The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Class E airspace area at Pottsville, PA. A GPS Point In Space Approach has been developed for the Ashland Hospital Heliport. Additional controlled airspace extending upward from 700 feet AGL is needed to accommodate the SIAP and for IFR operations to the heliport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9F, dated September 10, 1998, and effective September 16, 1998, is proposed to be amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AEA PA E5 Pottsville, PA [Revised]

Schuykill County (Joe Zerby) Airport, Pottsville, PA
(Lat. 40°42′23″ N., long. 76°22′24″ W.)
Ashland Hospital Heliport

Point In Space Coordinates

(Lat. 40°03′44″ N., long. 76°18′27″ W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Schuykill County (Joe Zerby) Airport and within a 6-mile radius of the Point In Space serving Ashland Hospital Heliport, excluding the portion that coincides with the Shamokin, PA, Class E airspace area.

* * * * *

Issued in Jamaica, New York, on October 6, 1998.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 98–28050 Filed 10–19–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

[SPATS No. OK–020–FOR]

Oklahoma Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of an amendment to the Oklahoma regulatory program (Oklahoma program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Oklahoma proposes revisions to and additions of rules concerning burden of proof in civil penalty proceedings, petitions for review of proposed individual civil penalty assessment, permit conditions, verification of ownership or control application information, review of ownership or control and violation information, procedures for challenging ownership or control links shown in AVS, and standards for challenging ownership or control links and the status of violation. Oklahoma intends to revise its program to be consistent with the corresponding Federal regulations.

This document gives the times and locations that the Oklahoma program and the amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that will be followed for the public hearing, if one is requested.

DATES: We will accept written comments until 4:00 p.m., c.s.t., November 19, 1998. If requested, we will hold a public hearing on the amendment on November 16, 1998. We will accept requests to speak at the hearing until 4:00 p.m., c.s.t. on November 4, 1998.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

You may review copies of the Oklahoma program, the amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Tulsa Field Office.

Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135–6547, Telephone: (918) 581–6430.

Oklahoma Department of Mines, 4040 N. Lincoln Blvd., Suite 107, Oklahoma City, Oklahoma 73105, Telephone: (405) 521–3859.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581–6430. Internet: mwolfrom@mcrgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program. You can find background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the January 19, 1981, **Federal Register** (46 FR 4902). You can find later actions concerning the Oklahoma program at 30 CFR 936.15 and 936.16.

II. Description of the Proposed Amendment

By letter dated September 28, 1998 (Administrative Record No. OK–982), Oklahoma sent us an amendment to its

program under SMCRA. Oklahoma sent the amendment in response to our letter dated January 6, 1994 (Administrative Record No. OK–977), that we sent to Oklahoma under 30 CFR 732.17(c). The amendment also includes changes made at Oklahoma's own initiative. Oklahoma proposes to amend the Oklahoma Administrative Code. Below is a summary of the changes proposed by Oklahoma. The full text of the program amendment is available for your inspection at the locations listed above under **ADDRESSES.**

1. 460:2–7–6, Burden of Proof in Civil Penalty Proceedings

Oklahoma proposes to remove the burden of persuasion as to the fact of violation from the Department of Mines and place it on the applicant.

2. 460:2–8, Petitions for Review of Proposed Individual Civil Penalty Assessment

Oklahoma proposes to add a new Subchapter 8 to Chapter 2 of the Oklahoma Administrative Code. Section 1 of Subchapter 8 states that this Subchapter governs administrative review of proposed individual civil penalty assessments under Chapter 20, against a director, officer, or agent of a corporation. Section 2 clarifies that any individual served with a notice of proposed individual civil penalty assessment may file a petition for review, and provides an address where the individual may file the petition. Section 3 provides that an individual must file a petition within 30 days of notice. It also states that the Department of Mines will not grant any extensions to this time period. The Department considers failure to file as an admission of liability. Section 4 requires that an individual filing a petition provide a statement of the facts entitling him or her to relief, a copy of the notice of proposed assessment, a copy of the notice(s) of violation, order(s) or final decision(s) the individual has been served with, and a statement whether the individual requests or waives the opportunity for an evidentiary hearing. This section also requires that copies of the petition be served to all affected persons. Section 5 states that within 30 days of receipt of a petition, the Department must file an answer or motion, or provide a statement that it will not file an answer or motion, to the Hearing Officer. Section 6 reads as follows:

(a) An individual filing a petition may amend it once as a matter of right before receipt by the individual of an answer, motion, or statement of the Department made in accordance with 460:2–8–5 of this subchapter. Thereafter, a motion for leave to amend the petition shall be filed with the Hearing Officer.

(b) The Department shall have 30 days from receipt of a petition amended as a matter of right to file an answer, motion, or statement in accordance with Section 460:2–8–5 of this Subchapter. If the Hearing Officer grants a motion to amend a petition, the time for the Department to file an answer, motion, or statements shall be set forth in the order granting the motion to amend.

Section 7 requires the Hearing Officer to give notice of the time and place of the hearing to all interested parties. It further requires that the hearing be of record and governed by O.S. Title 75, the Administrative Procedures Act. Section 8 reads as follows:

(a) The Department shall have the burden of going forward with evidence to establish a prima facie case that:

(1) A corporate permittee either violated a condition of a permit or failed or refused to comply with an order issued under 45 O. S. 1981, Section 724. et seq., or an order incorporated in the final decision of the Director, (except an order incorporated in a decision issued under sections 45 O. S. Subsection 769 (b) of the Act or implementing regulations), unless the fact of violation or failure or refusal to comply with an order has been upheld in a final decision in a proceeding under Sections 2–7–1 through 2–7–9, 2-9–2 through 2–9–12, or Sections 2–11–1 through 2–11–8, and Sections 2–19-1 or 2–39–2 of this Chapter, and the individual is one against whom the doctrine of collateral estoppel may be applied to prelude relitigation of fact issues;

(2) The individual, at the time of the violation, failure or refusal, was a director, officer, or agent of the corporation; and

(3) The individual willfully and knowingly authorized, ordered, or carried out the corporate permittee's violation or failure or refusal to comply.

(b) The individual shall have the ultimate burden of persuasion by a preponderance of the evidence as to the elements set forth in (a) (1) of this section and as to whether he was a director or officer of the corporation at the time of the violation or refusal.

(c) The Department shall have the ultimate burden of persuasion by a preponderance of the evidence as to whether the individual was an agent of the corporation, as to (a) (3) of this section, and as to the amount of the individual civil penalty.

Section 9 requires that the Hearing Officer issue a written decision on those elements required by Section 8 of this Subchapter. If the Hearing Officer concludes that the individual is liable for an individual civil penalty, he shall order the individual to pay the penalty required under 460:20–63–6, as long as no affected party petitions the Department Director to review the Officer's decision. Finally, section 10 provides that any affected party may petition the Department Director to review an order or decision by the Hearing Officer. The petition must be filed on or before 30 days from the date of receipt of the order or decision sought to be reviewed, and the time for filing will not be extended. A petition must list the alleged errors of the Hearing Officer and have a copy of the order or decision sought to be reviewed attached to it. Any affected party may file with the Director a response to the petition for review within 10 days of receipt of a copy of such petition. The Director must grant or deny the petition in whole or in part within 30 days of the filing of the petition. If the petition for review is granted, the rules in 460:2–19–4 through 460:2–19–7 apply. If the petition is denied, the decision of the Hearing Officer is final subject to 460:2–1–3 and payment of a penalty is due.

3. 460:20–15–7, Permit Conditions

Oklahoma proposes to remove paragraph 5 of this section which prohibits the discharge or discrimination of any employee or authorized representative of employees that files for or institutes any proceedings under the Act, testifies at any proceeding or investigation, or exercises any rights granted by the Act.

4. 460:20–15–11, Verification of Ownership or Control Application Information

Oklahoma proposes to add a new section 11 to Subchapter 15 to read as follows:

(a) Prior review. In accordance with Section 460:20–15–6(c)(1) of this Subchapter, prior to the issuance of a permit, the Department shall review the information in the application provided pursuant to Section 460:20–23–2 of this Chapter to determine that such information, including the identification of the operator and all owners and controllers of the operator, is complete and accurate. In making such determination, the Department shall compare the information provided in the application with information from other reasonable available sources, including:

(1) Manual data sources within Oklahoma including: (A) The Department's inspection and enforcement records; and (B) The state incorporating records or tax records, to the extent they contain information concerning ownership or control links; and

(2) Automated data sources, including: (A) The Department's own computer systems; and (B) The Applicant Violator System (AVS).

(b) Application inquiry. If it appears from the information provided in the application pursuant to Section 460:20–23–3(c) through (d) of this Chapter that none of the persons identified in the application has had any previous mining experience, the Department shall inquire of the applicant and investigate whether any person other than those identified in the application will own or

control the operation (as either an operator or other owner or controller).

(c) Review results. If, as a result of the review conducted under paragraphs (a) and (b) of this section, the Department identifies any potential omission, inaccuracy, or inconsistency in the ownership or control information provided in the application, it shall, prior to making a final determination with regard to the application, contact the applicant and require that the matter be resolved through submission of: (1) An amendment to the application or (2) A satisfactory explanation which includes credible information sufficient to demonstrate that no actual omission, inaccuracy, or inconsistency exists. (3) The Department shall also take action in accordance with the provisions of Subchapter 59 of this Chapter where appropriate.

(d) Review completion. Upon completion of the review conducted under this section, the Department shall promptly enter into or update all ownership or control information on AVS.

4. 460:20–15–12, Review of Ownership or Control and Violation Information.

Oklahoma proposes to add a new section 12 to Subchapter 15. Paragraph (a) requires the Department to review all available information concerning violation notices and ownership or control links involving the application to determine whether the application can be approved. The reviewed information with respect to ownership and control links involving the applicant must include all information obtained under Section 460:20–15–11 and 460:20–23–3. The reviewed information with respect to violation notices must include all information obtained under section 460:20–23–3, information obtained from the OSM, and information obtained from the Department's records. Paragraph (b) requires that the Department notify the applicant if it finds any ownership or control links between the applicant and any person cited in a violation notice and refer him or her to the authority with jurisdiction over said violation. The Department can not approve the application unless and until it determines that all ownership or control links between the applicant and any person cited in a violation notice are erroneous or have been rebutted, or that the violation has been corrected, is in the process of being corrected, or is the subject of a good faith appeal. Paragraph (c) of this section requires the Department to enter into the AVS all relevant information related to its decision or withdrawal of the application.

5. 460:20–15–13, Procedures for Challenging Ownership or Control Links Shown in AVS

Oklahoma proposes to add a new section 13 in Subchapter 15. Paragraph (a) provides that any applicant or other person shown in the AVS in an ownership or control link to any person can challenge the link under paragraphs (b) through (d) and Section 460:20–15–14, unless they are bound by a prior administrative or judicial determination concerning the link. Paragraph (a) also provides that any applicant or other person shown in the AVS in an ownership or control link to any person cited in a State violation notice can challenge the status of the violation under paragraphs (b) through (d) and Section 460:20–15–14, unless they are bound by a prior administrative or judicial determination concerning the status of the violation. Paragraph (b) provides that an ownership or control link or the status of a State violation can be challenged by submitting a written explanation of the basis for the challenge, along with any relevant evidentiary materials and supporting documents to the Department. Paragraph (c) requires the Department to review any submitted information and decide in writing whether the ownership or control link is erroneous, has been rebutted, and/or remains outstanding, has been corrected, is in the process of being corrected, or is the subject of a good faith appeal. Paragraph (d) requires the Department to update the AVS and notify the applicant or other person and, if the application is pending, the reviewing authority, if the Department determines that the ownership or control link has been shown to be erroneous, rebutted and/or that the violation covered by the notice has been corrected, is in the process of being corrected, or is the subject of a good faith appeal. The Department must serve a copy of the decision on the applicant or other person by certified mail, or by any means consistent with the rules governing service of a summons and complaint under Chapter 2, Rules of Practice and Procedure. Service will be complete upon tender of the notice or of the mail and will not be deemed incomplete because of a refusal to accept. The applicant or other person may appeal a decision of the Department to formal review to the Department's Legal Division for hearing and appeal within 30 days of service of the decision in accordance with Chapter 20, The Permanent Program Regulations Governing the Coal Reclamation Act of 1979 and Chapter 2, Rules of Practice and Procedure for the Coal Reclamation Act of 1979. The Department's decision will remain in effect during the pendency of the appeal, unless temporary relief is granted in accordance with Chapter 20, Chapter 2, and the Oklahoma Statutes Title 45.

6. 460:20–15–14. Standards for Challenging Ownership or Control Links and the Status of Violations

Oklahoma proposes to add a new section 14 to Subchapter 15 to read as follows:

(a) Application. The provisions of this section shall apply whenever a person has and exercises a right, under the provisions of Sections 460:20–15–9, 460:20–15–10, 460:20–15–12, or 460:20–15–13 of this Subchapter or under the provision of Subchapter 19 of this Chapter, to challenge:

(1) An ownership or control link to any person; and/or

(2) The status of any violation covered by a notice.

(b) Responsibility. It is the responsibility of the Department of Mines to undertake the following duties pursuant to ownership and/or control relationships:

(1) Except as provided in paragraph (b) (3) of this Section, the Department is responsible for: (A) The Department has the responsibility for making decisions with respect to ownership or control relationship of all pending applications. (B) Upon permit issuance, the Department is responsible for making all decisions with respect to the ownership or control relationships of that permit. (C) The Department shall have the responsibility for making decisions with respect to the ownership or control relationships of all violations contained in notice of violations issued by the Department. (D) The Department upon issuance of a notice of violation shall have the responsibility for making decision concerning the status of the violation covered by the notice of violation. (i.e., whether the violation remains outstanding, has been corrected, is in the process of being corrected, or is the subject of a good faith appeal, within the meaning of Section 460:20–15–6 (b) (1) of this Subchapter.)

(2) The Office of Surface Mining shall have responsibility for making decisions with respect to ownership of control relationships of a federal notice of violation.

(c) Evidentiary standards. The Department shall conduct formal and informal reviews in the following manner:

(1) In any formal or informal review of an ownership or control link or of the status of a violation covered by a violation notice, the Department shall make a prima facie determination or showing that such link exists, existed during the relevant period, and/or that the violation covered by such notice remains outstanding. Once such a prima facie determination or showing has been made, the person challenging such link or the status of the violation shall have the burden of proving by a preponderance of the evidence, with respect to any relevant time period the following: (A) That the facts relied upon by the Department to establish

ownership or control under the definition of ''owned and controlled'' or owns and controls in Section 460:20–15–2 of this Subchapter do not or did not exist; or (B) That a person subject to a presumption of ownership or control under the definition of ''owned or controlled'' or ''owns or controls'' in Section 460:20–15–2 of this Subchapter, do not or did not exist; (C) That a person subject to a presumption of ownership or control under the definition of ''owned or controlled'' or ''owns or controls'' in Section 460:20–15–2 of this Subchapter, does not or did not in fact have the authority directly or indirectly to determine the manner in which surface coal mining operations are or were conducted, or (D) That the violation covered by the violation notice did not exist, has been corrected, is in the process of being corrected, or is the subject of a good faith appeal within the meaning of Section 460:20–15–6 (b) (1) of this Subchapter; provided that the existence of the violation at the time it was cited may not be challenged under provisions of Section 460:20–15–13 of this Subchapter: (i) By a permittee, unless such challenge is made by the permittee within the context of Sections 460:20–15–9 through 460:20–15–10 of this Subchapter; (ii) By any person who had a prior opportunity to challenge the violation notice and who failed to do so in a timely manner; or (iii) By any person who is bound by a prior administrative or judicial determination concerning the existence of the violation.

(2) In meeting the burden of proof set forth in paragraph (c) (1) of this section, the person challenging the ownership or control link or the status of the violation shall present probative, reliable, and substantial evidence and any supporting explanatory materials, which may include: (A) Before the Department: (i) Affidavits setting forth specific facts concerning the scope of responsibility of the various owners or controllers of an applicant, permittee, or any other person cited in a violation notice; and the nature and details of any transactions creating or severing an ownership or control link; or specific facts concerning the status of the violation; (ii) If certified, copies of corporate minutes, stock ledgers, contracts, purchase and sale agreement, leases, correspondence, or other relevant company records; (iii) If certified, copies of documents filed with or issued by any State, Municipal, or Federal governmental agency. (iv) An opinion of counsel, when supported by: (I) evidentiary materials; (II) a statement by counsel that he or she is qualified to render the opinion; and (III) a statement that counsel has personally and diligently investigated the facts of the matter; or, (IV) where counsel has not investigated the facts, a statement that such opinion is based upon information which has been supplied to counsel and which is assumed to be true. (B) Before any administrative or judicial tribunal reviewing the decision of the Department, any evidence admissible under the rules of such tribunal.

(d) After departmental determination. Following any determination by the Department or other state agency, or any decision by an administrative or judicial tribunal reviewing such determination, the Department shall review the information in AVS to determine if it is consistent with the determination or decision, if it is not, the Department shall promptly inform the Office of Surface Mining and request that the AVS information be revised to reflect the determination or decision.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are requesting comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the Oklahoma program.

Written Comments

Your written comments should be specific and pertain only to the issues proposed in this rulemaking. You should explain the reason for any recommended change. In the final rulemaking, we will not necessarily consider or include in the Administrative Record any comments received after the time indicated under **DATES** or at locations other than the Tulsa Field Office.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.s.t. on November 4, 1998. We will arrange the location and time of the hearing with those persons requesting the hearing. If you are disabled and need special accommodation to attend a public hearing, contact the individual listed under **FOR FURTHER INFORMATION CONTACT**. The hearing will not be held if no one requests an opportunity to speak at the public hearing.

You should file a written statement at the time you request the hearing. This will allow us to prepare adequate responses and appropriate questions. The public hearing will continue on the specified date until all persons scheduled to speak have been heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. If you wish to meet with us to discuss the amendment, request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We also make a written summary of each meeting a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and published by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on State regulatory programs and program amendments must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that

such regulations would not have a significant economic effect upon a substantial number of small entities. Therefore, this rule will ensure that existing requirements previously published by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of $100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 9, 1998.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 98–28123 Filed 10–19–98; 8:45 am]

BILLING CODE 4310–05–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. NJ32–183b; FRL–6174–6]

Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for Specific Sources in the State of New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve four (4) State Implementation Plan (SIP) revisions submitted by the State of New Jersey related to development of reasonably available control technologies for oxides of nitrogen from fifteen (15) sources in the State. In the Rules section of this **Federal Register**, EPA is approving the State's SIP revisions, as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this rulemaking. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before November 19, 1998.

ADDRESSES: All comments should be addressed to: Ronald Borsellino, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, New York, New York 10007–1866

Copies of the State submittals are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866

New Jersey Department of Environmental Protection, Office of Air Quality Management, Bureau of Air Quality Planning, 401 East State Street, CN418, Trenton, New Jersey 08625.

FOR FURTHER INFORMATION CONTACT: Ted Gardella or Richard Ruvo, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637-4249.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: September 30, 1998.

William J. Muszynski,

Acting Regional Administrator, Region 2.

[FR Doc. 98–27925 Filed 10–19–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 68

[FRL–6177–5]

Request for Delegation of the Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7): State of Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The purpose of this proposal is to announce that on June 19, 1998, the State of Florida, Department of Community Affairs (DCA), Division of Emergency Management (DEM), requested section 112(r) program delegation for all applicable Florida sources, except those with propane as their only regulated substance. Because no adverse comments are expected, EPA is concurrently issuing a direct final rule in the rules section of this **Federal Register**. If no adverse comments are received by November 19, 1998, the direct final rule will serve as formal delegation of the section 112(r) program for all applicable sources, except those with propane as their only regulated substance.

DATES: Comments must be received on or before November 19, 1998.

ADDRESSES: Comments on this action should be addressed concurrently to: Michelle P. Thornton, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303–3104, patmon.michelle@epamail.epa.gov

Eve Rainey, Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399–2140, eve.rainey@dca.state.fl.us

Copies of Florida's section 112(r) delegation request letter and accompanying documentation are available for public review during the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the addresses listed above. If you would like to review these documents, please make an appointment with the appropriate office at least 24 hours before visiting day.

FOR FURTHER INFORMATION CONTACT: Michelle P. Thornton, U.S. Environmental Protection Agency, Region 4, Air, Pesticides and Toxics Management Division, Air and Radiation Technology Branch, 30303–3104 (telephone 404 562–9121), patmon.michelle@ epamail.epa.gov or Eve Rainey, Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399–2140, (telephone 850 413–9914) eve.rainey@dca.state.fl.us

SUPPLEMENTARY INFORMATION: If no adverse comments are received by November 19, 1998, no further activity in relation to this proposed rule is necessary and the direct final rule in the final rules section of this **Federal Register** will automatically go into effect on December 21, 1998. Should the Agency receive such comments, it will review and publish the comments in a subsequent document. If no relevant adverse comments on any provision of this rule are timely filed, then the entire direct final rule will become effective on