3. Subpart PP is amended by adding a new § 62.10150 and a new undesignated center heading to read as follows: Metals, acid gases, organic compounds and nitrogen oxide emissions from existing municipal waste combustors with the capacity to combust greater than 250 tons per day of municipal solid waste.

**§ 62.10150 Identification of sources.**

The plan applies to existing facilities with a municipal waste combustor (MWC) unit capacity greater than 250 tons per day of municipal solid waste (MSW) at the following MWC sites:

(a) Foster Wheeler Charleston Resource Recovery Facility, Charleston, South Carolina.

(b) [Reserved]

[FR Doc. 98–19934 Filed 7–24–98; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 62

**[MN51–01–7276a; FRL–6128–8]**

## Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Minnesota; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

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

**ACTION:** Direct final rule.

**SUMMARY:** The United States Environmental Protection Agency (EPA) is approving the Minnesota State Plan submittal for implementing the Municipal Solid Waste (MSW) Landfill Emission Guidelines. The State's plan submittal was made pursuant to requirements found in the Clean Air Act (Act). The State's plan was submitted to EPA on March 4, 1997, in accordance with the requirements for adoption and submittal of State plans for designated facilities in 40 CFR part 60, subpart B. It establishes performance standards for existing MSW landfills and provides for the implementation and enforcement of those standards. The EPA finds that Minnesota's Plan for existing MSW landfills adequately addresses all of the Federal requirements applicable to such plans. If adverse comments are received on this action, the EPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule, which is being published in the proposed rules section of this **Federal Register**. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time. This approval makes federally enforceable the State's rule that has been incorporated by reference.

**DATES:** The ''direct final'' is effective on September 25, 1998, unless EPA receives adverse or critical comments by August 26, 1998. Should EPA receive adverse comments, a timely withdrawal of the Direct Final Rule will be published in the **Federal Register** to inform the public that the rule will not take effect.

**ADDRESSES:** Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section , Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the proposed State Plan submittal and EPA's analysis are available for inspection at the U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone Douglas Aburano at (312) 353–6960 before visiting the Region 5 Office.)

**FOR FURTHER INFORMATION CONTACT:** Douglas Aburano, Environmental Engineer, Regulation Development Section, Air Programs Branch (AR–18J), U.S. EPA, Region 5, Chicago, Illinois 60604, (312) 353–6960.

**SUPPLEMENTARY INFORMATION:**

### I. Background

Under section 111(d) of the Act, EPA established procedures whereby States submit plans to control certain existing sources of ''designated pollutants.'' Designated pollutants are defined as pollutants for which a standard of performance for new sources applies under section 111, but which are not ''criteria pollutants'' (i.e., pollutants for which National Ambient Air Quality Standards (NAAQS) are set pursuant to sections 108 and 109 of the Act) or hazardous air pollutants (HAPs) regulated under section 112 of the Act (see 40 CFR 60.21(a)). As required by section 111(d) of the Act, EPA established a process at 40 CFR part 60, subpart B, similar to the process required by section 110 of the Act (regarding State Implementation Plan (SIP) approval) which States must follow in adopting and submitting a section 111(d) plan. Whenever EPA promulgates a new source performance standard (NSPS) that controls a designated pollutant, EPA establishes Emissions Guidelines (EG) in accordance with 40 CFR 60.22 which contain information pertinent to the control of the designated pollutant from those existing facilities that, but for their construction prior to the proposal of the NSPS, would be affected by the standard (i.e., the ''designated facility'' as defined at 40 CFR 60.21(b)). Thus, a State's section 111(d) plan for a designated facility must comply with the EG for that source category as well as 40 CFR part 60, subpart B.

On March 12, 1996, EPA published Emissions Guidelines for existing MSW landfills (EG) at 40 CFR part 60, subpart Cc (40 CFR 60.30c through 60.36c) and NSPS for new MSW Landfills at 40 CFR part 60, subpart WWW (40 CFR 60.750 through 60.759) (see 61 FR 9905–9929). The pollutant regulated by the NSPS and EG is MSW landfill emissions, which contain a mixture of volatile organic compounds (VOCs), other organic compounds, methane, and HAPs. VOC emissions can contribute to ozone formation which can result in adverse effects to human health and vegetation. The health effects of HAPs include cancer, respiratory irritation, and damage to the nervous system. Methane emissions contribute to global climate change and can result in fires or explosions when they accumulate in structures on or off the landfill site. To determine if control is required, nonmethane organic compounds (NMOCs) are measured as a surrogate for MSW landfill emissions. Thus, NMOC is considered the designated pollutant. The designated facility which is subject to the EG is each existing MSW landfill (as defined in 40 CFR 60.31c) for which construction, reconstruction or modification was commenced before May 30, 1991.

Pursuant to 40 CFR 60.23(a), States were required to submit a plan for the control of the designated pollutant to which the EG applies within nine months after publication of the EG (i.e., by December 12, 1996). If there were no designated facilities in the State, then the State was required to submit a negative declaration by December 12, 1996.

On March 4, 1997, the State of Minnesota submitted its ''Section 111(d) Plan for MSW Landfills'' for implementing EPA's MSW landfill EG. The following provides a brief discussion of the requirements for an approvable State plan for existing MSW landfills and EPA's review of Minnesota's submittal in regard to those requirements. More detailed information on the requirements for an approvable plan and Minnesota's submittal can be found in the Technical Support Document (TSD) accompanying this document, which is available upon request.

## II. Review of Minnesota's MSW Landfill Plan

EPA has reviewed Minnesota's section 111(d) plan for existing MSW landfills against the requirements of 40 CFR part 60, subpart B and subpart Cc, as follows:

*A. Identification of Enforceable State Mechanism for Implementing the EG*

40 CFR 60.24(a) requires that the section 111(d) plan include emissions standards, defined in 40 CFR 60.21(f) as ''a legally enforceable regulation setting forth an allowable rate of emissions into the atmosphere, or prescribing equipment specifications for control of air pollution emissions.''

The State of Minnesota, through the Minnesota Pollution Control Agency (MPCA), has adopted State rules to control air emissions from existing landfills in the State. The rules are found at Minn. R. 7011.3500 through 7011.3510. They were proposed in the *State Register* (21 SR 271) on August 26, 1996, and the notice of adoption appeared in the *State Register* (21 SR 993) on January 21, 1997. The rules became effective five working days after publication, January 28, 1997. Also submitted as part of the 111(d) plan were definitions already adopted at the State level as part of Solid Waste regulations. Thus, the State has met the requirement of 40 CFR 60.24(a) to have legally enforceable emission standards.

*B. Demonstration of the State's Legal Authority to Carry out the Section 111(d) State Plan as Submitted*

40 CFR 60.26 requires the section 111(d) plan to demonstrate that the State has legal authority to adopt and implement the emission standards and compliance schedules.

MPCA has the legal authority to adopt and implement the rules governing landfill gas emissions from existing MSW landfills. The MPCA enclosed a letter dated February 3, 1997, from the Minnesota Assistant Attorney General, Kathleen Winters, that identifies the statutory sources of the MPCA's legal authority.

EPA has reviewed the Assistant Attorney General's opinion and the State laws and has determined that the MPCA has adequate legal authority to adopt and implement the section 111(d) plan in accordance with 40 CFR 60.26.

*C. Inventory of Existing MSW Landfills in the State Affected by the State Plan*

40 CFR 60.25(a) requires the section 111(d) plan to include a complete source inventory of all existing MSW landfills (i.e., those MSW landfills that were constructed, reconstructed, or modified prior to May 30, 1991) in the State that are subject to the plan. This includes all existing landfills that have accepted waste since November 8, 1987 or that have additional capacity for future waste deposition.

A list of the existing MSW landfills in Minnesota and an estimate of NMOC emissions from each landfill have been submitted as part of the State's landfill 111(d) plan.

*D. Inventory of Emissions From Existing MSW Landfills in the State*

40 CFR 60.25(a) requires that the plan include an emissions inventory that estimates emissions of the pollutant regulated by the EG, which, in the case of MSW landfills, is NMOC. Minnesota included in Attachment V of its section 111(d) plan an estimation of NMOC emissions for all of the landfills in the State using the Landfill Air Emissions Estimation Model and AP–42 default emission factors.

*E. Emission Limitations for MSW Landfills*

40 CFR 60.24(c) specifies that the State plan must include emission standards that are no less stringent than the EG (except as specified in 40 CFR 60.24(f) which allows for less stringent emission limitations on a case-by-case basis if certain conditions are met). 40 CFR 60.33c contains the emissions standards applicable to existing MSW landfills.

The MPCA rules require existing MSW landfills to comply with the same equipment design criteria and level of control as prescribed in the NSPS. The controls required by the NSPS are the same as those required by the EG. Thus, the emission limitations/standards are ''no less stringent than'' subpart Cc, which meets the requirements of 40 CFR 60.24(c).

Section 60.24(f) allows States, in certain case-by-case situations, to provide for a less stringent standard or longer compliance schedule. Minn. R. 7011.3505, subp. 6, requires an owner/operator seeking to apply a less stringent standard, or longer compliance schedule, to submit a written request to the MPCA and the EPA which demonstrates compliance with the criteria set forth in to 40 CFR 60.24(f).

Thus, MPCA's plan meets the emission limitation requirements by requiring emission limitations that are no less stringent than the EG.

*F. A Process for State Review and Approval of Site-Specific Gas Collection and Control System Design Plans*

40 CFR 60.33c(b) in the EG requires State plans to include a process for State review and approval of site-specific design plans for required gas collection and control systems.

The MPCA's rules regulating landfill gas emissions from MSW landfills essentially make the federal NSPS applicable to existing MSW landfills. The design criteria and the design specifications for active collection systems specified in the NSPS also apply to existing landfills, unless a request pursuant to 40 CFR 60.24(f) has been approved by the MPCA and by EPA. Once a design plan is received, MPCA will record the date the plan is received. MPCA will then review the submittal for completeness and will request additional information if necessary. A review of the design plan will be completed within 180 days of its receipt.

Thus, Minnesota's section 111(d) plan adequately addresses this requirement.

*G. Compliance Schedules*

The State's section 111(d) plan must include a compliance schedule that owners and operators of affected MSW landfills must meet in complying with the requirements of the plan. 40 CFR 60.36c provides that planning, awarding of contracts, and installation of air emission collection and control equipment capable of meeting the EG must be accomplished within 30 months of the effective date of a State emission standard for MSW landfills. 40 CFR 60.24(e)(1) provides that any compliance schedule extending more than 12 months from the date required for plan submittal shall include legally enforceable increments of progress as specified in 40 CFR 60.21(h), including deadlines for submittal of a final control plan, awarding of contracts for emission control systems, initiation of on-site construction or installation of emission control equipment, completion of on-site construction/installation of emission control equipment, and final compliance.

MPCA has adopted enforceable compliance schedules in Minn. R. 7011.3505 Subpart 5. The State's rules require landfills that are required to install collection and control systems be in final compliance with the requirements of the State plan no later than 30 months from the effective date of State adoption of the State rule or, for those MSW landfills which are not currently subject to the collection and control system requirements, within 30 months of first becoming subject to such requirements (i.e., within 30 months of reporting a NMOC emission rate of 50 Mg/yr or greater). Thus, the State's rule satisfies the requirement of 40 CFR 60.36c.

*H. Testing, Monitoring, Recordkeeping and Reporting Requirements*

40 CFR 60.34c specifies the testing and monitoring provisions that State plans must include (60.34c references the requirements found in 40 CFR 60.753 to 60.756), and 40 CFR 60.35c specifies the reporting and recordkeeping requirements (60.35c references to the requirements found in 40 CFR 60.757 and 60.758). The MPCA has adopted by reference 40 CFR 60.750 through 60.759 with certain specific exceptions that apply only to those sources subject to the EG standards.

Minn. R. 7011.3505 Subpart 2 allows an exception to the quarterly monitoring requirements for surface methane concentrations in 40 CFR 60.756(f). The State rule only requires surface methane concentration monitoring during the second, third, and fourth quarters of the calendar year. In a November 14, 1997 letter to EPA, the State submitted extensive climatological data and explained why it believes this data shows that exceedingly cold temperatures and snow cover during the winter quarter (essentially the months of December, January and February) would make monitoring of surface methane concentrations nearly impossible. In examining the data for the MSW landfills that currently appear to be subject to the collection and control system requirements of the State plan, the State found the following information:

1. The daily mean temperatures in range from 8.1 to 17.9 degrees Fahrenheit during December, January and February;

2. Average wind chill factors range from −9.0 degrees to 3.0 degrees Fahrenheit;

3. An average total snowfall receive each year is between 45 and 50 inches, of which 27 to 28 inches are received in December, January and February;

4. At least one inch of snow covers the area from November 24 to April 1; and

5. The mean duration of snow on the ground is:

a. Greater than or equal to 1 inch, 95–100 days;

b. Greater than or equal to 3 inches, 75–90 days;

c. Greater than or equal to 6 inches, 50–65 days;

d. Greater than or equal to 12 inches, 20–30 days; and

e. Greater than or equal to 24 inches, 5–10 days.

Thus, MPCA contends that, with mean temperatures during the winter quarter below freezing and with snow covering the landfill at depths sometimes greater than two feet, surface monitoring for methane during the winter quarter is not practical and, at best, extremely difficult.

EPA believes that the State has provided substantial documentation showing that the extremely cold temperatures and wind chill factors, as well as the snow cover, justify the exemption from first quarter monitoring for surface methane concentrations. If any other existing MSW landfills become subject to the State's section 111(d) plan in the future, EPA will need to re-evaluate the State's exemption from first quarter monitoring based on the location and meteorological data for that location.

40 CFR 60.756(b)(2) and 60.756(c)(2) require the installation of a gas flow rate measuring device (which will record the flow to the control device) or that the bypass line valve shall be secured in the closed position with a car-seal or a lock-and-key type configuration. These requirements assume that there is some way to bypass the control device. If there is no bypass, then this requirement for equipment to monitor bypasses is obviated. Minn. R 7011.3505 Subp. 3 allows landfill owners or operators seeking to comply with 40 CFR 60.756(b)(2) and 60.756(c)(2), to alternatively confirm that there is no means to bypass the control device in the design plan. Therefore, MPCA's alternative compliance method is acceptable.

Consequently, EPA finds that the State's section 111(d) plan for MSW landfills adequately addresses the testing, monitoring, reporting, and recordkeeping requirements of the EG.

*I. A Record of Public Hearings on the State Plan*

40 CFR 60.23 contains the requirements for public hearings that must be met by the State in adopting a section 111(d) plan. Additional guidance is found in EPA's ''Summary of the Requirements for Section 111(d) State Plans for Implementing the Municipal Solid Waste Landfill Emission Guidelines (EPA–456R/96–005, October 1996).'' Minnesota included documents in its plan submittal demonstrating that these procedures, as well as the State's administrative procedures, were complied with in adopting the State's plan. Therefore, EPA finds that Minnesota has adequately met this requirement.

*J. Submittal of Annual State Progress Reports to EPA*

40 CFR 60.25(e) and (f) require States to submit to EPA annual reports on the progress of plan enforcement. Minnesota committed in the submittal letter for its section 111(d) plan to submit annual progress reports to EPA. The first progress report will be submitted by the State one year after EPA approval of the State plan.

## III. Final Action

Based on the rationale discussed above and in further detail in the TSD associated with this action, EPA is approving Minnesota's March 4, 1997 submittal of its section 111(d) plan for the control of landfill gas from existing MSW landfills. As provided by 40 CFR 60.28(c), any revisions to Minnesota's section 111(d) plan or associated regulations will not be considered part of the applicable plan until submitted by the State in accordance with 40 CFR 60.28(a) or (b), as applicable, and until approved by EPA in accordance with 40 CFR part 60, subpart B.

EPA has been involved in litigation over the requirements of the MSW landfill EG and NSPS since the summer of 1996. On November 13, 1997, EPA issued a notice of proposed settlement in *National Solid Wastes Management Association* v. *Browner, et. al.,* No. 96–1152 (D.C. Cir), in accordance with section 113(g) of the Act. (See 62 FR 60898.) It is important to note that the proposed settlement does not vacate or void the existing MSW landfill EG or NSPS. Pursuant to the proposed settlement agreement, EPA published a direct final rulemaking on June 16, 1998, in which EPA is amending 40 CFR part 60, subparts Cc and WWW, to add clarifying language, make editorial amendments, and to correct typographical errors. See 63 FR 32783–4, 32743–53. EPA regulations at 40 CFR 60.23(a)(2) provide that a State has nine months to adopt and submit any necessary State Plan revisions after publication of a final revised emission guideline document. Thus, States are not yet required to submit State Plan revisions to address the June 16, 1998 direct final amendments to the EG. In addition, as stated in the June 16, 1998 preamble, the changes to 40 CFR part 60, subparts Cc and WWW, do not significantly modify the requirements of those subparts (see 63 FR 32744). Accordingly, the MSW landfill EG published on March 12, 1996 was used as a basis for EPA's review of Minnesota's submittal. Minnesota is not required to make a subsequent submittal since its original submittal was reviewed against the March 12, 1996 EG and these latest amendments to the EG do not increase the stringency of the rule or add additional control requirements, nor do the amendments

alter control, monitoring, recordkeeping, or reporting requirements of the March 12, 1996 EG (see 63 FR 32750).

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, EPA is proposing to approve the State Plan should adverse or critical comments be filed. This action will be effective September 25, 1998, unless, by August 26, 1998, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on the companion 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. If no such comments are received, the public is advised that this action will be effective on September 25, 1998.

## IV. Administrative

### *A. Executive Order 12866*

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

### *B. Executive Order 13045*

This final rule is not subject to Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks,'' because it is not an ''economically significant'' action under Executive Order 12866.

### *C. Regulatory Flexibility*

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 direct final rule will not have a significant impact on a substantial number of small entities because State Plan approvals under section 111(d) of the CAA do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal State Plan 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 a flexibility analysis would constitute Federal inquiry into the economic reasonableness of a State action. The CAA 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).

### *D. Unfunded Mandates*

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must undertake various actions in association with any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. This Federal action approves pre-existing requirements under State law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or the private sector, result from this action.

### *E. Audit Privilege and Immunity Law*

Nothing in this action should be construed as making any determination or expressing any position regarding Minnesota's audit privilege and penalty immunity law sections 114C.20 to 114C.31 of the Minnesota Statute or its impact upon any approved provision in the State Plan. The action taken herein does not express or imply any viewpoint on the question of whether there are legal deficiencies in this or any other Act program resulting from the effect of Minnesota's audit privilege and immunity law. A State audit privilege and immunity law can affect only State enforcement and cannot have any impact on Federal enforcement authorities. EPA may at any time invoke its authority under the Act including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the State plan, independently of any State enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by a State audit privilege or immunity law.

### *F. 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 Comptroller General of the United States prior to the publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

### *G. 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 September 25, 1998. 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 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Methane, Municipal solid waste landfills, Nonmethane organic compounds, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401–7671q.

Dated: July 10, 1998.

**David A. Ullrich,**

*Acting Regional Administrator.*

Part 62, Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

## PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

**Authority:** 42 U.S.C. 7401–7642.

2. Subpart Y is amended by adding an undesignated center heading and sections 62.5860, 62.5861 and 62.5862 to read as follows:

### Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

#### § 62.5860 Identification of plan.

''Section 111(d) Plan for Municipal Solid Waste Landfills,'' submitted by the State on March 4, 1997.

#### § 62.5861 Identification of sources.

The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or

modification was commenced before May 30, 1991 that accepted waste at any time since November 8, 1987 or that have additional capacity available for future waste deposition, as described in 40 CFR part 60, subpart Cc.

**§ 62.5862 Effective date.**

The effective date of the plan for municipal solid waste landfills is September 25, 1998.

[FR Doc. 98–19937 Filed 7–24–98; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 70

**[FRL–6129–1]**

**RIN 2060–AF70**

## Extension of Operating Permits Program Interim Approval Expiration Dates

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

**ACTION:** Proposed rule.

**SUMMARY:** This action proposes to amend Appendix A of the operating permits regulations codified in part 70 of chapter I of title 40 of the Code of Federal Regulations. Those regulations were originally promulgated on July 21, 1992. These amendments to Appendix A would extend up to June 1, 2000 all operating permits program interim approvals. This action would allow the program revisions necessary to correct interim approval deficiencies to be combined with program revisions necessary to implement the revisions to part 70 that are anticipated to be promulgated in December 1999.

**DATES:** Comments. Comments must be received on or before August 26, 1998. For those programs whose interim approval dates would be amended by this action, interim approval would expire on June 1, 2000.

**ADDRESSES:** Comments. Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–93–50 (see docket section below), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The EPA requests that a separate copy also be sent to the contact person listed below.

Docket. Supporting material used in developing the proposal and final regulatory revisions is contained in Docket Number A–93–50. This docket is available for public inspection and copying between 8:30 a.m. and 5:30 p.m., Monday through Friday, at the address listed above, or by calling (202) 260–7548. The Docket is located at the above address in Room M–1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Roger Powell, Mail Drop 12, United States Environmental Protection Agency, Office of Air Quality Planning and Standards, Information Transfer and Program Integration Division, Research Triangle Park, North Carolina 27711 (telephone 919–541–5331, e-mail: powell.roger@epa.gov).

**SUPPLEMENTARY INFORMATION:** If no relevant, adverse comments are timely received, no further activity is contemplated in relation to 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 final rulemaking. Public comment received will be addressed in a subsequent final rule based on this proposal. Because EPA will not institute a second comment period on this proposal, any parties interested in commenting should do so during this comment period.

For further supplemental information, the detailed rationale, and the rule provisions, see the information provided in the direct final rule in the final rules section of this **Federal Register**.

### Administrative Requirements

*A. Docket*

The docket for this proposed action is A–93–50. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this proposed rulemaking. The principal purposes of the docket are: (1) to allow interested parties a means to identify and locate documents so that the parties can effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review (except for interagency review materials). The docket is available for public inspection at EPA's Air Docket, which is listed under the **ADDRESSES** section of this notice.

*B. Executive Order (E.O.) 12866*

Under E.O. 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether each regulatory action is ''significant,'' and therefore subject to the Office of Management and Budget (OMB) review and the requirements of the Order. The Order defines ''significant'' regulatory action as one that is likely to lead to a rule that may:

1. Have an annual effect on the economy of $100 million or more, adversely and materially affecting 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 obligation of recipients thereof.

4. Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in E.O. 12866.

Pursuant to the terms of E.O. 12866, it has been determined that this proposed action is not a ''significant'' regulatory action because it would not substantially change the existing part 70 requirements for States or sources; requirements which have already undergone OMB review. Rather than impose any new requirements, this action would only extend an existing mechanism. As such, this action is exempted from OMB review.

*C. Regulatory Flexibility Act Compliance*

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this proposed action would not have a significant economic impact on a substantial number of small entities. In developing the original part 70 regulations, the Agency determined that they would not have a significant economic impact on a substantial number of small entities. Similarly, the same conclusion was reached in an initial regulatory flexibility analysis performed in support of the proposed part 70 revisions. This action would not substantially alter the part 70 regulations as they pertain to small entities and accordingly would not have a significant economic impact on a substantial number of small entities.

*D. Paperwork Reduction Act*

The OMB has approved the information collection requirements contained in part 70 under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et. seq.* and has assigned OMB control number 2060–0243. The Information Collection Request (ICR) prepared for part 70 would not be affected by the action in this proposed rulemaking action because the part 70 ICR determined burden on a nationwide basis, assuming