

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]

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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

have not been delegated, and authority for implementation of these regulations is retained solely by the EPA.

2. In some cases, the standards themselves specify that specific provisions are not delegable. You should review the standard for this information.

3. In some cases, the agency rules do not adopt the Federal standard in its entirety. Each agency rule (available

from the respective agency) should be consulted for specific information.

4. In some cases, existing delegation agreements between the EPA and the agencies limit the scope of the delegated standards. Copies of delegation agreements are available from the state agencies, or from this office.

5. With respect to 40 CFR Part 63, subpart A, General Provisions (see Table III), the EPA has determined that

§§ 63.6(g), 63.6(h)(9), 63.7(e)(2)(ii) and (f), 63.8(f), and 63.10(f) cannot be delegated. Additional information is contained in an EPA memorandum titled "Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies" from John Seitz, Director, Office of Air Quality Planning and Standards, dated July 10, 1998.

- List of Delegation Tables

TABLE I.—DELEGATION OF AUTHORITY—PART 60 NSPS—REGION VII

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska
A	General Provisions	06/29/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
D	Fossil-Fuel Fired Steam Generators for Which Construction is Commenced After August 17, 1971.	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
Da	Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
Db	Industrial-Commercial-Institutional Steam Generating Units	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
Dc	Small Industrial-Commercial-Institutional Steam Generating Units	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
E	Incinerators	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
Ea	Municipal Waste Combustors Constructed after December 20, 1989, and on or before September 20, 1994..	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/96	07/01/92 09/07/97
Eb	Municipal Waste Combustors for Which Construction is Commenced after September 20, 1994.		07/01/96 06/06/97		07/01/96 09/07/97
Ec	Hospital/medical/infectious Waste Incinerators for Which Construction Commenced after June 20, 1996.				
F	Portland Cement Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
G	Nitric Acid Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
H	Sulfuric Acid Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
I	Asphaltic Concrete Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
J	Petroleum Refineries	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
K	Storage Vessels for Petroleum Liquid for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
Ka	Storage Vessels for Petroleum Liquid for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
Kb	Volatile Organic Liquid Storage Vessels for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
L	Secondary Lead Smelters	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
M	Brass & Bronze Production Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
N	Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
Na	Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
O	Sewage Treatment Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
P	Primary Copper Smelters	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
Q	Primary Zinc Smelters	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
R	Primary Lead Smelters	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
S	Primary Aluminum Reduction Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
T	Wet Process Phosphoric Acid Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
U	Superphosphoric Acid Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97

TABLE I.—DELEGATION OF AUTHORITY—PART 60 NSPS—REGION VII—Continued

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska
V	Diammonium Phosphate Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
W	Triple Superphosphate Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
X	Granular Triple Superphosphate Storage Facilities	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
Y	Coal Preparation Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
Z	Ferroalloy Production Facilities	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
AA	Steel Plant Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983.	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
AAa	Steel Plant Electric Arc Furnaces & Argon-Oxygen Decarburization Vessels Constructed After August 7, 1983.	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
BB	Kraft Pulp Mills	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	
CC	Glass Manufacturing Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
DD	Grain Elevators	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
EE	Surface Coating of Metal Furniture	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
GG	Stationary Gas Turbines	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
HH	Lime Manufacturing Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
KK	Lead-Acid Battery Manufacturing Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
LL	Metallic Mineral Processing Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
MM	Auto & Light-Duty Truck Surface Coating Operations	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
NN	Phosphate Rock Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
PP	Ammonium Sulfate Manufacture	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
QQ	Graphic Arts Industry: Publication Rotogravure Printing	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
RR	Pressure Sensitive Tape & Label Surface Coating Operations	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
SS	Industrial Surface Coating: Large Appliances	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
TT	Metal Coil Surface Coating	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
UU	Asphalt Processing & Asphalt Roofing Manufacture	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
VV	SOCMI Equipment Leaks (VOC)	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
WW	Beverage Can Surface Coating Industry	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
XX	Bulk Gasoline Terminals	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
AAA	New Residential Wood Heaters	08/31/93 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	
BBB	Rubber Tire Manufacturing Industry	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
DDD	Polymer Manufacturing Industry (VOC)	06/12/97 06/29/98	07/01/96 06/06/97		
FFF	Flexible Vinyl and Urethane Coating and Printing	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
GGG	Equipment Leaks of VOC in Petroleum Refineries	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
HHH	Synthetic Fiber Production Facilities	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
III	SOCMI AIR Oxidation Unit Processes	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
JJJ	Petroleum Dry Cleaners	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
KKK	VOC Leaks from Onshore Natural Gas Processing Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97

TABLE I.—DELEGATION OF AUTHORITY—PART 60 NSPS—REGION VII—Continued

Subpart	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska
LLL	Onshore Natural Gas Processing: SO ₂ Emissions	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
NNN	VOC Emissions from SO ₂ MI Distillation Operations	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
OOO	Nonmetallic Mineral Processing Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
PPP	Wool Fiberglass Insulation Manufacturing Plants	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
QQQ	VOC Emissions from Petroleum Refinery Wastewater Systems	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
RRR	VOC Emissions from SO ₂ MI Reactor Processes	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
SSS	Magnetic Tape Coating Facilities	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
TTT	Surface Coating of Plastic Parts for Business Machines	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
UUU	Calciners & Dryers in Mineral Industries	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	09/28/92 09/07/97
VVV	Polymeric Coating of Supporting Substrates Facilities	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97
WWW	New Municipal Solid Waste Landfills Accepting Waste On or After May 30, 1991.	06/12/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97

TABLE II.—DELEGATION OF AUTHORITY—PART 61 NESHAP—REGION VII

Sub-part	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska	Lincoln-Lancaster County	City of Omaha
A	General Provisions	10/14/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95
B	Radon Emissions from Underground Uranium Mines.		07/01/96 06/06/97				
C	Beryllium	10/14/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95
D	Beryllium Rocket Motor Firing	10/14/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95
E	Mercury	10/14/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95
F	Vinyl Chloride	10/14/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95
J	Equipment Leaks (Fugitive Emission Sources) of Benzene.	10/14/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95
L	Benzene Emissions from Coke By-Product Recovery Plants.	10/14/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95
M	Asbestos	10/14/97 06/29/98	07/01/96 06/06/97	07/01/88 02/28/98	07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95
N	Inorganic Arsenic Emissions from Glass Manufacturing Plants.	10/14/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95
O	Inorganic Arsenic Emissions from Primary Copper Smelters.	10/14/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95
P	Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.	10/14/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95
Q	Radon Emissions from Department of Energy Facilities.		07/01/96 06/06/97				
R	Radon Emissions from Phosphogypsum Stacks.		07/01/96 06/06/97				
T	Radon Emissions from the Disposal of Uranium Mill Tailings.		07/01/96 06/06/97				
V	Equipment Leaks (Fugitive Emission Sources).	10/14/97 06/29/98	07/01/96 06/06/97	07/01/96 02/28/98	07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95
W	Radon Emissions from Operating Mill Tailings.		07/01/96 06/06/97				
Y	Benzene Emissions from Benzene Storage Vessels.	10/14/97 06/29/98	07/01/96 06/06/97		07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95
BB	Benzene Emissions from Benzene Transfer Operations.	10/14/97 06/29/98	07/01/96 06/06/97		07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95

TABLE II.—DELEGATION OF AUTHORITY—PART 61 NESHAP—REGION VII—Continued

Sub-part	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska	Lincoln-Lancaster County	City of Omaha
FF	Benzene Waste Operations	10/14/97 06/29/98	07/01/96 06/06/97		07/01/92 09/07/97	07/01/92 05/16/95	07/01/92 05/29/95

TABLE III.—DELEGATION OF AUTHORITY—PART 63 NESHAP—REGION VII

Sub-part	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska	Lincoln-Lancaster County	City of Omaha
A	General Provisions	08/11/97 06/29/98	07/01/96	12/31/96 02/28/98		07/01/97 08/11/98	
B	Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Section 112(j).	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98			
D	Compliance Extensions for Early Reductions of Hazardous Air Pollutants.	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98	12/29/92 09/07/97	07/01/97 08/11/98	12/29/92 11/17/95
F	Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98		07/01/97 08/11/98	
G	Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater.	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98		07/01/97 08/11/98	
H	Organic Hazardous Air Pollutants for Equipment Leaks.	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98		07/01/97 08/11/98	
I	Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98		07/01/97 08/11/98	
L	Coke Oven Batteries	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98			
M	Perchloroethylene Emissions from Dry Cleaning Facilities.	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98	07/01/96 09/07/97	07/01/97 08/11/98	07/01/96 04/01/98
N	Chromium Emissions from Hard and Decorative Chromium Electroplating Anodizing Tanks.	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98	07/01/96 09/07/97	07/01/97 08/11/98	07/01/96 04/01/98
O	Ethylene Oxide Sterilization Facilities	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98		07/01/97 08/11/98	
Q	Industrial Process Cooling Towers	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98	07/01/96 09/07/97	07/01/97 08/11/98	07/01/96 04/01/98
R	Gasoline Distribution Facilities	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98	07/01/96 09/07/97	07/01/97 08/11/98	07/01/96 04/01/98
S	Pulp and Paper Non-Combustion.						
T	Halogenated Solvent Cleaning	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98	07/01/96 09/07/97	07/01/97 08/11/98	07/01/96 04/01/98
U	Polymers and Resins Group I	08/11/97 06/29/98				07/01/97 08/11/98	
W	Epoxy Resins and Non-Nylon Polyamides Production.	08/11/97 06/29/98	07/01/96 06/06/97			07/01/97 08/11/98	
X	Secondary Lead Smelting	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98	07/01/96 09/07/97	07/01/97 08/11/98	07/01/96 04/01/98
Y	Marine Tank Vessel Loading Operations	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98			
CC	Petroleum Refineries	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98		07/81/97 08/11/98	
DD	Off-Site Waste Operations	08/11/97 06/29/98	07/01/96 06/06/97			07/01/97 08/11/98	
EE	Magnetic Tape Manufacturing	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98		07/01/97 08/11/98	
GG	Aerospace Manufacturing and Rework Facilities.	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98	07/01/96 09/07/97	07/01/97 08/11/98	07/01/96 04/01/98
II	Shipbuilding and Ship Repair	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98			
JJ	Wood Furniture Manufacturing Operations ..	08/11/97 06/29/98	07/01/96 06/06/97	12/31/96 02/28/98	07/01/96 09/07/97	07/01/98 08/11/98	07/01/96 04/01/98
KK	Printing and Publishing Industry	08/11/97 06/29/98	07/01/96 06/06/97			07/01/97 08/11/98	
LL	Primary Aluminum Production.						
EEE	Hazardous Waste Combustors.						

TABLE III.—DELEGATION OF AUTHORITY—PART 63 NESHAP—REGION VII—Continued

Sub-part	Source category	State of Iowa	State of Kansas	State of Missouri	State of Nebraska	Lincoln-Lancaster County	City of Omaha
GGG JJJ	Pharmaceutical Production. Polymers and Resins Group IV	08/11/97 06/29/98				07/01/97 08/11/98	

• Summary of this action:

After a review of the submissions, the Regional Administrator determined that delegation was appropriate for the source categories with the conditions set forth in the original NSPS and NESHAP delegation agreements, and the limitations in all applicable regulations, including 40 CFR Parts 60, 61, and 63.

You should refer to the applicable agreements and regulations referenced above to determine specific provisions which are not delegated.

All sources subject to the requirements of 40 CFR Parts 60, 61, and 63 are also subject to the equivalent requirements of the above-mentioned state or local agencies.

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.

Administrative statement:

A. Executive Order (E.O.) 12866

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

B. E.O. 12875: Enhancing the Intergovernmental Partnership

Under E.O. 12875, the 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 the EPA consults with those governments. If the EPA complies by consulting, E.O. 12875 requires the EPA to provide to OMB a description of the extent of the 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 the 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. E.O. 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 the 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 which may have a disproportionate effect on children.

D. E.O. 13084: Consultation and Coordination with Indian Tribal Governments

Under E.O. 13084, the 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 the EPA consults with those governments. If the EPA complies by consulting, E.O. 13084 requires the EPA to provide to OMB, in a separately identified section of the preamble to the rule, a description of the extent of the 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 the 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.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act 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 State Implementation Plan (SIP) approvals under section 110 and subchapter I, part D of the CAA 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 CAA, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids the 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, the 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, the 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 the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The 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 preexisting 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. The 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 U.S. Comptroller General prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published 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 CAA, petitions for judicial review of this action 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).)

Authority: This document is issued under the authority of sections 101, 110, 112, and 301 of the CAA, as amended (42 U.S.C. 7401, 7410, 7412, and 7601).

Dated: December 2, 1998.

William Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 98-33840 Filed 12-21-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[FRL-6196-4]

Control of Air Pollution From Motor Vehicles and New Motor Vehicle Engines; Modification of Federal On-board Diagnostic Regulations for Light-Duty Vehicles and Light-Duty Trucks; Extension of Acceptance of California OBD II Requirements

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Today's action finalizes modifications to the federal on-board diagnostics regulations, including: harmonizing the emission levels above which a component or system is considered malfunctioning (i.e., the malfunction thresholds) with those of the California Air Resources Board (CARB) OBD II requirements; mandating that EPA OBD systems fully evaluate the entire emission control system, including the evaporative emission control system; indefinitely extending the allowance of deficiencies for federal OBD vehicles; indefinitely extending the allowance of optional compliance with the California OBD II requirements for federal OBD certification while also updating the allowed version of those California OBD II regulations to the most recently published version; providing flexibility to alternate fueled vehicles through the 2004 model year rather than providing flexibility only through the 1998 model year; updating the incorporation by reference of several recommended practices developed by the Society of Automotive Engineers (SAE) to incorporate recently published versions, while also incorporating by reference standardization protocol developed by the International Organization for Standardization (ISO). OBD systems in general provide substantial ozone benefits.

EFFECTIVE DATE: This action becomes effective January 21, 1999.

ADDRESSES: Materials relevant to this rulemaking are contained in Docket No. A-96-32. The docket is located at The Air Docket, 401 M. Street, SW., Washington, DC 20460, and may be viewed in room M1500 between 8:00 a.m. and 5:30 p.m., Monday through Friday. The telephone number is (202) 260-7548 and the facsimile number is (202) 260-4400. A reasonable fee may be charged by EPA for copying docket material.

FOR FURTHER INFORMATION CONTACT: Holly Pugliese, Vehicle Programs and Compliance Division, U.S. Environmental Protection Agency, 2000 Traverwood, Ann Arbor, Michigan 48105, Telephone 734-214-4288, or Internet e-mail at "pugliese.holly@epamail.epa.gov."

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are those which manufacturer new motor vehicles and engines. Regulated categories include:

Category	Examples of regulated entities
Industry	New motor vehicle and engine manufacturers.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your product is regulated by this action, you should carefully examine the applicability criteria in § 86.099-17 of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular product, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

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