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**David P. Boergers,**  
Secretary.

[FR Doc. 99-12330 Filed 5-14-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[AD-FRL-6343-6]

RIN 2060-AI52

### National Emission Standards for Hazardous Air Pollutants: Revision of Schedule for Standards Under Section 112 of the Clean Air Act

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

**ACTION:** Notice of revisions to promulgation schedule for standards.

**SUMMARY:** This notice publishes revisions to the schedule for the promulgation of standards for sources of hazardous air pollutants (HAP). Required under section 112(c) and (e) of the Clean Air Act (CAA), the source category list and the schedule for standards constitute a significant part of the EPA's agenda for regulating stationary sources of air toxic emissions.

The schedule for standards, required under CAA section 112(e), organized the source categories into groups of four separate timeframes with promulgation deadlines of November 15, 1992; November 15, 1994; November 15, 1997; and November 15, 2000. The EPA refers to these groups of four separate timeframes as 2-year, 4-year, 7-year, and 10-year bins, respectively. Today's notice announces a scheduling change for two source categories from the 7-year bin to the 10-year bin and two source categories from the 10-year bin to the 7-year bin. In addition, this notice corrects the schedule for a source category recently added to the list.

**EFFECTIVE DATE:** May 17, 1999.

**ADDRESSES:** Docket No. A-90-49, containing supporting information used in development of this notice, is available for public inspection and

copying between 8 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays. The docket is located in the EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M-1500, 401 M Street, SW, Washington, DC 20460, or by calling (202) 260-7548. A reasonable fee may be charged for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** For information concerning this notice, contact Ms. Maria Noell, Emissions Standards Division (MD-13), U.S. EPA, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5607, facsimile number (919) 541-3470, electronic mail address "noell.maria@epa.gov".

#### SUPPLEMENTARY INFORMATION:

### I. What Is the History of the Source Category List and Schedule?

The CAA amendments of 1990 (Public Law 101-549) require, under section 112, that the Agency list categories of sources emitting HAP and promulgate national emission standards for HAP (NESHAP) in order to control, reduce, or otherwise limit the emissions of HAP from such categories of major and area sources. Pursuant to the various specific listing requirements in section 112(c), we published on July 16, 1992 (57 FR 31576), a list of 174 categories of major and area sources—referred to as the "initial list"—for which we would develop emission standards. Following this listing, pursuant to requirements in section 112(e), on December 3, 1993 (58 FR 63941), we published a schedule for the promulgation of emission standards for each of the 174 listed source categories.

When we publish notices that affect actions relating to individual source categories, it is important to reflect the resultant changes on the list and schedule. On June 4, 1996 (61 FR 28197), we published a notice that referenced all previous listing and schedule changes and consolidated those actions, along with several new actions, into a revised source category list and schedule. We published a subsequent notice on February 12, 1998 (63 FR 7155), which again updated the list and schedule. You should read these previous notices for information relating to development of the initial list and schedule.

### II. Why Is EPA Issuing This Notice?

This notice announces scheduling changes for promulgating standards. This action moves two source categories from the 7-year bin to the 10-year bin:

- Petroleum Refineries—Catalytic Cracking (Fluid and Other) Units,

Catalytic Reforming Units, and Sulfur Plant Units; and

- Primary Copper Smelting.

Also, to ensure that we still meet the CAA section 112(e)(1) scheduling requirements, we are countering these scheduling changes by moving two source categories forward to the 7-year bin:

- Hydrogen Fluoride Production; and
- Butadiene-Furfural Cotrimer (R-11) Production.

Additionally, this notice announces one other scheduling change. We are correcting the promulgation deadline for the Natural Gas Transmission and Storage source category, which we added to the original source category list, from November 15, 1997 to November 15, 2000.

### III. What Revisions Is EPA Making to the Source Category Schedule?

The following sections describe the new revisions to the source category schedule since the February 12, 1998 publication.

#### A. Corrections to Previous Notice

The Administrator may at any time add categories and subcategories of HAP to the original source category list based on the same criteria used to develop the original list. Section 112(c)(5) states that the Administrator shall promulgate standards to regulate HAP emissions from these added categories and subcategories within 10 years after enactment of the CAA amendments of 1990 (i.e., by November 15, 2000, the 10-year bin date) or within 2 years after the date on which the category or subcategory was listed, whichever is later.

This **Federal Register** notice announces one scheduling change to correct the regulatory promulgation date for the Natural Gas Transmission and Storage source category. In our last notice regarding changes to the source category list, on February 12, 1998, we incorrectly indicated that this category was a subset of the Oil and Natural Gas Production source category. Consequently, we did not consider it to be subject to the scheduling requirements of section 112(c)(5), and we placed it in the same regulatory bin as the Oil and Natural Gas Production source category (i.e., the 7-year bin). However, in a February 6, 1998 **Federal Register** notice of proposed maximum achievable control technology (MACT) standards for the Oil and Natural Gas Production and the Natural Gas Transmission and Storage source categories (63 FR 6287), we had amended the source category list to add Natural Gas Transmission and Storage

as a separate source category, distinct from the originally listed Oil and Natural Gas Production source category. As such, the Natural Gas Transmission and Storage source category is subject to the scheduling requirements of section 112(c)(5). Therefore, in this notice, we are correcting the promulgation deadline for the Natural Gas Transmission and Storage source category from November 15, 1997 to November 15, 2000.

#### *B. Moving Standards Promulgation Deadlines for Source Categories*

In the December 3, 1993 notice, we scheduled the initially listed source categories for regulation such that exactly 50 percent (87 out of 174) would be promulgated by November 15, 1997. Consequently, in order to continue to satisfy the numerical and temporal requirements of section 112(e)(1), any change that would delay the deadline for a source category scheduled for regulation by November 15, 1997 must be offset by a corresponding shifting of a source category from the November 15, 2000 regulatory timeframe forward to the November 15, 1997 timeframe.

##### **1. Primary Copper Smelting and Hydrogen Fluoride Production**

The schedule for Primary Copper Smelting, which we included in the initial source category schedule in December 1993, is being changed from November 15, 1997 to November 15, 2000. The schedule for Hydrogen Fluoride Production, published in the same notice (58 FR 63941, December 3, 1993), is being changed from November 15, 2000 to November 15, 1997. Moving Primary Copper Smelting to the 10-year bin will allow us additional time to address issues raised by comments received on the April 20, 1998 proposal (63 FR 19581).

Because we included the standard for Hydrogen Fluoride Production as part of the Generic MACT proposal, published October 14, 1998 (63 FR 55177), it will be ahead of its initial regulatory deadline and, therefore, can be used in place of the Primary Copper Smelting source category in order to address the statutory requirement of completion of 50 percent of the initially listed source categories by November 15, 1997.

##### **2. Petroleum Refineries—Catalytic Cracking (Fluid and Other) Units, Catalytic Reforming Units, and Sulfur Plant Units and Butadiene-Furfural Cotrimer (R-11) Production**

This notice also announces the change of schedules for the Petroleum Refineries—Catalytic Cracking (Fluid and Other) Units, Catalytic Reforming

Units, and Sulfur Plant Units source category and the Butadiene-Furfural Cotrimer (R-11) Production source category. The schedule for Petroleum Refineries—Catalytic Cracking (Fluid and Other) Units, Catalytic Reforming Units, and Sulfur Plant Units, which we included in the initial source category schedule in December 1993, is being changed from November 15, 1997 to November 15, 2000. The schedule for Butadiene-Furfural Cotrimer (R-11) Production, published in the same notice (58 FR 63941, December 3, 1993), is being changed from November 15, 2000 to November 15, 1997.

The Office of Mobile Sources will soon be proposing standards that will limit the amount of sulfur in gasoline. Some petroleum refineries may comply with the gasoline sulfur standards by removing both sulfur and metals from the feed to the Catalytic Cracking Units (CCU), and thereby reduce metallic HAP emissions from the CCU regeneration vent. We have moved the Petroleum Refineries—Catalytic Cracking (Fluid and Other) Units, Catalytic Reforming Units, and Sulfur Plant Units source category to the 10-year bin to gain understanding of the effects of the gasoline sulfur standards on refineries, decide how our final MACT rule should address these effects, and coordinate the implementation and compliance aspects of the MACT rule with the schedule for implementation of the gasoline sulfur program.

Because we addressed the Butadiene-Furfural Cotrimer (R-11) Production source category in the Pesticide Active Ingredient Production proposal (62 FR 60565, November 10, 1997), this source category will be ahead of its initial regulatory deadline of November 15, 2000 and, therefore, can be used in place of the Petroleum Refineries—Catalytic Cracking (Fluid and Other) Units, Catalytic Reforming Units, Sulfur Plant Units source category.

#### **IV. Is This Action Subject to Judicial Review?**

Section 112(e)(3) states that the determination of priorities for promulgation of standards for the listed source categories is not a rulemaking and is not subject to judicial review, except that, failure to promulgate any standard pursuant to the schedule established under section 112(e) shall be subject to review under section 304 of the CAA. Section 112(e)(4) states that, notwithstanding section 307 of the Act, no action of the Administrator listing a source category or subcategory under section 112(c) shall be a final Agency action subject to judicial review, except that any such action may be reviewed

under section 307 when the Administrator issues emission standards for such pollutant or category. Therefore, today's schedule is not subject to judicial review.

#### **V. Is EPA Asking for Public Comment?**

Prior to issuance of the initial source category list, we published a draft initial list for public comment (56 FR 28548, June 21, 1991). Although we were not required to take public comment on the initial source category list, we believed it was useful to solicit input on a number of issues related to the list. Indeed, in most instances, even where there is no statutory requirement to take comment, we solicit public comments on actions we are contemplating. We have decided, however, that it is unnecessary to solicit additional public comment on the revisions reflected in today's notice. Interested parties will have the opportunity to provide comments on individual emissions standards.

#### **VI. Administrative Requirements**

##### *A. Docket*

The docket for this action is A-90-49. The docket is an organized and complete file of all the information submitted to or otherwise considered by the Agency in the development of this revised list of categories of sources and revised schedule for standards. The principal purpose of this docket is to allow interested parties to identify and locate documents that serve as a record of the process engaged in by the Agency to publish today's revision to the initial list and schedule. The docket is available for public inspection at the EPA's Air and Radiation Docket and Information Center, which is listed in the ADDRESSES section of this notice.

##### *B. Regulatory Requirements*

##### **1. General**

Today's notice is not a rule; it is essentially an information sharing activity which does not impose regulatory requirements or costs. Therefore, the requirements of Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks), Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments), Executive Order 12875 (Enhancing the Intergovernmental Partnership), the Regulatory Flexibility Act, the National Technology Transfer and Advancement Act, and the Unfunded Mandates Reform Act do not apply to today's notice. Also, this notice does not contain any information collection requirements and, therefore, is not

subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

## 2. Executive Order 12866 and Office of Management and Budget (OMB) Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether a regulatory action is "significant" and, therefore, subject to OMB review and the requirements of the Executive Order. The Order defines "significant" regulatory action as one that is likely to lead to a rule that may either (1) have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, today's notice is considered a "significant regulatory action" within the meaning of the Executive Order. For this reason, this action underwent review by the OMB.

Dated: May 10, 1999.

**Robert D. Brenner,**

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. 99-12370 Filed 5-14-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6343-9]

### Oxygenate Use in Gasoline Panel Meeting

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

**ACTION:** Notice of oxygenate use in gasoline panel meeting.

**SUMMARY:** On November 30, 1998, U.S. Environmental Protection Agency Administrator Carol M. Browner announced the creation of a blue-ribbon panel of leading experts from the public health and scientific communities, automotive fuels industry, water utilities, and local and State government to review the important issues posed by the use of MTBE and other oxygenates in gasoline. EPA created the panel to

gain a better understanding of the public health concerns raised by the discovery of MTBE in some water supplies. The panel will be chaired by Mr. Daniel Greenbaum, President of the Health Effects Institute (HEI) of Cambridge, Massachusetts.

This notice announces the time and place for the next meeting of the panel.

**DATES:** The blue-ribbon panel reviewing the use of oxygenates in gasoline will conduct its next meeting on Monday and Tuesday, May 24 and 25, 1999, in Washington, DC beginning at 10 a.m.

**ADDRESSES:** The meeting will be held from 10 a.m. to 7 p.m. on Monday, May 24th and from 8:30 a.m. until approximately 5:30 p.m. on Tuesday, May 25th at the Wyndham City Center Hotel, 1143 New Hampshire Ave., NW, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Karen Smith at U.S. Environmental Protection Agency Office of Air and Radiation, 401 M Street, SW (6406J), Washington, DC 20460, (202) 564-9674, or John Brophy at (202) 564-9068. Information can also be found at [www.epa.gov/oms/consumer/fuels/oxypanel/blueribb.htm](http://www.epa.gov/oms/consumer/fuels/oxypanel/blueribb.htm).

**SUPPLEMENTARY INFORMATION:** This is the fifth in a series of meetings at locations around the country to hear from regional and national experts on the facts concerning oxygenate use in fuel. There will be no open public comment period during this meeting. Written comments to the panel can be mailed to U.S. EPA, 401 M Street, SW, Mail Code 6406J (Attn: Blue-Ribbon Panel), Washington, DC 20460. Panel members will be provided with copies of all written submissions.

Dated: May 12, 1999.

**Margo T. Oge,**

*Director, Office of Mobile Sources.*

[FR Doc. 99-12460 Filed 5-14-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6343-4]

### Evaluation of "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" Policy Statement, Proposed Revisions and Request for Public Comment

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

**ACTION:** Policy statement and request for public comment on proposed revisions.

**SUMMARY:** The Environmental Protection Agency (EPA) announces the

preliminary results of its evaluation of the effectiveness of EPA's "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" (Audit Policy) and solicits public comment on proposed revisions to the Audit Policy that are based on the evaluation. The proposed revisions include broadening the period for prompt disclosure from 10 to 21 days, clarifying the availability of Policy relief in multi-facility contexts, and providing that entities meeting all of the Policy conditions except for "systematic discovery" will not be recommended for criminal prosecution. EPA developed the Audit Policy to enhance protection of human health and the environment by encouraging entities to voluntarily discover, and disclose and correct violations of environmental requirements. EPA published the Audit Policy in the **Federal Register** at 60 FR 66705 on December 22, 1995.

**DATES:** EPA requests interested parties to comment on this notice in writing. Comments must be received by July 16, 1999.

**ADDRESSES:** Submit three copies of comments to the EPA Audit Policy Docket, 401 M Street SW, Mail Code 2201A, Room 4033, Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:** Additional documentation relating to the development and evaluation of this Policy are contained in the EPA Audit Policy Docket. Documents from the docket may be requested by calling (202) 564-2614, requesting an index to docket #C-94-01, and faxing document requests to (202) 501-1011. Hours of operation are 8 a.m. to 4 p.m., e.s.t., Monday through Friday, except legal holidays. Additional contact is Catherine Malinin Dunn, at (202) 564-2629.

## SUPPLEMENTARY INFORMATION:

### I. Explanation of Notice

#### A. Executive Summary

EPA initiated the Audit Policy Evaluation as part of EPA's commitment set forth in the Policy at 60 FR at 66712. The major preliminary findings of the Audit Policy Evaluation, and the major proposed revisions to the Policy and its implementation, are as follows:

- Discovery and correction of violations under the policy have removed pollutants from the air and water, reduced health and environmental risks and improved public information on potential environmental hazards.
- EPA has consistently applied the policy.