

exceedences of monitored values and description and timing of steps taken to address the cause of the exceedences would also be required. These facilities must also maintain documentation that the vessels loaded at the facilities are vapor tight. Consistent with the general provisions of 40 CFR 63, all information will be made readily available to the Administrator or delegated state authority upon request for a minimum of 5 years.

All reports are submitted to the respondent's state or Local agency whichever has been delegated enforcement authority by EPA. The information is used to determine that sources subject to RACT and MACT are achieving the standards.

The EPA is required under Section 183(f) of the Act to regulate emissions of VOC and HAP. The EPA is also required under section 112(d) of the Act to regulate emissions of HAP listed in section 112(b). The predominant HAP emitted during vessel loading operations include hexane, benzene, toluene, and methanol. Other less frequently emitted HAP include xylenes and ethyl benzene.

Certain records and reports are necessary to enable the Administrator to: (1) identify new, modified, reconstructed, and existing resources subject to the standards and (2) ensure that the standards, which are based on RACT and MACT, are being achieved. These records and reports are required under the general provisions of 40 CFR 63 Subpart A (authorized under sections 101, 112, 114, 116, and 301 of the Clean Air Act as amended by public 101-549 [42 U.S.C. 7401, 7412, 7414, 7416, 7601]).

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

All information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in title 40, Chapter 1, part 2, Subpart B, confidentiality of business information (see 40 CFR part 2; 41 CFR 36902, Sept. 1, 1997, amended by 43 FR 39999, Sept. 8, 1978; 43 FR 42251, September 28, 1978; 44 FR 17674, March 23, 1979.).

The primary industry Standard Industrial Classification code for this industry and respondents is 4491, for Marine Cargo Handling. The information collected by the Agency is used by Agency personnel to (1) identify new, modified, reconstructed, and

existing sources subject to the standards; (2) ensure that RACT and MACT are being properly applied; and (3) ensure that emission control systems used by owner or operator to meet the standards are properly operated and maintained on a continual basis. In addition, records and reports are necessary to enable the Agency to identify facilities that may not be in compliance with the standards. Based on reported information, the Agency can decide which facilities should be inspected and what records or processes should be inspected at facilities. The records that facilities maintain would indicate to the Agency where the owners or operators are in compliance with the standards, and operating and maintaining control equipment properly. In order to minimize the burden, much of the information the Agency would need to determine compliance, is to be kept as records and would not need to be routinely reported to the Agency. EPA can determine compliance through inspections and review of the records.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Burden Statement:** For respondents, the annual burden is for record keeping and reporting and is derived from estimates based on Agency experience with other standards. The labor rates and associated costs are based on estimated hourly rates of technical at \$35, management at \$51, and clerical at \$16. The total recurring annual hours are approximately 28,100 and there are an additional approximately 44,000 hours that will be incurred on a one time basis only. The estimated first year burden is 72,111 annual burden hours for reporting and record keeping. In the second and third years the estimates are 28,132 hours for reporting and record

keeping. The yearly average for the first 3 years is 42,792 hours. The average early burden per respondent is  $42,792 / 105 = 408$  hours. The total recurring annual costs are approximately \$958,000 and there is an additional cost of approximately \$1,500,000 that will be incurred on a one time only basis in the first year. The first year entails burden for existing resources which have one time activities, such as performing emission testing, submitting compliance status information reports, developing record keeping and implementation plans. The second and third years will not require these reports, but only burden hours for ongoing record keeping. So for each of these years the total recurring annual cost is estimated at \$958,000.

This estimate includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The only cost for the Agency in this analysis is the user costs associated with analysis of the information reported annually by the sources. About 11,977 hours would be used annually to review reports or attend performance tests. This amounts to about \$446,584 each year.

Dated: February 24, 1998.

**Elaine G. Stanley,**

*Director, Office of Compliance.*

[FR Doc. 98-5719 Filed 3-4-98; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5974-2]

### Proposed Settlement Agreement; Ozone Transport in Eastern United States; Section 126 Petitions Filed by Northeastern States

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

**ACTION:** Notice of proposed settlement agreement.

**SUMMARY:** In accordance with section 113(g) of the Clean Air Act (Act), as amended, 42 U.S.C. 7413(g), notice is hereby given of a proposed settlement

agreement concerning litigation instituted against the Environmental Protection Agency (EPA) by the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont (Petitioning States). The lawsuit concerns EPA's alleged failure to perform a nondiscretionary duty with respect to promulgating action on petitions submitted by the Petitioners under Clean Air Act section 126. These section 126 petitions ask EPA to make findings that electric utilities and other stationary sources of oxides of nitrogen (NO<sub>x</sub>) emissions in states upwind of the Petitioners contribute significantly to nonattainment (or interfere with maintenance) by areas within the Petitioners of the ozone-smog national ambient air quality standards. The stationary sources that may be affected are located throughout the eastern part of the United States. The proposed settlement establishes a schedule by which EPA will take action on the petitions.

For a period of thirty [30] days following the date of publication of this notice, the Agency will receive written comments relating to the settlement agreement. EPA or the Department of Justice may withhold or withdraw consent to the proposed settlement agreement if the comments disclose facts or circumstances that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

Copies of the settlement agreement are available from Phyllis Cochran, Air and Radiation Division (2344), Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460, (202) 260-7606. Written comments should be sent to Howard J. Hoffman at the above address and must be submitted on or before April 6, 1998.

Dated: February 27, 1998.

**Jonathon Z. Cannon,**  
General Counsel.

[FR Doc. 98-5721 Filed 3-4-98; 8:45 am]

BILLING CODE 6560-50-M

## ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-400126; FRL-5776-1]

### Toxics Data Reporting Committee of the National Advisory Council for Environmental Policy and Technology; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Notice of public meeting.

**SUMMARY:** Under the Federal Advisory Committee Act, EPA gives notice of a 2-day meeting of the Toxics Data Reporting Committee of the National Advisory Council for Environmental Policy and Technology. This will be the third meeting of the Toxics Data Reporting (TDR) Committee, whose mission is to provide advice to EPA regarding the Agency's Toxics Release Inventory (TRI) Program.

**DATES:** The public meeting will take place on March 19-20, 1998, from 8:30 a.m. to 5 p.m. Written and electronic comments in response to this notice should be received by March 13, 1998.

**ADDRESSES:** The meeting will be held at: Double Tree National Airport, 300 Army Navy Drive, Arlington, VA, Telephone number: (703) 416-4100.

Each comment must bear the docket control number "OPPTS-400126." All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Room G099, East Tower, Washington, DC 20460.

Comments and data may also be submitted electronically to: oppt.ncic@epamail.epa.gov. Follow the instructions under Unit II. of this document. No Confidential Business Information (CBI) should be submitted through e-mail.

All comments which contain information claimed as CBI must be clearly marked as such. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this rulemaking. Persons submitting information on any portion of which they believe is entitled to treatment as CBI by EPA must assert a business confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will consider this as a waiver of any confidentiality claim and the information may be made available to the public by EPA without further notice to the submitter.

**FOR FURTHER INFORMATION CONTACT:** Cassandra Vail, telephone: (202) 260-0675, fax number: (202) 401-8142, e-mail: vail.cassandra@epamail.epa.gov. or Michelle Price, telephone: (202) 260-3372, fax number: (202) 410-8142, e-mail: price.michelle@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

## I. Background

At the 2-day meeting, the TDR Committee will conclude the discussions begun at the December 9-10, 1997 meeting regarding how the Agency characterizes the TRI data through the annual public data release. In addition, the TDR Committee will revisit the section 8 issues discussed at the January 29-30 meeting. Section 8 of the Form R collects information required by the Pollution Prevention Act concerning waste management and source reduction of toxic chemicals. The TDR Committee will then revisit issues raised at all the previous TDR meetings regarding sections 5, 6, 7, and 8 of the Form R. The goal will be to try to synthesize the TDR Committee's ideas with regard to revisions to the Form R.

Meeting summaries, transcripts, agendas, and issue papers from previous TDR Committee meetings can be found on the TRI Home Page. The address of the TRI Home Page is <http://www.epa.gov/opptintr/tri>. This information can be found under the heading "TRI Stakeholder Dialogue." In addition, an agenda for the March 19-20 meeting will be available at this same site prior to the meeting. Oral presentations or statements by interested parties will be limited to 5 minutes. Interested parties are requested to contact Cassandra Vail, to schedule presentations before the Committee.

## II. Public Record and Electronic Submissions

The official record for this action, as well as the public version, has been established for this action under docket control number "OPPTS-400126" (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M St., SW., Washington, DC.

Electronic comments can be sent directly to EPA at:  
[oppt.ncic@epamail.epa.gov](mailto:oppt.ncic@epamail.epa.gov)

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All comments and data in electronic form must be identified by