

Dated: April 5, 1999.

**Thomas C. Voltaggio,**

*Acting Regional Administrator, Region III.*

[FR Doc. 99-9465 Filed 4-16-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[PA129-4083b; FRL-6323-7]

#### Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC RACT Determinations for Individual Sources

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Pennsylvania state implementation plan (SIP) submitted by the Pennsylvania Department of Environmental Protection (PADEP). The revisions impose reasonably available control technology (RACT) to reduce volatile organic compounds (VOC) from six (6) major sources located in Pennsylvania. EPA is proposing these revisions to impose RACT requirements in accordance with the Clean Air Act.

In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the State's SIP submittals as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. A more detailed description of PADEP's submittals and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. 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.

**DATES:** Written comments must be received by May 17, 1999.

**ADDRESSES:** Written comments on this action should be addressed to Kathleen Henry, 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:** Linda Miller, (215) 814-2068, at the EPA Region III office or via e-mail at miller.linda@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 further information, please see the information provided in the direct final action with the same title that is located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: April 5, 1999

**Thomas Voltaggio,**

*Acting Regional Administrator,*

*Region III.*

[FR Doc. 99-9463 Filed 4-15-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[AD-FRL-6326-3]

RIN 2060-A128

#### Hazardous Air Pollutants: Amendment to Regulations Governing Equivalent Emission Limitations by Permit

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

**ACTION:** Proposed rule; amendments.

**SUMMARY:** On May 20, 1994, the Agency promulgated a rule in the **Federal Register** (59 FR 26429) governing the establishment of equivalent emission limitations by permit, pursuant to section 112(j) of the Clean Air Act (Act). After the effective date of a Title V permit program in a State, each owner or operator of a major source in a source category for which the EPA was scheduled, but failed, to promulgate a section 112(d) emission standard will be required to obtain an equivalent emission limitation by permit. The permit application must be submitted to the Title V permitting authority 18 months after the EPA's missed

promulgation date. This action proposes to amend the original Regulations Governing Equivalent Emission Limitations by Permit rule to delay the section 112(j) permit application deadline for all 7-year source categories listed in the regulatory schedule until December 15, 1999. This action is needed to alleviate unnecessary paperwork for both major source owners or operators and permitting agencies. EPA does not consider this amendment to be controversial and does not anticipate receiving adverse comments. Because timely relief from the existing application deadline is essential, this amendment is being issued as a direct final rule in the final rules section of this **Federal Register**. EPA will consider any adverse comments concerning the direct final rule to also be adverse comments concerning this proposal. If EPA does not receive timely adverse comments concerning this proposal or the accompanying direct final rule, or a timely request for a public hearing on this proposal, we will take no further action with respect to this proposal, and the direct final rule will become final on May 17, 1999.

**DATES:** *Comments.* EPA will accept comments regarding this proposal on or before April 26, 1999. Additionally, a public hearing regarding this proposal will be held if anyone requesting to speak at a public hearing contacts the EPA by April 23, 1999. If a hearing is requested, the hearing will be held at the EPA Office of Administration Auditorium, Research Triangle Park, NC on May 3, 1999 beginning at 10:00 a.m.

**ADDRESSES:** *1 Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket No. A-93-32 (see docket section below), Room M-1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. EPA requests that a separate copy also be sent to the contact person listed below.

*Public Hearing.* If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina on May 3, 1999 beginning at 10 a.m. Persons requesting to speak at or interested in attending a public hearing concerning this proposal should contact Mr. James Szykman or Mr. David Markwordt, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2452 (Szykman) or (919) 541-0837 (Markwordt).

*Docket.* Docket No. A-93-32, containing the supporting information for the original Regulations Governing Equivalent Emission Limitations by Permit rule is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday, at the EPA's Air and Radiation Docket and Information Center (6102), 401 M Street, S.W., Washington, D.C. 20460, or by calling (202) 260-7548. A reasonable fee may be charged for copying.

An electronic version of this rule is available for download through the EPA web site at: <http://www.epa.gov/ttn/oarpg>. For further information and general questions regarding the Technology Transfer Network (TTNWEB), call Mr. Hersch Rorex (919) 541-5637 or Mr. Phil Dickerson (919) 541-4814.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Szykman or Mr. David Markwordt, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2452 (Szykman) or (919) 541-0837 (Markwordt).

**SUPPLEMENTARY INFORMATION:** If EPA does not receive timely adverse comments or a timely hearing request concerning this proposed rule, no further action will be taken concerning this proposal, and the direct final rule in the final rules section of this **Federal Register** will automatically go into effect on the date specified in that rule. If EPA receives timely adverse comment or a timely hearing request, we will publish a withdrawal in the **Federal Register** informing the public that the direct final rule will not take effect. In that event, we will address all public comments in a subsequent final rule based on this proposal. The EPA will not provide further opportunity for public comment on this action. All parties interested in commenting on this amendment must do so at this time.

Electronic comments and data may be submitted by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov. Submit comments as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on diskette in Word Perfect 5.1 or 6.1 or ACSII file format. Identify all comments and data in electronic form by the docket numbers A-93-22. No Confidential Business Information (CBI) should be submitted through electronic mail. Electronic comments may be filed online at many Federal Depository Libraries.

EPA is proposing to extend the section 112(j) permit application filing deadline for all emission standards in the 7-year category from May 15, 1999 until December 15, 1999. For an additional explanation of the nature of the proposed amendment, the detailed rationale supporting the amendment, and the rule provision, see the information provided in the direct final rule in the final rules section of this **Federal Register**.

#### Administrative

##### A. Docket

The docket for this regulatory action is A-93-32, the same docket as the original final rule, and a copy of the proposed amendment to the final rule will be included in the docket. The principle purposes of the docket are: (1) To allow interested parties a means to identify and locate documents so that they can effectively participate in the rulemaking process; and (2) to serve as the record in case of judicial review (except for interagency review materials) (section 307(d)(7)(A) of the Act). The docket is available for public inspection at the EPA's Air and Radiation Docket and Information Center, the location of which is given in the **ADDRESSES** section of this document.

##### B. Paperwork Reduction Act

The information collection requirements in this rule will be submitted for approval to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*, 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document will be prepared by EPA (ICR No. 1648.02 ) and a copy will be available from Sandy Farmer by mail at OP Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., S.W.; Washington, DC 20460, by email at [farmer.sandy@epamail.epa.gov](mailto:farmer.sandy@epamail.epa.gov), or by calling (202) 260-2740. A copy may also be downloaded off the internet at <http://www.epa.gov/icr>. The information requirements are not effective until OMB approves them.

Section 112(j) of the Clean Air Act as amended in 1990 (CAAA) requires a source to submit a permit application if EPA fails to promulgate a MACT standard for a category of subcategory of major sources on schedule. The permit application is used by the permitting to issue permits containing maximum achievable control technology (MACT) emission limitation on a case-by-case (source-by-source) basis, equivalent to what would have been promulgated by EPA. The requirement to submit the

permit application is not voluntary. Section 112(j) of the CAAA contains the need and authority for this information collection. [42 U.S.C. 7401 (*et seq.*) as amended by Pub. L. 101-549]. Any information submitted to a permitting authority with a claim of confidentiality is to be safeguarded according to policies in 40 CFR Chapter 1, Part 2, Subpart B—Confidentiality of Business Information.

The total estimated burden, which includes all activities associated with the respondents or government agencies, is \$1,323,000 and 46,339 hours. This collection of information has an estimated reporting burden of 171 hours per respondent and 140 hours per permitting agency. The permit application is a one time occurrence along with the issuance of the permit by the permitting agency. This estimated cost per respondent is \$4,600 and \$4,300 per permitting agency.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

*C. Under E.O. 12866: The Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, and the Small Business Regulatory Enforcement Fairness Act of 1996*

Because the regulatory revisions that are the subject of today's notice would delay an existing requirement, this action is not a "significant" regulatory action within the meaning of Executive Order 12866, and does not impose any Federal mandate on State, local and tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995. Further, the EPA has determined that it is not

necessary to prepare a regulatory flexibility analysis in connection with this action under the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act of 1996. The regulatory change proposed here is expected to reduce regulatory burdens on small businesses, and will not have a significant impact on a substantial number of small entities. EPA certifies that the proposed amendment will not have a significant impact on a substantial number of small entities.

#### *D. National Technology Transfer and Advancement Act*

Under section 12 of the National Technology Transfer and Advancement Act of 1995, the EPA must consider the use of "voluntary consensus standards," if available and applicable, when implementing policies and programs, unless it would be "inconsistent with applicable law or otherwise impractical." The intent of the National Technology Transfer and Advancement Act is to reduce the costs to the private and public sectors by requiring federal agencies to draw upon any existing, suitable technical standards used in commerce or industry.

A "voluntary consensus standard" is a technical standard developed or adopted by a legitimate standards-developing organization. The Act defines "technical standards" as "performance-based or design-specific technical specifications and related management systems practices." A legitimate standards-developing organization must produce standards by consensus and observe principles of due process, openness, and balance of interests. Examples of organizations that are regarded as legitimate standards-developing organizations include the American Society for Testing and Materials (ASTM), International Organization for Standardization (ISO), International Electrotechnical Commission (IEC), American Petroleum Institute (API), National Fire Protection Association (NFPA) and Society of Automotive Engineers (SAE).

Since today's action does not involve the establishment or modification of technical standards, the requirements of the National Technology Transfer and Advancement Act do not apply.

#### *E. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that (1) OMB

determines is "economically significant" as defined under Executive Order 12866, and (2) EPA determines the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety aspects 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.

These regulatory revisions are not subject to the Executive Order because it is not economically significant as defined in E.O. 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

#### *F. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments*

Under Executive Order 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, Executive Order 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, Executive Order 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. These rule revisions impose no enforceable duties on these entities. Rather, these rule revisions reduce burdens associated with certain regulatory requirements. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

#### *G. Executive Order 12875: Enhancing the Intergovernmental Partnership*

Under Executive Order 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, Executive Order 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, Executive Order 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 changes do not create a mandate on State, local or tribal governments. The rule changes do not impose any enforceable duties on these entities. Rather, the rule changes reduce burden for certain regulatory requirements. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

#### **List of Subjects in 40 CFR Part 63**

Environmental protection, Administrative practices and procedures, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: April 12, 1999.

**Carol M. Browner,**  
Administrator.

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## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 81**

[TX-81-1-7350; FRL-6324-3]

### **Clean Air Act Reclassification or Eligibility for Extension of Attainment Date, Texas; Beaumont/Port Arthur Ozone Nonattainment Area**

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