September 8, 1998, beginning at 10:00 a.m.

**ADDRESSES: Docket.** Docket No. A-92-43, containing information considered by the EPA in development of the promulgated standards, is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (MC-6102), 401 M Street, SW, Washington, DC 20460; telephone (202) 260-7548. The docket is located at the above address in Room M-1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

**Comments.** Written comments should be submitted to: Docket A-92-43, U.S. EPA, Air & Radiation Docket & Information Center, 401 M. Street, SW, Room 1500, Washington, DC 20460.

**Public Hearing.** If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Mr. Kevin Cavender,

Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541-2364.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Kevin Cavender, Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541-2364.

**SUPPLEMENTARY INFORMATION:** If no significant, adverse comments are timely received, no further activity is contemplated in relation to this proposed rule and the direct final rule in the final rules section of this **Federal Register** will automatically go into effect on the date specified in that rule. If significant adverse comments are timely received, the direct final rule will be withdrawn and all public comment received will be addressed in a subsequent final rule. Because the EPA will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

For further supplemental information, the detailed rationale, and the rule provisions, see the information provided in the direct final rule in the final rules section of this **Federal Register**.

#### ADMINISTRATIVE REQUIREMENTS

**Docket** The docket is an organized and complete file of all the information considered by the EPA in the development of this rulemaking.

The docket is a dynamic file, since material is added throughout the rulemaking development. The docket system is intended to allow members of the public and affected industries to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the background information documents (BIDs) and preambles to the proposed and promulgated standards, the contents of the docket will serve as the official record in case of judicial review (section 307(d)(7)(A) of the Act).

#### Executive Order 12866

The Agency must determine whether a regulatory action is "significant" and therefore subject to OMB review and the requirements of the E.O. 12866, (58 FR 51735, October 4, 1993). The Executive 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