List of Subjects

29 CFR Part 1203

Administrative practice and procedure, Air carriers, Labor management relations.

29 CFR Part 1205

Air carriers, Railroads.

29 CFR Part 1209

National Mediation Board, Sunshine Act.

Accordingly, the National Mediation Board is amending 29 CFR parts 1203, 1205, and 1209 as follows:

PART 1203—APPLICATIONS FOR SERVICE

1. The authority citation for part 1203 continues to read as follows:

Authority: 44 Stat. 577, as amended; 45 U.S.C. 151–163.

§ 1203.1 [Amended]

2. Section 1203.1 is amended in the first sentence by removing the word ''Secretary'' and adding in its place the words ''Chief of Staff's Office or on the Internet at www.nmb.gov''. The last sentence is amended by revising ''Board's officer'' to read ''Board's offices''.

§ 1203.2 [Amended]

3. Section 1203.2 is amended in the first sentence by revising ''Executive Secretary'' to read ''Representation and Legal Department or on the Internet at www.nmb.gov''.

§ 1203.3 [Amended]

4. Section 1203.3 is amended in paragraph (a) by revising ''Secretary'' to read ''Chief of Staff''.

PART 1205—NOTICES IN RE: RAILWAY LABOR ACT

5. The authority citation for part 1205 continues to read as follows:

Authority: 44 Stat. 577, as amended; 45 U.S.C. 151–163.

§ 1205.4 [Amended]

6. Section 1205.4 is amended by removing the ''s'' in ''Acts''.

PART 1209—PUBLIC OBSERVATION OF NATIONAL MEDIATION BOARD MEETINGS

7. The authority citation for part 1209 is revised to read as follows:

Authority: 5 U.S.C. 552(b)(g).

§ 1209.7 [Amended]

8. In § 1209.7(f) remove the words ''Executive Secretary'' and add in their place, the words ''Chief of Staff''.

§ 1209.8 [Amended]

9. In § 1209.8(d) remove the words ''Executive Secretary'' and add in their place, the words ''Chief of Staff''.

Dated: July 19, 1999.

Stephen E. Crable,

Chief of Staff.

[FR Doc. 99–18939 Filed 7–23–99; 8:45 am]

BILLING CODE 7550–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IN96–1a; FRL–6401–9]

Approval and Promulgation of Implementation Plan; Indiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving temporary revised opacity limits for two processes at ALCOA Warrick Operations, which were submitted by the Indiana Department of Environmental Management (IDEM) on December 8, 1998, as amendments to its State Implementation Plan (SIP). ALCOA Warrick Operations is a primary aluminum smelter located in Newburgh, Indiana. The revised limits allow for higher opacity emissions during fluxing operations at two holding furnaces for a period of one year. The temporary limits for the #1 and #8 complexes expire on May 26, 1999, and June 15, 1999, respectively. Mass emissions limits are not being changed.

DATES: This rule is effective on September 24, 1999, unless EPA receives adverse written comments by August 25, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: You should mail written comments to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

You may inspect copies of the State submittal and EPA's analysis of it at: Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: David Pohlman, Environmental Scientist, Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-3299.

SUPPLEMENTARY INFORMATION: Throughout this document wherever ''we'', ''us'', or ''our'' are used we mean EPA.

Table of Contents

I. What Is the EPA Approving?

We are approving as SIP revisions temporary revised opacity limits for two processes at ALCOA Warrick Operations, which were submitted by IDEM on December 8, 1998. The revised limits allow for higher opacity emissions during fluxing operations at two holding furnaces for a period of one year. The temporary limits for the #1 and #8 complexes expire on May 26, 1999, and June 15, 1999, respectively.

II. What Facilities/Operations Does This Action Apply to?

We are approving temporary revised opacity limits for two processes at ALCOA Warrick Operations. ALCOA Warrick Operations is a primary aluminum smelter located in Newburgh, Indiana. Molten aluminum is transferred from the melt furnaces into the holding furnaces for final fluxing, then cast into slabs. There are no particulate matter (PM) control devices for these processes. Emissions are exhausted through ventilation hoods to the exhaust stacks for each holding furnace. The revised limits apply to the #1 Complex (the Horizontal Direct Chill Casting, or HDC) and the #8 Complex (the Electromagnetic Casting, or EMC).

III. What Are the Provisions of the Temporary Opacity Limits?

The temporary limits for both the #1 complex and the #8 complex were contained in a variance issued by IDEM on May 8, 1998. The limit on the #8 complex was revised on May 28, 1998. These revised limits became effective in Indiana 18 days after being issued, and are effective for one year. The temporary limits for the #1 and #8 complexes expire on May 26, 1999, and June 15, 1999, respectively.

The revised limits allow emissions with an opacity up to 80 percent during the fluxing portion of the production cycle from the East and West holding furnace exhaust stacks at the #1 Complex (HDC). This opacity is allowed for no more than 6 six-minute averaging periods, and only during fluxing. For all other portions of the production cycle, the limit remains at 40 percent. Fluxing lasts approximately 12–15 minutes of the 5–10 hour production cycle for the HDC.

For the East and West holding furnace exhaust stacks at the #8 Complex (EMC), the revised limit allows opacity during fluxing up to 95 percent for 2 six-minute averaging periods, and up to 90 percent opacity for an additional 4 six-minute averaging periods. During all other portions of the production cycle, the opacity of emissions from the EMC continues to be limited to 40 percent. Fluxing lasts approximately 12–15 minutes of the 3–4 hour production cycle for the EMC.

Mass PM emissions remain the same.

IV. What Are the Current Limits on These Sources?

These processes are currently covered by SIP rule Title 326 Indiana Administrative Code, Article 5, Rule 1, Section 2 (326 IAC 5–1–2), which provides a 40 percent opacity limit.

They are also covered by a SIP mass emission limit contained in 326 IAC 6–3–2. This regulation provides for a limit based on the process rate.

V. What Supporting Materials Did Indiana Provide?

Indiana provided stack test data and opacity readings. Stack tests were conducted by ALCOA to show that the revised opacity limit would still be protective of the SIP mass PM emission limits. ALCOA conducted two rounds of stack tests, and opacity readings were taken during fluxing for many of the runs.

The first round measured emissions of PM over the entire production cycle. (The production cycle lasts 5–10 hours for the HDC and 3–4 hours for the EMC.) Nine test runs were conducted on each exhaust stack. Fluxing was conducted for 35 minutes during each run, to approximate a worst-case scenario. (Fluxing normally lasts only 12–15 minutes.)

These tests showed PM emission rates of 17–32 pounds per hour (lbs/hr) and 1–3 lbs/hr for the HDC East and West holding furnaces, respectively. This compares to SIP limits of 31–44 lbs/hr for the East furnace and 14–28 lbs/hr for the West furnace. (Limits vary because they are based on production rate.)

For the EMC, measured emissions ranged from about 4–7 lbs/hr for the East holding furnace and about 4–10 lbs/hr for the West holding furnace. Limits for the EMC were about 49 lbs/hr for the East furnace and 47–53 lbs/hr for the West furnace.

During fluxing, 6-minute average opacity readings ranged from about 20–95 percent for the EMC, with an average of about 70 percent. For the HDC, 6-minute average opacity readings ranged from about 10–80 percent, with an average of about 50 percent.

The second round of tests was conducted for only one hour of the production cycle each, including the fluxing portion of the cycle. These tests were designed to show compliance with mass PM emissions limits on a one-hour basis. The tests include the fluxing portion of the cycle since fluxing produces the bulk of emissions from the holding furnaces. 3–12 test runs were conducted on each exhaust stack. During these tests, fluxing was also conducted for a ''worst-case'' time of 35 minutes. Opacity readings were taken during many of the runs.

These tests showed PM emission rates of 11–32 pounds per hour (lbs/hr) and 8–13 lbs/hr for the HDC East and West holding furnaces, respectively. This compares to limits of 17–37 lbs/hr for the East furnace and 12–20 lbs/hr for the West furnace. (Limits vary because they are based on production rate.) For the EMC, measured emissions ranged from about 7–15 lbs/hr for the East holding furnace and about 10–15 lbs/hr for the West holding furnace. Limits for the EMC were about 38–44 lbs/hr for the East furnace and 41–44 lbs/hr for the West furnace.

The tests show that ALCOA can meet SIP mass emissions limits at the EMC and HDC holding furnace stacks during fluxing. Even though opacity was often high during fluxing, no violations of the SIP mass PM emissions limits were measured. The tests indicate that the temporary revised opacity limits will not allow violations of the mass limits for these sources.

VI. What Are the Environmental Effects of This Action?

While they are in effect, the temporary revised opacity limits will allow darker smoke to be emitted than does the current SIP rule. However, since no mass limits are being revised, and since the temporary revised opacity limits are protective of the current mass limits, this SIP revision should not jeopardize air quality.

VII. EPA Rulemaking Action

We are approving, through direct final rulemaking, temporary revised opacity limits for two processes at ALCOA Warrick Operations. We are publishing this action without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comments. However, in a separate document in this **Federal Register** publication, we are proposing to approve the SIP revision should adverse written comments be filed. This action will be effective without further notice unless we receive relevant adverse written comment by August 25, 1999. Should we receive such comments, we will publish a final rule informing the public that this action will not take effect. Any parties interested in commenting on this action should do so at this time. If no such comments are received, you are advised that this action will be effective on September 24, 1999.

It should be noted that the applicable period of these temporary opacity limits is wholly in the past. Therefore, we must judge whether the variance warrants inclusion as a codified element of the Indiana SIP. We are undertaking an effort to revise the presentation of SIPs in a manner that more clearly identifies the enforceable elements of each SIP. Part of this effort is to eliminate referencing of temporary limits that have expired. The temporary opacity limits for ALCOA alter the opacity limits to be enforced for approximately one year, but have no effect on the current regulations governing emissions at this facility. Consequently, we are not codifying the temporary opacity limits for ALCOA as part of the Indiana SIP.

VIII. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.'' Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13045

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

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

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

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

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding this rulemaking action under section 801 because this is a rule of particular applicability.

H. Paperwork Reduction Act

This action does not contain any information collection requirements which requires OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

I. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary

consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

J. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 24, 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, Particulate matter.

Dated: July 9, 1999.

Francis X. Lyons,

Regional Administrator, Region 5.

[FR Doc. 99–18870 Filed 7–23–99; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Parts 260, 261, 262, 263, 264, and 265

Temporary Assistance for Needy Families (TANF) Program

AGENCY: Administration for Children and Families, Office of Family Assistance, HHS.

ACTION: Technical and correcting amendments.

SUMMARY: This document contains technical correcting amendments to the Temporary Assistance for Needy Families final rule published on April 12, 1999 (64 FR 17720). The final rule implements key statutory provisions related to work, penalties, and data collection.

DATES: Effective October 1, 1999.

FOR FURTHER INFORMATION CONTACT: Ann Burek, Office of Family Assistance, 202–401–4528.

SUPPLEMENTARY INFORMATION:

I. Background

We published the final rule on the Temporary Assistance for Needy Families (TANF) program on April 12, 1999 in the **Federal Register** (64 FR 17720). The purpose of the final rule is to implement key provisions of the new welfare block grant program, which was enacted as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The effective date of the rule is October 1, 1999.

II. Need for Technical and Correcting Amendments in 45 CFR Parts 260, 261, 262, 263, 264, and 265

This document corrects technical errors and omissions in the preamble and text of the final regulations and refines certain provisions to make them clearer.

A. Regulatory Text

We have made the following changes in the regulatory text:

- In § 260.30, we defined noncustodial parent primarily for the purpose of specifying who must be included under certain reporting provisions in part 265. In fact, although the preamble uses the term in a number of places, part 265 is the only place in the regulation that the term is used. But some readers were assuming that the definition restricted the benefits and services that noncustodial parents might receive. Similarly, the definition created confusion about exactly what needed to be reported if a noncustodial parent was involved. We have refined the definition at § 260.30 to eliminate the confusion and revised the regulatory text at § 265.3 to clearly address the circumstances under which States must report information on noncustodial parents.
- The changes to the heading of § 260.59 correct errors in format.
- In § 261.56, we have inserted a missing quotation mark.
- In § 262.5, we intended to give States that could not meet the reporting deadline for the first two quarters of FY 2000 data, due to Y2K compliance activities, additional time to submit the data and avoid a penalty. While the June 30, 2000, date in the rules gave States an additional 90 days to submit the first quarter's data, it did not give States the intended additional time for the second quarter's data. States that submitted the second quarter's data by June 30 would not have been subject to a reporting penalty under the normal TANF reporting rules and therefore received no additional time for that quarter. This result was inadvertent. In order to provide the additional time that we intended, we should have specified a September 30, 2000, date as the final deadline for States wishing to claim reasonable cause for failing to meet the reporting requirements on a timely basis. Thus, we are making that change as a technical amendment. Corresponding changes should also be made to the preamble references to July 1, 2000, on pages 17804 (column 3) and 17866 (column 1) and the reference to June 30, 2000, on page 17858 (column 3).
- In § 263.2(b)(1)(iii), we have added some statutory language that we had inadvertently omitted from the final rule. It is clear from the statute at section 409(a)(7)(B)(i)(IV) and the preamble discussion on page 17822 (i.e., in the first comment) that the third category of ''eligible families,'' for MOE purposes, includes only ''families of aliens lawfully present in the United States'' that would be eligible for TANF, but for the alien provisions in PRWORA. We have corrected the regulatory text to reflect this limitation.
- We are also refining § 263.2(d). The regulation at § 260.31(c) provides that the definition of assistance does not apply to the use of the term ''assistance'' in subpart A of part 263—the subpart that addresses allowable MOE expenditures. The MOE regulation at § 263.2(d) included a similar provision. However, this latter provision referenced only paragraph (a) of § 263.2. Since paragraph (b)(1)(i) also included the term ''assistance,'' readers were unsure whether the definition of assistance applied in paragraph (b)(1)(i). The effect of applying the definition of assistance in paragraph (b)(1)(i) would have been to substantially narrow the number and type of families for whom benefits and services that were not ''assistance'' would count as MOE.

The language at § 260.31(c) broadly addressed the issue of the applicability of the definition of assistance under that section to the MOE provisions of the rule. Under that provision, the definition of assistance does not limit what is considered assistance in paragraph (b)(1)(i) of § 263.2. However, because readers found the language at § 263.2(d) confusing, we have refined it to reaffirm that the definition of assistance does not limit paragraph (b)(1)(i). The change is a conforming amendment.

- In § 264.3(b), we had omitted the word ''because'' from the original regulatory text.