

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.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. 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).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this approval of revisions to COMAR 26.11.13 must be filed in the United States Court of Appeals for the appropriate circuit by February 22, 1999. Filing a petition for reconsideration by the Administrator of

this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR part 52

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

Dated: December 7, 1998.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

2. Section 52.1070 is amended by adding paragraph (c)(130) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(130) Revisions to the Maryland State Implementation Plan submitted on March 31, 1998 by the Maryland Department of the Environment.

(i) Incorporation by reference.

(A) Letter of March 31, 1998 from the Maryland Department of the Environment transmitting revisions to Maryland's air quality regulation COMAR 26.11.13, pertaining to the control of VOC emissions from sources that store and handle JP-4 jet fuel adopted by the Secretary of the Environment on March 28, 1997 and effective August 11, 1997.

(B) Revisions to COMAR 26.11.13.01(B)(4) the definition of "gasoline."

(ii) Additional Material: Remainder of March 31, 1998 Maryland State submittal pertaining to COMAR 26.11.13 control of VOCs from sources that store and handle JP-4 jet fuel.

* * * * *

[FR Doc. 98-33841 Filed 12-21-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AL-9822; FRL-6204-8]

Approval and Promulgation of Air Quality Implementation Plans; Revised Format of Materials Being Incorporated by Reference for Alabama

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; notice of administrative change.

SUMMARY: EPA is revising the format of 40 CFR part 52 for materials submitted by the State of Alabama that are incorporated by reference (IBR) into the State implementation plan (SIP). The regulations affected by this format change have all been previously submitted by the State agency and approved by EPA.

This format revision will affect the "Identification of plan" sections of 40 CFR part 52, as well as the format of the SIP materials that will be available for public inspection at the Office of the Federal Register (OFR), the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, DC, and the Regional Office. The sections of 40 CFR part 52 pertaining to provisions promulgated by EPA or State-submitted materials not subject to IBR review remain unchanged.

EFFECTIVE DATE: This is effective December 22, 1998.

ADDRESSES: SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, GA 30303; Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, SW, Room M1500, Washington, DC 20460; and Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Richard Schutt, Regional SIP Coordinator at the above Region 4 address or at (404) 562-9033.

SUPPLEMENTARY INFORMATION: The supplementary information is organized in the following order:

What is a SIP?
How EPA enforces SIPs.
How the State and EPA updates the SIP.
How EPA compiles the SIPs.
How EPA organizes the SIP Compilation.
Where you can find a copy of the SIP Compilation.

The format of the new Identification of Plan Section.

When a SIP revision become federally enforceable.

The historical record of SIP revision approvals.

What EPA is doing in this action.

How this document complies with the Federal Administrative Requirements for rulemaking.

What is a SIP?

Each state has a SIP containing the control measures and strategies used to attain and maintain the national ambient air quality standards (NAAQS). The SIP is extensive, containing such elements as air pollution control regulations, emission inventories, monitoring network, attainment demonstrations, and enforcement mechanisms.

How EPA Enforces SIPs

Each state must formally adopt the control measures and strategies in the SIP after the public has had an opportunity to comment on them and then submit the SIP to EPA.

Once these control measures and strategies are approved by EPA, after notice and comment, they are incorporated into the federally approved SIP and are identified in part 52 (Approval and Promulgation of Implementation Plans), Title 40 of the Code of Federal Regulations (40 CFR part 52). The actual state regulations approved by EPA are not reproduced in their entirety in 40 CFR part 52, but are "incorporated by reference," which means that EPA has approved a given State regulation with a specific effective date. This format allows both EPA and the public to know which measures are contained in a given SIP and insures that the State is enforcing the regulations. It also allows EPA and the public to take enforcement action, should a State not enforce its SIP-approved regulations.

How the State and EPA Updates the SIP

The SIP is a living document which the State can revise as necessary to address the unique air pollution problems in the State. Therefore, EPA from time to time must take action on SIP revisions containing new and/or revised regulations as being part of the SIP. On May 22, 1997 (62 FR 27968), EPA revised the procedures for incorporating by reference Federally-approved SIPs, as a result of consultations between EPA and OFR.

EPA began the process of developing:

1. A revised SIP document for each state that would be incorporated by reference under the provisions of 1 CFR part 51;

2. A revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR;

3. A revised format of the "Identification of plan" sections for each applicable subpart to reflect these revised IBR procedures.

The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

How EPA Compiles the SIPs

The Federally-approved regulations and source specific permits (entirely or portions of), submitted by each state agency have been compiled by EPA into a "SIP Compilation." The SIP Compilation contains the updated regulations and source specific permits approved by EPA through previous rule making actions in the **Federal Register**. The compilations are contained in 3-ring binders and will be updated, primarily on an annual basis.

How EPA Organizes the SIP Compilation

Each compilation contains two parts. Part 1 contains the regulations and Part 2 contains the source specific requirements that have been approved as part of the SIP. Each part has a table of contents identifying each regulation or each source specific permit. The table of contents in the compilation corresponds to the table of contents published in 40 CFR part 52 for these states. The Regional EPA Offices have the primary responsibility for ensuring accuracy and updating the compilations.

Where you can Find a Copy of the SIP Compilation

The Region 4 EPA Office developed and will maintain the compilation for Alabama. A copy of the full text of each State's current compilation will also be maintained at the Office of Federal Register and EPA's Air Docket and Information Center. The format of the new Identification of Plan Section.

In order to better serve the public, EPA revised the organization of the "Identification of plan" section and included additional information to clarify the enforceable elements of the SIP.

The revised Identification of plan section contains five subsections:

- (a) Purpose and scope
- (b) Incorporation by reference
- (c) EPA approved regulations
- (d) EPA approved source specific permits

(e) EPA approved nonregulatory provisions such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

When a SIP Revision Becomes Federally Enforceable

All revisions to the applicable SIP become federally enforceable as of the effective date of the revisions to paragraphs (c), (d), or (e) of the applicable identification of plan found in each subpart of 40 CFR part 52.

The Historical Record of SIP Revision Approvals

To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, EPA retains the original Identification of Plan section, previously appearing in the CFR as the first or second section of part 52 for each state subpart. After an initial two year period, EPA will review its experience with the new system and enforceability of previously approved SIP measures, and will decide whether or not to retain the Identification of plan appendices for some further period.

What EPA is Doing in This Action

Today's rule constitutes a "housekeeping" exercise to ensure that all revisions to the State programs that have occurred are accurately reflected in 40 CFR part 52. State SIP revisions are controlled by EPA regulations at 40 CFR part 51. When EPA receives a formal SIP revision request, the Agency must publish the proposed revision in the **Federal Register** and provide for public comment before approval.

EPA has determined that today's rule falls under the "good cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding "good cause," authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs.

Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is "unnecessary" and "contrary to the public interest" since the codification only reflects existing law. Immediate notice in the CFR benefits the public by removing outdated citations.

How This Document Complies With the Federal Administrative Requirements for Rulemaking

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under 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, or EPA consults with those governments. If EPA complies by consulting, E.O. 12875 requires EPA to 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 any 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 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, or EPA consults with those governments. If EPA complies by consulting, E.O. 13084 requires EPA to 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, E.O. 13084 requires EPA to develop an effective process permitting elected officials 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. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

D. 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.

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.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. 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).

H. Petitions for Judicial Review

EPA has also determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions for each individual component of the

Alabama compilation has previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to reopen the 60-day period for filing such petitions for judicial review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 21, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

PART 52—[AMENDED]

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

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

Subpart B—Alabama

2. Section 52.50 is redesignated as § 52.69 in subpart B and the heading and paragraph (a) are revised to read as follows:

§ 52.69 Original identification of plan section.

(a) This section identifies the original "Air Implementation Plan for the State of Alabama" and all revisions submitted by Alabama that were federally approved prior to December 1, 1998.

* * * * *

3. A new § 52.50 is added to read as follows:

§ 52.50 Identification of plan.

(a) Purpose and scope. This section sets forth the applicable State implementation plan for Delaware under section 110 of the Clean Air Act, 42 U.S.C. 7401, and 40 CFR part 51 to meet national ambient air quality standards.

(b) Incorporation by reference.

(1) Material listed in paragraphs (c) and (d) of this section with an EPA approval date prior to December 1, 1998, was approved for incorporation by reference by the Director of the Federal

Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval, and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c) and (d) of this section with EPA approval dates after December 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 4 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) of this section are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State implementation plan as of December 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Region 4 EPA Office at 61 Forsyth Street, SW., Atlanta, GA 30303; the Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.; or at the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW., Washington, DC. 20460.

(c) EPA approved regulations.

EPA APPROVED ALABAMA REGULATIONS FOR ALABAMA

State citation	Title subject	Adoption rate	EPA approval date	Federal Register notice
Chapter No. 335-3-1				
General Provisions				
Section 335-3-1-.01	Purpose	6/22/89	03/19/90	55 FR 10062.
Section 335-3-1-.02	Definitions	02/17/98	09/14/98	63 FR 49006.
Section 335-3-1-.03	Ambient Air Quality Standards	06/22/89	03/19/90	55 FR 10062.
Section 335-3-1-.04	Monitoring, Records, Reporting	10/15/96	06/06/97	62 FR 30091.
Section 335-3-1-.05	Sampling and Test Methods	06/22/89	03/19/90	55 FR 10062.
Section 335-3-1-.06	Compliance Schedule	10/15/96	06/06/97	62 FR 30091.
Section 335-3-1-.07	Maintenance and Malfunctioning of Equipment; Reporting.	10/15/89	03/19/90	55 FR 10062.
Section 335-3-1-.08	Prohibition of Air Pollution	10/15/96	06/06/97	62 FR 30091.
Section 335-3-1-.09	Variances	10/15/96	06/06/97	62 FR 30091.
Section 335-3-1-.10	Circumvention	06/22/89	03/19/90	55 FR 10062.
Section 335-3-1-.11	Severability	10/15/96	06/06/97	62 FR 30091.
Section 335-3-1-.12	Bubble Provision	06/22/89	03/19/90	55 FR 10062.
Chapter 335-3-2				
Air Pollution Emergency				
Section 335-3-2-.01	Air Pollution Emergency	06/22/89	03/19/90	55 FR 10062.
Section 335-3-2-.02	Episode Criteria	10/15/96	06/06/97	62 FR 30091.
Section 335-3-2-.03	Special Episode Criteria	06/22/89	03/19/90	55 FR 10062.
Section 335-3-2-.04	Emission Reduction Plans	06/22/72	05/31/72	62 FR 30091.
Section 335-3-2-.05	Two Contaminant Episode	06/22/89	03/19/90	55 FR 10062.
Section 335-3-2-.06	General Episodes	06/22/89	03/19/90	55 FR 10062.
Section 335-3-2-.07	Local Episodes	06/22/89	03/19/90	55 FR 10062.
Section 335-3-2-.08	Other Sources	10/15/96	06/06/97	62 FR 30091.
Section 335-3-2-.09	Other Authority Not Affected	06/22/89	03/19/90	55 FR 10062.
Chapter 335-3-3				
Control of Open Burning and Incineration				
Section 335-3-3-.01	Open Burning	08/19/97	01/07/98	63 FR 674.
Section 335-3-3-.02	Incinerators	06/22/89	05/19/90	55 FR 10062.
Section 335-3-3-.03	Incineration of Wood, Peanut, and Cotton Ginning Wastes.	06/22/89	03/19/90	55 FR 10062.
Chapter 335-3-4				
Control of Particulate Emissions				
Section 335-3-4-.01	Visible Emissions	10/15/96	06/06/97	62 FR 30091.
Section 335-3-4-.02	Fugitive Dust and Fugitive Emissions	10/15/96	06/06/97	62 FR 30091.
Section 335-3-4-.03	Fuel Burning Equipment	10/15/96	06/06/97	62 FR 30091.

EPA APPROVED ALABAMA REGULATIONS FOR ALABAMA—Continued

State citation	Title subject	Adoption rate	EPA approval date	Federal Register notice
Section 335-3-4-.04	Process Industries—General	10/15/96	06/06/97	62 FR 30991.
Section 335-3-4-.05	Small Foundry Cupola	06/22/89	03/19/90	55 FR 10062.
Section 335-3-4-.06	Cotton Gins	06/22/89	03/19/90	55 FR 10062.
Section 335-3-4-.07	Kraft Pulp Mills	10/15/96	06/06/97	62 FR 30991.
Section 335-3-4-.08	Wood Waste Boilers	10/15/96	06/06/97	62 FR 30991.
Section 335-3-4-.09	Coke Ovens	10/15/96	06/06/97	62 FR 30991.
Section 335-3-4-.10	Primary Aluminum Plants	06/22/89	03/19/90	55 FR 10062.
Section 335-3-4-.11	Cement Plants	10/15/96	06/06/97	62 FR 30991.
Section 335-3-4-.12	Xylene Oxidation Process	06/22/89	03/19/90	55 FR 10062.
Section 335-3-4-.13	Sintering Plants	06/22/89	03/19/90	55 FR 10062.
Section 335-3-4-.14	Grain Elevators	10/15/96	06/06/97	62 FR 30991.
Section 335-3-4-.15	Secondary Lead Smelters	10/15/96	06/06/97	55 FR 30991.
Section 335-3-4-.17	Steel Mills located in Etowah County	10/15/96	06/06/97	55 FR 30991.
Chapter 335-3-5		Control of Sulfur Compound Emissions		
Section 335-3-5-.01	Fuel Combustions	10/15/97	06/06/97	55 FR 30991.
Section 335-3-5-.02	Sulfuric Acid Plants	10/15/96	06/06/97	55 FR 30991.
Section 335-3-5-.03	Petroleum Production	10/15/96	06/06/97	55 FR 30991.
Section 335-3-5-.04	Kraft Pulp Mills	06/22/89	03/19/90	55 FR 10062.
Section 335-3-5-.05	Process Industries—General	06/22/89	03/19/90	55 FR 10062.
Chapter 335-3-6		Control of Organic Emissions		
Section 335-3-6-.01	Applicability	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.02	VOC Water Separation	06/22/90	03/19/90	55 FR 10062.
Section 335-3-6-.03	Loading and Storage of VOC	06/22/89	03/19/90	55 FR 10062.
Section 335-3-6-.04	Fixed-Roof Petroleum Liquid Storage Vessels	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.05	Bulk Gasoline Plants	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.06	Gasoline Terminals	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.07	Gasoline Dispensing Facilities—Stage I	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.08	Petroleum Refinery Sources	06/22/89	03/19/90	55 FR 10062.
Section 335-3-6-.09	Pumps and Compressors	06/22/89	03/19/90	55 FR 10062.
Section 335-3-6-.10	Ethylene Producing Plants	06/22/89	03/19/90	55 FR 10062.
Section 335-3-6-.11	Surface Coating	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.12	Solvent Metal Cleaning	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.13	Cutback Asphalt	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.14	Petition for Alternative Controls	06/22/89	03/19/90	55 FR 10062.
Section 335-3-6-.15	Compliance Schedules	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.16	Test Methods and Procedures	08/19/97	01/07/98.	63 FR 674.
Section 335-3-6-.17	Manufacture of Pneumatic Rubber Tires	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.18	Manufacture of Synthesized Pharmaceutical Products.	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.19	Reserved	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.20	Leaks from Gasoline Tank Trucks and Vapor Collection.	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.21	Leaks from Petroleum Refinery Equipment	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.22	Graphic Arts	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.23	Petroleum Liquid Storage in External Floating Roof Tanks.	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.24	Applicability	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.25	VOC Water Separation	06/22/89	03/19/90	55 FR 10062.
Section 335-3-6-.26	Loading and Storage of VOC	06/22/89	03/19/90	55 FR 10062.
Section 335-3-6-.27	Fixed-Roof Petroleum Liquid Storage Vessels	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.28	Bulk Gasoline Plants	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.29	Gasoline Terminals	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.30	Gasoline Dispensing Facilities—Stage I	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.31	Petroleum Refinery Sources	06/22/89	03/19/90	55 FR 10062.
Section 335-3-6-.32	Surface Coating	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.33	Solvent Metal Cleaning	06/22/89	03/19/90	55 FR 10062.
Section 335-3-6-.34	Cutback Asphalt	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.35	Petition for Alternative Controls	06/22/89	03/19/90	55 FR 10062.
Section 335-3-6-.36	Compliance Schedules	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.37	Test Methods and Procedures	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.38	Manufacture of Pneumatic Tires	06/22/89	03/19/90	55 FR 10062.
Section 335-3-6-.39	Manufacture of Synthesized Pharmaceutical Products.	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.40	Reserved.			
Section 335-3-6-.41	Leaks from Gasoline Tank Trucks and Vapor Collection Systems.	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.42	Leaks from Petroleum Refinery Equipment	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.43	Graphic Arts	06/22/89	03/19/90	55 FR 10062.
Section 335-3-6-.44	Petroleum Liquid Storage in External Floating Roof Tanks.	10/15/96	06/06/97	62 FR 30991.

EPA APPROVED ALABAMA REGULATIONS FOR ALABAMA—Continued

State citation	Title subject	Adoption rate	EPA approval date	Federal Register notice
Section 335-3-6-.45	Large Petroleum Dry Cleaners	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.46	Aerospace Assembly and Component and Component Coatings Operations.	06/22/89	03/19/90	55 FR 10062.
Section 335-3-6-.47	Leaks from Coke by-Product Recovery Plant Equipment.	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.48	Emissions from Coke by-Product Recovery Plant Coke Oven Gas Bleeder.	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.49	Manufacture of Laminated Countertops	06/22/89	03/19/90	55 FR 10062.
Section 335-3-6-.50	Paint Manufacture	10/15/96	06/06/97	62 FR 30991.
Section 335-3-6-.51	Gasoline Dispensing Facilities—Stage II Control.			
Section 335-3-6-.52	Seasonal Afterburner Shutdown—VOC Control Only.			
Chapter 335-3-7		Carbon Monoxide Emissions		
Section 335-3-7-.01	Metals Productions	06/22/89	03/19/90	55 FR 10062.
Section 335-3-7-.02	Petroleum Processes	06/22/89	03/19/90	55 FR 10062.
Chapter 335-3-8		Nitrogen Oxides Emissions		
Section 335-3-8-.01	New Combustion Sources	06/22/89	03/19/90	55 FR 10062.
Section 335-3-8-.02	Nitric Acid Manufacturing	10/15/96	06/06/97	62 FR 30991.
Chapter 335-3-9		Control of Emissions from Motor Vehicles		
Section 335-3-9-.01	Visible Emission Restriction for Motor Vehicles	10/15/96	06/06/97	62 FR 30991.
Section 335-3-9-.01	Ignition System and Engine Speed	06/22/89	03/19/90	55 FR 10062.
Section 335-3-9-.02	Crankcase Ventilation System	06/22/89	03/19/90	55 FR 10062.
Section 335-3-9-.04	Exhaust Emission Control Systems	06/22/89	03/19/90	55 FR 10062.
Section 335-3-9-.05	Evaporative Loss Control Systems	06/22/89	03/19/90	55 FR 10062.
Section 335-3-9-.06	Other Prohibited Acts	06/22/89	03/19/90	55 FR 10062.
Section 335-3-9-.07	Effective Date	10/15/96	06/06/97	62 FR 30991.
Chapter 335-3-12-.01		Continuous Monitoring Requirements for Existing Sources		
Section 335-3-12-.01	General	06/22/89	03/19/90	55 FR 10062.
Section 335-3-12-.02	Emission Monitoring and Reporting Requirements.	02/17/98	09/14/98	63 FR 49005.
Section 335-3-12-.03	Monitoring System Malfunction	06/22/89	03/19/90	55 FR 10062.
Section 335-3-12-.04	Alternate Monitoring and Reporting Requirements.	06/22/89	03/19/90	55 FR 10062.
Section 335-3-12-.05	Exemptions and Extensions	06/22/89	03/19/90	55 FR 10062.
Chapter 335-3-13		Control of Fluoride Emissions		
Section 335-3-13-.01	General	10/15/96	06/06/97	62 FR 30991.
Section 335-3-13-.02	Superphosphoric Acid Plants	10/15/96	06/06/97	62 FR 30991.
Section 335-3-13-.03	Diammonium Phosphate Plants	10/15/96	06/06/97	62 FR 30991.
Section 335-3-13-.04	Triple Superphosphate Plants	10/15/96	06/06/97	62 FR 30991.
Section 335-3-13-.05	Granular Triple Superphosphate Storage Facilities.	10/15/96	06/06/97	62 FR 30991.
Section 335-3-13-.06	Wet Process Phosphoric Acid Plants	10/15/96	06/06/97	62 FR 30991.
Chapter 335-3-14		Permits		
Section 335-3-14-.01	General Provisions	02/17/98	09/14/98	63 FR 49005.
Section 335-3-14-.02	Permit Procedure	10/15/96	06/06/97	62 FR 30991.
Section 335-3-14-.03	Standards for Granting Permits	10/15/96	06/06/97	62 FR 30991.
Section 335-3-14-.04	Air Permits Authorizing Construction in Clean Air Areas (Prevention of Significant Deterioration) (PSD).	10/15/96	06/06/97	62 FR 30991.
Section 335-3-14-.05	Air Permits Authorizing Construction in or near Nonattainment Areas.	02/17/98	09/14/98	63 FR 49005.
Chapter 335-3-15		Synthetic Minor Operating Permits		
Section 335-3-15-.01	Definitions	10/15/96	06/06/97	62 FR 30991.
Section 335-3-15-.02	General Provisions	10/15/96	06/06/97	62 FR 30991.
Section 335-3-15-.03	Applicability	11/23/93	10/20/94	59 FR 52916.
Section 335-3-15-.04	Synthetic Minor Operating Permit Requirements.	10/15/96	06/06/97	62 FR 30991.
Section 335-3-15-.05	Public Participation	10/15/96	06/06/97	62 FR 30991.
Appendices				
Appendix 11.2	Emissions Statements	11/13/92	11/13/92	59 FR 39684.
Appendix 11.1	Small Business Stationary Source Technical and Environmental Assistance Program.	11/13/92	11/13/92	59 FR 54388.

EPA APPROVED ALABAMA REGULATIONS FOR ALABAMA—Continued

State citation	Title subject	Adoption rate	EPA approval date	Federal Register notice
Appendix F	Maintenance Plan for the Leeds Area	9/28/93	9/28/93	01/06/95.

(d) EPA-approved State Source specific requirements.

EPA-APPROVED ALABAMA SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit number	State effective date	EPA approval date	Comments
None.				

(e) [Reserved]

[FR Doc. 98-33842 Filed 12-21-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60, 61, and 63

[FRL-6200-5]

Standards of Performance for New Stationary Sources (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP); Delegation of Authority to the States of Iowa; Kansas; Missouri; Nebraska; Lincoln-Lancaster County, Nebraska; and City of Omaha, Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Delegation of authority.

SUMMARY: The states of Iowa, Kansas, Missouri, Nebraska, and the local agencies of Lincoln-Lancaster County, Nebraska, and city of Omaha, Nebraska, have submitted updated regulations for delegation of the EPA authority for implementation and enforcement of NSPS and NESHAP. The submissions cover new EPA standards and, in some instances, revisions to standards previously delegated. The EPA's review of the pertinent regulations shows that they contain adequate and effective procedures for the implementation and enforcement of these Federal standards. This notice informs the public of delegations to the above-mentioned agencies.

DATES: The dates of delegation can be found in the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: Environmental Protection Agency, Region 7, Air Planning and

Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

Effective immediately, all notifications, applications, reports, and other correspondence required pursuant to the newly delegated standards and revisions identified in this document should be submitted to the Region VII office, and, with respect to sources located in the jurisdictions identified in this notice, to the following addresses:

Iowa Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Urbandale, Iowa 50322.

Kansas Department of Health and Environment, Bureau of Air Quality and Radiation, Building 283, Forbes Field, Topeka, Kansas 66620.

Missouri Department of Natural Resources, Air Pollution Control Program, Jefferson State Office Building, P.O. Box 176, Jefferson City, Missouri 65102.

Nebraska Department of Environmental Quality, Air and Waste Management Division, P.O. Box 98922, Statehouse Station, Lincoln, Nebraska 68509.

Lincoln-Lancaster County Air Pollution Control Agency, Division of Environmental Health, 3140 "N" Street, Lincoln, Nebraska 68510.

City of Omaha, Public Works Department, Air Quality Control Division, 5600 South 10th Street, Omaha, Nebraska 68510.

FOR FURTHER INFORMATION CONTACT: Wayne Kaiser, Environmental Protection Agency, Air Planning and Development Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551-7603.

SUPPLEMENTARY INFORMATION:

The supplementary information is organized in the following order:

What does this document do?
What is the authority for delegation?
What does delegation accomplish?
What is being delegated?
What is not being delegated?

List of Delegation Tables

Table I—NSPS, 40 CFR Part 60

Table II—NESHAPS, 40 CFR Part 61

Table III—NESHAPS, 40 CFR Part 63

Summary of this Action

- What does this document do?

The EPA is providing notice that it is delegating authority for implementation and enforcement of the Federal standards shown in the tables below to the state and local air agencies in Region VII. This delegation notice updates the delegation tables most recently published at 40 FR 32033, June 12, 1997.

- What is the authority for delegation?

1. Section 111(c)(1) of the Clean Air Act (CAA) authorizes the EPA to delegate authority to any state agency which submits adequate regulatory procedures for implementation and enforcement of the NSPS program. The NSPS standards are codified at 40 CFR Part 60.

2. Section 112(l) of the CAA and 40 CFR Part 63, subpart E, authorizes the EPA to delegate authority to any state or local agency which submits adequate regulatory procedures for implementation and enforcement of emission standards for hazardous air pollutants. The hazardous air pollutant standards are codified at 40 CFR Parts 61 and 63, respectively.

- What does delegation accomplish?

Delegation confers primary responsibility for implementation and enforcement of the listed standards to the respective state and local air agencies. However, the EPA also retains the authority to enforce the standards if it so desires.

- What is being delegated?

Tables I, II, and III below list the delegated standards. The first date in each block is the publication date of the CFR which contains the standard. The second date is the most recent effective date of the state agency rule for which the EPA is providing or updating the delegation.

What is not being delegated?

1. The EPA regulations effective after the first date specified in each block