purpose of establishing volatile organic compound (VOC) and nitrogen oxides (NO_X) reasonably available control technology (RACT) for 16 major sources located in Pennsylvania. In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP submittal on as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule and the accompanying technical support document. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time. If adverse comments are received that do not pertain to all paragraphs subject to this rulemaking action, 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 Only those paragraphs that receive adverse comments will be withdrawn in the manner described here.

DATES: Written comments must be received by December 7, 1998.

ADDRESSES: Written comments on this action should be addressed to David Campbell, Air Protection Division, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, 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 Street, Philadelphia, Pennsylvania 19103; and the 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, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: For additional information pertaining VOC and NO_X RACT determinations for individual sources located in Pennsylvania, see the Direct Final rule located in the Rules and Regulations Section of this **Federal Register**.

Dated: October 27, 1998.

Thomas Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 98–29657 Filed 11–5–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 102–0111; FRL–6185–9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a limited approval and limited disapproval of revisions to the California State Implementation Plan (SIP). This revision concerns Rules 1, 2 and 4 of Regulation 2—Permits, for the Bay Area Air Quality Management District (BAAQMD or the ''District''). This State Implementation Plan (SIP) revision was submitted by the State of California for the purpose of meeting the requirements of the Clean Air Act (CAA), as amended in 1990, with regard to new source review (NSR) in areas that have not attained the national ambient air quality standards (NAAQS). This SIP revision was submitted by the State to satisfy Federal requirements for an approvable nonattainment area NSR SIP for the District.

The intended effect of proposing a limited approval and limited disapproval of these rules is to strengthen the federally approved SIP by incorporating these updated provisions. EPA's final action on this proposal will incorporate the rules into the SIP. EPA is proposing a simultaneous limited approval and limited disapproval under provisions of the Act regarding EPA action on SIP submittals and general rulemaking authority. While strengthening the SIP, this revision contains deficiencies which the BAAQMD must address before EPA can grant full approval under Section 110(k)(3).

DATES: Comments must be received on or before December 7, 1998.

ADDRESSES: Comments may be mailed to: John Walser, Permits Office [AIR–3], Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the state submittal and rules are available for public inspection at EPA's Region IX office during normal business hours and at the following locations: Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, CA 94109. California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95812.

FOR FURTHER INFORMATION CONTACT: John Walser, Permits Office, [AIR–3], Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1257.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules proposed for limited approval and limited disapproval into the California SIP are the District's Regulation 2 Permits, Rule 1 General Requirements, Rule 2 New Source Review, and Rule 4 Emissions Banking. These rules were submitted by the California Air Resources Board on behalf of the District to EPA on September 28, 1994.

II. Background

The air quality planning requirements for nonattainment NSR are set out in part D of title 1 of the Clean Air Act. EPA has issued a ''General Preamble'' describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under part D, including those State submittals containing nonattainment NSR SIP requirements [see 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)]. Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion. EPA has also proposed regulations to implement the changes under the 1990 Amendments in the NSR provisions in parts C and D of title 1 of the Act. [See 61 FR 38249 (July 23, 1996)]. Upon final promulgation of those regulations, EPA will review those NSR SIP submittals on which it has already taken final action to determine whether additional SIP revisions are necessary.

Part D of the Clean Air Act (CAA), Sections 171 to 173, Section 182, Section 187, and Section 189, requires that States incorporate in their State Implementation Plans an acceptable permitting program for the construction and operation of new or modified major stationary sources in nonattainment areas. The statutory permit requirements for ozone nonattainment areas are generally contained in Section 173, and in subpart 2 of part D. These are the minimum requirements that States must include in an approvable

implementation plan. EPA's requirements are contained in 40 CFR 51.165, revised as of July 1, 1992, and the Emissions Trading Policy Statement, published December 4, 1986 under 51 FR 43814. EPA relied upon the following materials in its review of the District's NSR rules: CAA, as amended, 40 CFR 51.160 through 51.165, Emissions Trading Policy Statement, General Preamble to Title 1, and the December 15, 1992, draft comprehensive SIP checklist for all Part D NSR requirements.

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the 1977 Clean Air Act (1977 CAA or pre-amended Act), that included the San Francisco Bay Area (43 FR 8964). On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the pre-amended Act, that the Bay Area Air Quality Management District's portion of the SIP was inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, amendments to the 1977 CAA were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q.

On November 12, 1993, BAAQMD submitted a request for redesignation to attainment of the ozone standard. Subsequently, EPA approved BAAQMD's request and the San Francisco Bay Area was reclassified as an attainment area. 40 CFR 81.305. Subsequently, on July 10, 1998, EPA revoked the Bay Area's attainment status and reclassified the area back to nonattainment for ozone. 63 FR 37258. The Bay Area was redesignated under Subpart 1 of Part D of the Act, and for this reason does not have a classification. However, for purposes of the new source review and Title V programs, moderate area requirements apply to the Bay Area based on its design value of .138 ppm. *See* 62 FR 66581, December 19, 1997. Because the District is currently designated as nonattainment for ozone and attainment or unclassifiable for NO_2, PM–10, Pb, CO, and SO_2, the District's nonattainment rules must be applied to all major new or modified stationary sources proposing to emit ozone precursors, namely VOC and NO_X.

This document addresses EPA's proposed action for BAAQMD Regulation 2 Permits, Rules 1, 2 and 4. The BAAQMD adopted these rules on June 15, 1994. These submitted rules were found to be complete on November 22, 1994, pursuant to EPA's completeness criteria that are set forth in 40 CFR Part 51, Appendix V;[1] and are being proposed for limited approval and limited disapproval.

BAAQMD Regulation 2 clarifies the terms and requirements that apply to the District's NSR regulation and emissions banking program. BAAQMD Regulation 2 was originally adopted as part of BAAQMD's effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone. The following is EPA's evaluation and proposed action for BAAQMD Regulation 2, Rules 1, 2 and 4.

III. EPA Evaluation and Proposed Action

In determining the approvability of a rule submittal, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 of the CAA and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans).

The statutory requirements for nonattainment NSR SIPs and permitting are found in sections 172 and 173 of the Act. The Act requires States to address a number of nonattainment NSR provisions in a SIP submittal to meet the requirements of part D of title 1 of the Act.

EPA has evaluated District Rules 1, 2 and 4 of Regulation 2 and has determined that the rules contain deficiencies and are not fully consistent with CAA requirements, EPA regulations and EPA policy. A more detailed analysis is contained in the Technical Support Document for this submittal which is available for inspection at the Region IX address listed above.

The following six items are issues that EPA has identified as significant deficiencies (approvability issues) in BAAQMD Regulation 2.

1. Interpollutant Trading

Regulation 2, Rule 2 Sections 302.1, 302.2 and 303.1

Section 302.1 states that emission reduction credits (ERCs) of nitrogen oxides (NO_X) may be used to offset increased emissions of precursor organic compounds (POC) at the offset ratio specified in Section 2–2–302 (generally 1.15 to 1.0). Section 302.2 allows for emission reduction credits of POC to be used to offset increased emissions of NO_X at the offset ratio specified in Section 302.2, and Section 303.1 allows ERCs of NO_X and/or sulfur dioxide (SO_2) to be used to offset increased emissions of particulate matter (PM10) at ratios deemed appropriate by the Air Pollution Control Officer.

These sections of Regulation 2, Rule 2 are not approvable in their current form because they do not contain adequate safeguards to ensure an overall air quality benefit from this type of trading. For example, as currently drafted, the rule allows for the same trading ratio for POC to POC trades as it does for POC for NO_X trades, without any demonstration that such trades will result in an equal air quality benefit. EPA continues to discourage interpollutant trading due to the scientific uncertainty of acceptable pollutant trading ratios. However, if the District wishes to allow interpollutant trading, the rule must be consistent with EPA guidance.[2] For instance, the rule must restrict interpollutant trading to precursor pollutants contributing to the same secondary non-attainment pollutant (such as trading POC for NO_X). The District must either perform adequate modelling studies to include a scientifically determined pollutant trading ratio and define that ratio in the rule, or perform a case-by-case analysis of the ratio, and state in the rule that the ratio will be determined after adequate modelling, public notice, and EPA concurrence.

Additionally, the District's interpollutant trading provisions may allow inter-District trading without regard to the attainment status of the District where the ERCs are created and used, because the rule is silent on this issue. Therefore, the rule must be revised to prohibit this type of trading, or be revised to explicitly include the provisions of 173(c)(1) of the Clean Air Act.

2. Exemption List

Regulation 2 Permits, Rule 1 General Requirements

Sections 2–1–114 to 128, provide that ''any equipment that produces air contaminants in excess of 150 lb/day of any single pollutant is not exempt'' from permit review. EPA is concerned that the District interprets this language to apply on an individual emissions unit basis, rather than a facility-wide basis.

EPA's fundamental requirements with respect to permit exemptions are threefold. First, the exemptions must not keep a major source from appearing to be major. That is, emissions from

[1] EPA adopted completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[2] *See* letter from Dave Howekamp to Dan Speer of the San Diego Air Pollution Control District dated April 13, 1995.

exempt equipment must be included in the determination of whether a source is major (or whether a modification is major), whether for NSR or Title V purposes. Second, emissions from exempt equipment must be included in determining the offset liability for a source. Third, substantive requirements, such as BACT, must generally apply to all emissions units.

EPA continues to believe that if the 150 lb/day cap on exemptions applies to any group of emissions units or pieces of equipment, and not just to a single piece of equipment, the District is likely to be able to satisfy the above requirements. For example, the District may be able to argue that 150 pounds a day is de minimus from a BACT standpoint. Also, a maximum 150 pound per day facility wide exemption could be factored into offset requirements.

In addition, Regulation 2, Rule 1 exempts equipment such as internal combustion engines or gas turbines of less than 250 horsepower rating (Section 2–1–115.2) from authority to construct and permit to operate requirements, and exempts certain other sources subject to generally applicable requirements. These sources may have high emissions and a greater likelihood of violating emission standards and for these reasons should not be included on an exemptions list.

3. Functionally Identical Replacement

Regulation 2, Rule 2–NSR, Dated 6/15/94, Sections 2–2–225.4, 2–2–313, 2–2–241 and 2–2–608: Replacement Sources

EPA does believe that the sections in Regulation 2, Rule 2 concerning functionally identical replacement may not fully meet the federal requirements found at 40 CFR 51.165. Specifically, section 51.165(a)(1)(v)(A) defines ''major modification'' as any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Act. Section 51.165 (a)(1)(v)(C)(1) excludes ''routine maintenance, repair and replacement'' from the definition of physical or operational change. Such assessments should be made on a case-by-case basis, but would generally not include replacement of emissions units (''sources'' in BAAQMD's nomenclature), or life extension projects.

Additionally, Section 2–2–313 of Regulation 2 states that offset requirements for replacement sources of POC and NO_X shall be met either in accordance with Section 2–2–302 Offset Requirements, or 2–2–608 Alternate Emission Calculation Procedures, Replacement Sources, which is an alternative to the calculation procedures outlined in Section 2–2–605. EPA believes that the alternate emission calculation procedures outlined in Section 2–2–608 may allow replacement sources to construct without fully applying offsets that would be required by Section 2–2–605, and by the federal regulations at 40 CFR 51.165. As drafted, the rule does not require the replacement source to consider the operating history of the replaced source, which could have been operating at a capacity well below its maximum allowable limits (e.g., actual emissions 50 percent of potential emissions). Therefore, the calculation appears to use a potential to potential emissions test, and as a result no offsets would be needed. EPA's regulations and policy (Emission Trading Policy Statement, FR 51 43838 and 40 CFR 51.165) require an actual to potential test for determining emission changes, and, consequently, offset requirements.

4. Ensuring Offsets Are Surplus When Used

Both Regulation 2, Rule 2 and Regulation 2, Rule 4 are silent regarding the requirement to ensure that ERCs are surplus at the time of use. All ERCs must be adjusted at the time of use pursuant to the requirements of Sections 173 (a), 173 (c)(1) and 173 (c)(2) of the Clean Air Act (''Act''). EPA has provided flexibility in the implementation of these requirements in the August 26, 1994 memo from John Seitz to David Howekamp entitled, ''Response to Request for Guidance on Use of Pre-1990 ERCs and Adjusting for RACT at Time of Use.'' For example, if an ERC is created and approved this year, but the District subsequently proposes, passes and includes (implicitly or explicitly) in its plan a control measure related to the source category of the creator of the ERC, the District must, upon use of the ERC, evaluate the effect the control measure would have had on the source that created the reduction, and reduce the amount of the ERC appropriately. Section 173 (a) of the Act requires that offsetting emission reductions be federally enforceable at the time an NSR permit is issued, and in effect by the time the source commences operation (Section 173 (c)(1)). In addition, Section 173 (c)(2) requires that offsets be surplus of all other requirements of the Act. The District must adjust all emission reductions to ensure that the surplus requirement of Section 173(c)(2) is met at the time that the reductions are used to meet the offset requirements of Section 173 (a) and (c).

5. Exemption, Emissions From Abatement Equipment

Section 2–2–112 in Regulation 2, Rule 2

This section states that BACT requirements shall not apply to emissions of secondary pollutants which are the direct result of the use of an abatement device which complies with the BACT or BARCT requirements for control of another pollutant. On July 1, 1994, EPA issued guidance from John Seitz, Director of the Office of Air Quality Planning and Standards, entitled ''Pollution Control Projects and New Source Review (NSR) Applicability'', which states that a source must secure offsetting reductions in the case of a pollution control project which will result in a significant increase in nonattainment pollutants.

Section 2–2–112 in Regulation 2, Rule 2 must be revised to make it clear that significant emissions of secondary pollutants which result from control devices or requirements are subject to the requirement to obtain offsets.

6. Prevention of Significant Deterioration

EPA suggests that the District add lead to the PSD pollutant list in Regulation 2, Rule 2, Sections 2–2–304, 2–2–305 and 2–2–306. The rule lists CO, PM_{10}, SO_2, POC and NO_X as PSD pollutants, but excludes lead. EPA realizes that the District has a 0.6 ton/yr BACT threshold for lead, and in Regulation 2, Rule 1, Section 111.1 a 0.3 lb/day lead exemption threshold for authorities to construct or permits to operate. However, the PSD pollutant list must include all criteria pollutants, including lead.

Because the rule deficiencies described above are inappropriate for inclusion in the SIP, EPA cannot grant full approval of this rule under section 110(k)(3). Also, because the submitted rule is not composed of separable parts which meet all the applicable requirements of the CAA, EPA cannot grant partial approval of the rule under section 110(k)(3). However, EPA may grant a limited approval of the submitted rule under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also contains a simultaneous limited disapproval. In order to strengthen the SIP, EPA is proposing a limited approval of BAAQMD's submitted

Regulation 2 under sections 110(k)(3) and 301(a) of the CAA.

It should be noted that the rules covered by this proposed rulemaking have been adopted by the BAAQMD, subsequently revised, and are currently in effect in the BAAQMD. EPA's final limited disapproval action will not prevent the BAAQMD or EPA from enforcing this rule.

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.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. 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 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. 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, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual 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 annual 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.

List of Subjects in 40 CFR Part 52

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

requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: October 29, 1998.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. 98–29818 Filed 11–5–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[OK–15–1–7399b: FRL–6183–6]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is approving the Oklahoma State Plan for control of air emissions from existing municipal waste combustors. The plan provides for implementation and enforcement of the Emissions Guidelines applicable to existing Municipal Waste Combustors with capacity to combust more than 250 tons per day of municipal solid waste. In the final rules section of this **Federal Register**, EPA is approving the State Plan as a direct final rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated in relation to this rule. If EPA receives 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 action. Any parties interested in commenting on this action should do so at this time. Please see the direct final rule located elsewhere in today's **Federal Register** for a detailed description of the Oklahoma State Plan.

DATES: Comments must be received by December 7, 1998. If no adverse comments are received, then the direct final rule is effective on January 5, 1999.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Environmental Protection Agency, Region 6, Multimedia Planning and Permitting Division, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733, telephone (214) 665–7214.

Oklahoma Department of Environmental Quality, 707 North Robinson, Oklahoma City, OK 73101–1677, telephone (405) 702–4100.

FOR FURTHER INFORMATION CONTACT: Lt. Mick Cote, Region 6, Air Planning Section, at the above address, telephone (214) 665–7219.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final action of the same title which is published in the Rules and Regulations section of this **Federal Register**.

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Intergovernmental relations, Municipal waste combustors, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: October 28, 1998.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

[FR Doc. 98–29655 Filed 11–5–98; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–190, RM–9317]

Radio Broadcasting Services; Cross City, FL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Tony Downes proposing the allotment of Channel 249A at Cross City, Florida. Channel 249A can be allotted to Cross City with a site restriction 2 kilometers (1.3 miles) west of the community at coordinates 29–38–35 and 83–08–28.

DATES: Comments must be filed on or before December 14, 1998, and reply comments on or before December 29, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Tony Downes, 3029 Harbor Hills Road, Dunnellon, Florida 34431.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 98–190, adopted October 14, 1998, and released October 23, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 1231 20th Street, NW., Washington, DC. 20036, (202) 857–3800, facsimile (202) 857–3805.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–29770 Filed 11–5–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 243

[FRA Docket No. HST–1; Notice No. 2]

RIN 2130–AB14

FOX High Speed Rail Safety Standards

AGENCY: Federal Railroad Administration (FRA), DOT.

ACTION: Notice of Public Regulatory Conference.