

(4) To improve the compatibility of the data system of the State with national data systems and data systems of other States and to enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

(c) In the first and second Federal fiscal years a State receives a grant under this part, the Federal share of the costs of adopting and implementing an effective highway safety data and traffic records program shall not exceed 75 percent.

(d) In the third and fourth Federal fiscal year in which a State receives a grant under this part, the Federal share of the costs of adopting and implementing an effective highway safety data and traffic records program shall not exceed 50 percent.

(e) In the fifth and sixth Federal fiscal years a State receives a grant under this part, the Federal share of the costs of adopting and implementing an effective highway safety data and traffic records program shall not exceed 25 percent.

#### **§ 1335.11 Application procedures.**

(a) A State applying for a grant under this part shall submit an original and two copies of its application to the NHTSA Regional Administrator for the Region in which the State is located.

(b) To be considered for a grant in any fiscal year, an application must be received by the agency not later than January 15 of that fiscal year.

(c) Within 30 days of being informed by NHTSA that it is eligible for a grant, a State shall submit to the agency a Program Cost Summary (HS Form 217) obligating the funds under this part to highway safety data and traffic records programs.

(d) The State shall document how it intends to use the funds under this part in the Highway Safety Plan it submits pursuant to 23 CFR 1200.

#### **§ 1335.12 Contents of application.**

(a) *Start-up grant.* An application for a start-up grant under § 1335.7(a) shall certify that the State —

(1) Does not meet the requirements of § 1335.7 (b) or (c) of this part; and

(2) Will use the grant funds to conduct activities necessary to qualify for a grant under § 1335.7 (b) or (c) of this part in the next fiscal year.

(b) *Initiation grant.* An application for an initiation grant under § 1335.7(b) shall—

(1) Certify that the State has established a coordinating committee, and include the name, title and organizational affiliation of each member of the coordinating committee;

(2) Certify that the State has conducted or updated an assessment within the last five years, and submit a copy of the assessment and any updates of the assessment; and

(3) Certify that the State has initiated the development of a strategic plan, with the supervision and approval of the coordinating committee.

(c) *Implementation grant.* (1) An application for an implementation grant under § 1335.7(c), if the State has not received an initiation or an implementation grant under this part in a previous fiscal year, shall—

(i) Certify that the State has established a coordinating committee, and include the name, title and organizational affiliation of each member of the coordinating committee;

(ii) Certify that the State has conducted or updated an assessment within the last five years, and submit a copy of the assessment and any updates of the assessment;

(iii) Submit a strategic plan that specifies how the grant funds awarded to the State under this part for the fiscal year will be used to address the needs and goals identified in the plan; and

(iv) Certify that the coordinating committee continues to operate and supports the strategic plan.

(2) An application for an implementation grant under § 1335.7(c), if the State has received an initiation or an implementation grant under this part in a previous fiscal year, shall—

(i) Certify that the coordinating committee continues to operate and supports the strategic plan and identify any changes to the membership of the coordinating committee;

(ii) Submit a strategic plan or an update to the plan that specifies how the grant funds awarded to the State under this part for the fiscal year will be used to address the needs and goals identified in the plan; and

(iii) Report on the progress of the State in implementing the strategic plan since the State's previous application.

(d) *Any grant under this part.* An application for a grant under § 1335.7 (a), (b), or (c) of this part shall certify that the State will:

(1) Use the funds awarded under 23 U.S.C. 411 only to adopt and implement an effective highway safety data and traffic records program, in accordance with 23 CFR 1335.10(b);

(2) Administer the funds in accordance with 49 CFR part 18 and OMB Circulars A-102 and A-87; and

(3) Maintain its aggregate expenditures from all other sources for highway safety data and traffic records programs at or above the average level of such expenditures in Federal fiscal

years 1996 and 1997 (either State or federal fiscal year 1996 and 1997 can be used).

Issued on: October 2, 1998.

**Philip R. Recht,**

*Deputy Administrator, National Highway Traffic Safety Administration.*

[FR Doc. 98-26924 Filed 10-2-98; 4:53 pm]

BILLING CODE 4910-59-P

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[PA-4076a; FRL-6166-1]

### **Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NO<sub>x</sub> 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) and nitrogen oxides (NO<sub>x</sub>) reasonably available control technology (RACT) for four (4) major sources located in Pennsylvania. The intended effect of this rule is to approve source-specific plan approvals, operating permits and compliance permits that establish the above-mentioned RACT requirements in accordance with the Clean Air Act.

**DATES:** This final rule is effective December 7, 1998 unless within November 9, 1998, adverse or critical comments are submitted. If EPA receives such comment, 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, 1650 Arch St., Philadelphia, Pennsylvania 19103. 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, 1650 Arch St., Philadelphia, Pennsylvania 19103; 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) 814-2196, 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:**

**I. Background**

On February 20, May 2, and September 13, 1996, 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<sub>x</sub> 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 four (4) sources in Pennsylvania.

**Summary of SIP Revision**

The details of the RACT requirements for the source-specific plan approvals, operating permits and compliance 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 four (4) major sources.

**RACT Determinations**

The following table identifies the individual plan approvals, operating permits and compliance permits EPA is approving as RACT for natural gas transmission stations which emit VOC and NO<sub>x</sub>. 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<sub>x</sub> RACT Determinations for Individual Sources

Source	County	Plan approval (PA #), operating permit (OP #), compliance permit (CP #)
Consolidated Natural Gas Transmission Corporation—Harrison Station .....	Potter ....	PA 53-0005A, OP 53-0005, CP 53-0005A.
Consolidated Natural Gas Transmission Corporation—Leidy Station .....	Clinton ...	PA 18-0004A, OP 18-0004, CP 18-0004A.
Consolidated Natural Gas Transmission Corporation—Sabinsville Station .....	Tioga ....	PA 59-0002A, OP 59-0002, CP 59-0002A.
Consolidated Natural Gas Transmission Corporation—Tioga Station .....	Tioga ....	OP 59-0006.

Several of the plan approvals, operating permits and compliance permits contain a provision that allows for future changes to the emission limitations based on continuous emissions monitoring (CEM) or other monitoring data. Since EPA cannot approve emission limitations that are not currently before it, any changes to the emission limitations as submitted to EPA on February 20, May 2, and September 13, 1996 must be resubmitted to and approved by EPA in order for these changes to be incorporated into the Pennsylvania SIP. Consequently, the source-specific RACT emission limitations that are being approved into the Pennsylvania SIP are those that were submitted on the above-mentioned dates and are the subject of this rulemaking notice. These emission limitations will remain unless and until they are replaced pursuant to 40 CFR part 51 and approved by the U.S. EPA.

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 December 7, 1998 without further notice unless the Agency receives relevant adverse comments by November 9, 1998.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will 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 December 7, 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.

**II. Final Action**

EPA is approving three (3) plan approvals, four (4) operating permits and three (3) compliance permits as RACT for four (4) individual sources.

**III. Administrative Requirements**

**A. Executive Order 12866**

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 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. If the mandate is unfunded, EPA must 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 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 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. If the mandate is unfunded, EPA must 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, 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. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

#### D. Regulatory Flexibility Act

Redesignation of an area to attainment under section 107(d)(3)(E) of the CAA does not impose any new requirements on small entities. Redesignation is an action that affects the status of a geographical area and does not impose any regulatory requirements on sources. To the extent that the area must adopt new regulations, based on its attainment status, EPA will review the effect of those actions on small entities at the time the State submits those regulations. The Administrator certifies that the

approval of the redesignation request will not affect a substantial number of small entities.

#### E. Unfunded Mandates

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.

#### F. Submission to Congress and the Comptroller General

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).

#### G. 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 Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets 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 is does not involved decisions intended to mitigate environmental health or safety risks.

#### H. 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 December 7, 1998. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this 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 an action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).) EPA encourages interested parties to comment in response to the proposed redesignation rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

#### 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: September 11, 1998.

**W. Michael McCabe,**

*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)(134) to read as follows:

##### § 52.2020 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(134) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC and NO<sub>x</sub> RACT, submitted on February 20, May 2, and September 13, 1996 by the Pennsylvania Department of Environmental Resources (now known as the Pennsylvania Department of Environmental Protection).

(i) Incorporation by reference.

(A) Three (3) letters submitted by the Pennsylvania Department of Environmental Resources (now, the Pennsylvania Department of Environmental Protection) transmitting source-specific VOC and/or NO<sub>x</sub> RACT determinations in the form of plan approvals, operating permits or compliance permits on the following dates: February 20, May 2, and September 13, 1996.

(B) Plan Approvals (PA), Operating Permits (OP), Compliance Permits (CP):

(1) CNG Transmission Corporation—Harrison, Potter County, PA 53-0005A, effective April 16, 1996, except for the plan approval expiration date and item (or portions thereof) Nos. 4, 9, and 20 relating to non-RACT provisions; OP 53-0005, effective April 16, 1996, except for the operating permit expiration date and item No. 23 relating to non-RACT provisions; and CP 53-0005A effective April 16, 1996.

(2) CNG Transmission Corporation—Leidy, Clinton County, PA 18-0004A, effective March 25, 1996, except for the plan approval expiration date and item No. 11 relating to non-RACT provisions; OP 18-0004, effective February 29, 1996, except for the operating permit expiration date and item Nos. 14, 25 and 28 relating to non-RACT provisions; and CP 18-0004A effective March 25, 1996.

(3) CNG Transmission Corporation—Sabinsville, Tioga County, PA 59-0002A, effective December 18, 1995, except for the plan approval expiration date and item (or portions thereof) Nos. 3, 4, 5 and 10 relating to non-RACT provisions; OP 59-0002, effective December 18, 1995, except for the operating permit expiration date and item No. 15 relating to non-RACT provisions; and CP 59-0002A effective December 18, 1995.

(4) CNG Transmission Corporation—Tioga, Tioga County, OP 59-0006, effective January 16, 1996, except for the operating permit expiration date and item (or portions thereof) Nos. 9, 21, 24 and 28 relating to non-RACT provisions.

(ii) Additional Material.

(A) Remainder of the Commonwealth of Pennsylvania's February 20, May 2, and September 13, 1996 VOC and NO<sub>x</sub> RACT SIP submittals for the relevant sources.

[FR Doc. 98-26895 Filed 10-7-98; 8:45 am]  
BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[TN -201-9828a; FRL-6169-6]

#### Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Nashville/Davidson County Portion of the Tennessee SIP Regarding Control of Volatile Organic Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the Nashville/Davidson County portion of Tennessee's State Implementation

Plan (SIP) concerning regulatory revisions for control of volatile organic compounds. This regulatory revision to the Metropolitan Nashville and Davidson County, Tennessee's portion of the SIP establishes the emission standard for stationary sources of volatile organic compounds located in Davidson County, Tennessee. The revisions were submitted to EPA on July 23, 1997, by the State of Tennessee through the Tennessee Department of Air Pollution Control (TDAPC).

**DATES:** This direct final rule is effective December 7, 1998 without further notice, unless EPA receives adverse comment by November 9, 1998. If EPA receives adverse comment, we 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:** You should address comments on this action to Gregory O. Crawford at the Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of documents related to this action are available for the public to review during normal business hours at the locations below. If you would like to review these documents, please make an appointment with the appropriate office at least 24 hours before the visiting day. Reference file TN201-01-xxxx. The Region 4 office may have additional background documents not available at the other locations.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303, Gregory O. Crawford, (404) 562-9046.

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243-1531, (615) 532-0554. Metropolitan Government of Nashville and Davidson County, Metropolitan Health Department, 311-23rd Avenue, North, Nashville, Tennessee 37203, (615) 340-5653.

**FOR FURTHER INFORMATION CONTACT:** Gregory O. Crawford at (404) 562-9046 or E-mail (crawford.gregory@epamail.epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Background

On November 10, 1994, EPA raised the issue that the exemption in

Regulation No. 7, Section 7-16, "Emission Standards for Surface Coating of Miscellaneous Metal Parts and Products," Subparagraph (c)(1), was inconsistent with EPA's Guidelines for "Control of Volatile Organic Compounds Emissions from Stationary Sources, and therefore, EPA could not approve this provision.

#### II. Analysis of State's Submittal

In an attempt to correct the deficiency, the State of Tennessee submitted revisions to EPA on July 23, 1997, to amend regulation No. 7, "Regulation for Control of Volatile Organic Compounds, Sections 7-16, Emission Standards for Surface Coating of Miscellaneous Metal Parts and Products" of the Nashville/Davidson County portion of the Tennessee SIP (Nashville SIP).

From the July 23, 1997, submittal EPA is approving rule revisions to section 7-16(a), 7-16c(11), 7-16(d), and 7-16(f). The revisions are consistent with EPA guidance and are therefore being approved. The revisions are as follows:

Section 7-16(a) adds the definition of "heavy-duty truck touchup."

Section 7-16(d)(6) is renumbered to (d)(7), and a new paragraph (d)(6) is added to establish the maximum volatile organic compound emission limits for heavy duty truck touchups. This limit is consistent with EPA guidelines.

Section 7-16(c)(11) is deleted. The definition for heavy-duty truck touchup is now in section 7-16(a), and the new maximum volatile organic compound limit is in Section 7-16(d).

Section 7-16(f) rennumbers Paragraphs (f) and (g) to (g) and (h). It also adds a new paragraph (f) that gives the average VOC content limit for owners or operators of miscellaneous metal parts coating lines that apply multiple coatings during the same day.

#### III. Final Action

EPA is approving the aforementioned changes to the SIP. EPA is publishing 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 SIP revision should relevant adverse comments be filed. This rule will be effective December 7, 1998 without further notice unless the Agency receives relevant adverse comments by November 9, 1998.

If the EPA receives such comments, then EPA will publish a document