

Public Law 96-354, "Regulatory Flexibility Act" (5 U.S.C. 601)

It has been determined that this rule will not have a significant economic impact on a substantial number of small entities because it affects only DoD employees and certain former DoD employees.

Public Law 96-511, "Paperwork Reduction Act" (44 U.S.C. Chapter 35)

It has been certified that this rule does not impose any reporting or recordkeeping requirements under the Paperwork Reduction Act of 1995.

This rule implements, without embellishment or additional requirement, the statutory authority to require, as part of the program for the identification of third party payer situations, the mandatory disclosure of Social Security account numbers for all covered beneficiaries. Congress recognized that the information matching program cannot proceed without Social Security account numbers to assure correct identification of each individual in the respective databases.

List of Subjects in 32 CFR Part 200

Claims, Health care, Health insurance.

For the reasons stated in the preamble, 32 CFR part 220 is amended as follows:

PART 220—COLLECTION FROM THIRD PARTY PAYERS OF REASONABLE COSTS OF HEALTH CARE SERVICES

1. The authority citation for 32 CFR part 220 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 1095.

2. Section 220.9 is amended by adding a new paragraph (d) to read as follows:

§ 220.9. Rights and obligations of beneficiaries.

* * * * *

(d) *Mandatory disclosure of Social Security account numbers.* Pursuant to 10 U.S.C. 1095(k)(2), every covered beneficiary eligible for care in facilities of the Uniformed Services is, as a condition of eligibility, required to disclose to authorized personnel his or her Social Security account number.

Dated: March 4, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98-6075 Filed 3-9-98; 8:45 am]

BILLING CODE 5000-04-M

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117**

[CGD 08-98-008]

Drawbridge Operating Regulation; Houma Navigation Canal, LA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation in 33 CFR 117.5 governing the operation of the SR 661 swing span drawbridge across the Houma Navigation Canal, mile 36 near Houma, Terrebonne Parish, Louisiana. This deviation allows the Louisiana Department of Transportation and Development to close the bridge to navigation from 9 a.m. until 6 p.m. on Mondays and from 6:30 a.m. until 6 p.m. Tuesdays through Thursdays. The swing span will open for the passage of traffic at 9 a.m., noon and 3 p.m. daily. The draw may open at other times should a large accumulation of waterway traffic occur. This temporary deviation is issued to allow for the replacement of the decking of the swing span, an extensive but necessary maintenance operation.

DATES: This deviation is effective from 9 a.m. on February 16, 1998 through 6 p.m. on March 26, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Johnson, Bridge Administration Branch, Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana, 70130-3396, telephone number 504-589-2965.

SUPPLEMENTARY INFORMATION: The SR 661 swing span drawbridge across the Houma Navigation Canal near Houma, Terrebonne Parish, Louisiana, has a vertical clearance of 1 foot above high water in the closed-to-navigation position and unlimited clearance in the open-to-navigation position. Navigation on the waterway consists of tugs with tows, fishing vessels, sailing vessels, and other recreational craft. The Louisiana Department of Transportation and Development sent a letter to the Coast Guard requesting a temporary deviation from the normal operation of the bridge in order to accommodate the maintenance work. The maintenance work involves removing, repairing, and replacing the steel grid decking. This work is essential for the continued operation of the draw span.

This deviation allows the draw of the SR 661 swing span bridge across the

Houma Navigation Canal to remain in the closed-to-navigation position between 9 a.m. and 6 p.m. on Mondays and between 6:30 a.m. and 6 p.m. Tuesdays through Thursdays. The swing span will open for the passage of traffic at 9 a.m., noon and 3 p.m. daily. The draw may open at other times should a large accumulation of waterway traffic occur.

This deviation will be effective from 9 a.m. on February 16, 1998 through 6 p.m. on March 26, 1998. Presently, the draw opens on signal except that from 7 a.m. to 8:30 a.m. and 4:30 p.m. to 6 p.m. Monday through Friday except holidays, the draw need not open for the passage of vessels.

Dated: February 20, 1998.

T.W. Josiah,

Rear Admiral, U.S. Coast Guard, Commander, Eighth Coast Guard District.

[FR Doc. 98-6007 Filed 3-9-98; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[NH-9-1-5823a; A-1-FRL-5969-6]

Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Revised Regulations and Source-Specific Reasonably Available Control Technology Plans Controlling Volatile Organic Compound Emissions and Emission Statement Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the State of New Hampshire. This action is being taken under the Clean Air Act. EPA is approving the revisions to the New Hampshire State Implementation Plan (SIP) submitted by the State of New Hampshire on December 21, 1992, July 10, 1995, June 28, 1996, October, 24, 1996 and December 9, 1996. These SIP revisions consist of source specific VOC RACT determinations for L.W. Packard and Company, Textile Tapes Corporation, and Kalwall Corporation. They also consist of revisions to the State's volatile organic compound (VOC) regulations in Chapter Env-A 1204 (but not including section 1204.06), certain testing and monitoring requirements in Chapter Env-A 800, and recordkeeping and reporting requirements in Chapter Env-A 900, all of which require the implementation of

reasonably available control technology (RACT) for certain sources of volatile organic compounds (VOCs), as required by the Clean Air Act. These regulations are applicable in the entire State of New Hampshire and are required pursuant to sections 182(b)(2) and 184(b)(1)(B) of the Clean Air Act. EPA has evaluated the RACT plans and the revisions of the Clean Air Act, as amended in 1990. EPA is also finalizing a limited approval on section Env-A 1204.27.

DATES: This action will become effective May 11, 1998, unless EPA receives relevant adverse comment on the parallel notice of proposed rulemaking by April 9, 1998. Should the agency receive such comments, it will timely publish a timely document withdrawing this rule.

ADDRESSES: Comments may be mailed to Susan Studien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA and Air Resources Division, Department of Environmental Services, 64 North Main Street, Caller Box 2033, Concord, NH 03302-2033.

FOR FURTHER INFORMATION CONTACT: Jeanne Cosgrove, (617) 565-9451.

SUPPLEMENTARY INFORMATION:

I. Background

Under the pre-amended Clean Air Act, ozone nonattainment areas were required to adopt reasonably available control technology (RACT) rules for sources of VOC emissions. EPA issued three sets of control technique guidelines (CTGs) documents, establishing a "presumptive norm" for RACT for various categories of VOC sources. The three sets of CTGs were (1) Group I—issued before January 1978 (15 CTGs); (2) Group II—issued in 1978 (9 CTGs); and (3) Group III—issued in the early 1980's (5 CTGs). Those sources not covered by a CTG were called non-CTG sources. EPA determined that the area's SIP-approved attainment date established which RACT rules the area needed to adopt and implement. Under section 172(a)(1), ozone nonattainment areas were generally required to attain the ozone standard by December 31, 1982. Those areas that submitted an attainment demonstration projecting attainment by that date were required to adopt RACT for sources covered by the

Group I and II CTGs. Those areas that sought an extension of the attainment date under section 172(a)(2) to as late as December 31, 1987 were required to adopt RACT for all CTG sources and for all major (i.e., 100 ton per year or more of VOC emissions) non-CTG sources.

Section 182(b)(2) of the amended Act requires States to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. There are three parts to the section 182(b)(2) RACT requirement: (1) RACT for sources covered by an existing CTG—i.e., a CTG issued prior to the enactment of the CAAA of 1990; (2) RACT for sources covered by a post-enactment CTG; and (3) all major sources not covered by a CTG. This RACT requirement applies to nonattainment areas that previously were exempt from certain RACT requirements and requirements and requires them to "catchup" to those nonattainment areas that became subject to those requirements during an earlier period. In addition, it requires newly designated ozone nonattainment areas to adopt RACT rules consistent with those for previously designated nonattainment areas.

Portions of New Hampshire are classified as marginal and serious nonattainment areas for ozone.¹ In addition, New Hampshire is located in the northeast ozone transport region that was statutorily created by section 184 of the CAA. Section 184(b)(1)(B) of the amended Act requires all states in an Ozone Transport Region (OTR) to adopt the RACT provisions for all sources covered by a CTG document issued by EPA before or after enactment of the CAAA of 1990. Section 184(b)(2) mandates that all states in the OTR subject 50 ton per year and greater VOC sources to those requirements that would be applicable to major stationary sources in a moderate nonattainment area.

To meet the RACT catch-up requirement, New Hampshire needed to submit a RACT rule for an external floating roof VOC storage category. In addition, the major source definition for serious areas and areas designated as part of an OTR has been lowered under the amended Act to sources that emit greater than 50 tons per year of VOC. Therefore, the State was required to adopt RACT rules for all sources that exceed this cut-off. New Hampshire was also required to reduce the applicability

¹ These areas were designated as nonattainment prior to enactment of the amended Act. They retained their designation of nonattainment and were classified by operation of law pursuant to Sections 107(d) and 181(a) upon enactment of the amendments. See 56 FR 56694.

level for certain coating sources from 100 tons per year of VOC to 10 tons per year, as recommended in the CTGs. These sources include: can coating; paper fabric, film and foil coating; vinyl and urethane substrate coating; metal furniture coating; and magnet wire insulation coating.

VOCs contribute to the production of ground level ozone and smog. New Hampshire's rules were adopted as part of an effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone. This Final Rule discusses EPA's evaluation and final action for New Hampshire's amendments to the Part Env-A 800, 900 and 1204 regulations, and source specific VOC RACT Orders submitted pursuant to Env-A 1204.27.

II. State Submittals

A. Parts Env-A 800, 900, and 1204

On June 28, 1996, New Hampshire Air Resources Division (ARD) submitted a revision to its State Implementation Plan (SIP). The revision consists of amendments to Part Env-A 800, 900 and 1204 of the New Hampshire Rules Governing the Control of Air Pollution. The revision consists of changes made pursuant to the requirements of § 182(b)(2) of the Act to the following New Hampshire Regulations for the Abatement of Air Pollution:

Part Env-A 803: VOC testing;
Part Env-A 804 Capture Efficiency;
Part Env-A 901: Recordkeeping and Reporting by Sources;
Part Env-A 1204: Stationary Sources of Volatile Organic Compounds (VOCs), including new sections controlling VOC emissions from the coating of wood furniture, burial caskets and gunstock; and the coating of plastic parts. In Env-A 1204.03, New Hampshire revised the definition of exempt VOC to include perchlorobenzotrifluoride, perchloroethylene, acetone, and volatile methyl siloxanes.

On November 21, 1997, New Hampshire submitted a letter to EPA requesting withdrawal of section Env-A 1204.06 from the SIP package pursuant to EPA's request. This section contains provisions for "equivalent substitute control techniques." EPA requested that New Hampshire withdraw this section from the SIP because it does not provide for EPA approval of the equivalent substitute control techniques chosen.

On December 21, 1992, New Hampshire submitted a SIP revision to EPA consisting of the amendments to Part Env-A 800, 900 and 1204 of the New Hampshire Rules Governing the Control of Air Pollution. As part of this SIP revision, NH revised its Part Env-A 800, 900, and 1204 rules to comply with

the requirements of reasonably available control technology (RACT) provisions for Volatile Organic Compounds (VOCs), as required by Section 182(b)(2) and Section 184(a) and (b) of the Clean Air Act. In response to these CAA requirements, New Hampshire revised its rules to include:

1. The addition of an external floating roof VOC storage category.

2. The addition of a regulation requiring RACT for non-CTG sources exceeding 50 tons per year.

3. The adoption of the "theoretical potential emissions" definition used to determine RACT applicability for coating and printing sources.

4. The incorporation of lower applicability cutpoints for coating source emissions, consistent with EPA guidance.

5. The addition of urethane substrates in the vinyl substrate coating category.

6. Revisions to the compliance schedule section of the rules to facilitate compliance for all applicable VOC sources by the statutory deadline of May, 1995.

7. Revisions to include additional NO_x and VOC recordkeeping and reporting requirements.

8. Various revisions to the VOC rules to make them fully consistent with EPA guidance.

In addition to the VOC regulations in Part Env-A 800, 900 and 1204, New Hampshire submitted source specific VOC RACT determination for L.W. Packard & Company on July 10, 1995 which covers processes subject to the miscellaneous VOC RACT provisions of Part Env-A 1204. On October 24, 1996, New Hampshire submitted source specific VOC RACT determination for Kalwall Corporation in Manchester, NH which covers processes subject to the VOC RACT provisions of Part Env-A 1204. On December 9, 1996, New Hampshire submitted source specific VOC RACT determination for Textile Tapes in Gonic, NH.

EPA's review of the SIP submittal indicates that New Hampshire has addressed the applicable RACT requirements and deficiencies in the existing VOC regulations that were identified by EPA in its letters of October 31, 1991, March 10, 1992, and June 24, 1992. New Hampshire's regulation and EPA's evaluation are detailed in the following memoranda: Technical Support Document—New Hampshire SIP Revision Concerning Amendments to Part Env-A 800, 900, and 1204 of the New Hampshire Rules Governing the Control of Air Pollution, July 7, 1993 and Amendment to the TSD—New Hampshire VOC RACT SIP Revisions. Copies of these documents

are available, upon request, from the EPA Regional Office listed in the ADDRESSES section of this document.

B. Emission Statement Requirements

The CAA requires states to submit SIP revisions by November 15, 1992 requiring that all sources of VOC and NO_x emissions submit emission statements on an annual basis beginning in 1993 for the calendar year 1992. EPA proposed a limited approval/limited disapproval of the emission statement provisions in a separate Notice of Proposed Rulemaking (NPR) published on September 20, 1994, 59 FR 48195. In that NPR, EPA identified provisions in New Hampshire's regulations which were inconsistent with EPA guidance. New Hampshire's submittal of June 28, 1996 addresses the deficiencies identified in the September 20, 1994 NPR.

C. VOC RACT for L.W. Packard in Ashland

On July 10, 1995, New Hampshire submitted a VOC RACT Order for L.W. Packard as a SIP revision. L.W. Packard and Company of manufactures fine woolen cloth at its Ashland, New Hampshire facility. VOC are emitted primarily from the carding oil process and the wet finishing and dyeing process. The coating processes are subject to section Env-A 1024.27, "Emission Standards and Control Options for Miscellaneous and Multicategory Stationary VOC Sources." Order number ARD-94-001 defines VOC RACT for L.W. Packard's processes. The Order requires L.W. Packard to use a low VOC carding oil with a maximum VOC content of 0.05 lbs VOC/gallon. The Order also limits formic acid emissions, and requires L.W. Packard to install at least one pressurized dye vessel. The Order also sets recordkeeping and reporting requirements. New Hampshire held a public hearing on April 11, 1995. The final Order was issued on May 5, 1995.

D. VOC RACT for Textile Tapes Corporation in Gonic

On December 9, 1996, New Hampshire submitted a VOC RACT Order for Textile Tapes Corporation in Gonic. Textile Tapes applies surface coatings on fabrics using the knife coating process. The facility operates three coating lines. Order number ARD-96-001 defines VOC RACT for all coatings at Textile Tapes except for the "5000 series adhesive" to comply with the provisions of Part Env-A 1204.10, *Applicability Criteria and Compliance Standards for Coating of Paper, Fabric, Film and Foil Substrates* which limits

the emission rate of VOC at all times to 2.9 lb VOC/gallon of coating, as applied, excluding water and exempt VOC. For the coating described as "5000 Series adhesive," the Order requires the facility to increase the solids content from 33% by weight to 40% by weight and to limit the VOC emission rate to 4.7 lb VOC/gallon of coating, as applied, less water and exempt compounds. New Hampshire held a public hearing on February 16, 1996. The final Order was issued on October 4, 1996.

E. VOC RACT for Kalwall in Manchester

On October 24, 1996, New Hampshire submitted a VOC RACT Order for Kalwall Corporation in Manchester. Kalwall Corporation of Manchester, New Hampshire produces building panels used in architectural and light construction applications. Coatings containing VOC are applied to the panels. Order number ARD-95-010 defines VOC RACT for Kalwall's coating processes. The order sets VOC emission limits for the three coating process and requires Kalwall to improve transfer efficiency of one coating process. The Order also sets recordkeeping and reporting requirements. New Hampshire held a public hearing on February 16, 1996. The final Order was issued on September 10, 1996.

F. Env-A 1204.27 Applicability Criteria and Compliance Options for Miscellaneous and Multicategory Stationary VOC Sources

For major non-CTG sources of VOCs, the addition of this section sets forth both presumptive RACT norms and processes by which RACT can be established for those sources that cannot meet the presumptive norms. However, Section 182(b)(2) of the Clean Air Act requires that a SIP revision be submitted by November 15, 1992 including "provisions to require the implementation of reasonably available control technology." In addition, the necessary SIP revision is required to "provide for the implementation of the required measures as expeditiously as practicable but no later than May 31, 1995." Since the first four control options of Env-A 1204.27(d) define presumptive norms for RACT, and are consistent with EPA's Model VOC RACT Rules for other facilities that emit volatile organic compounds, that portion of the regulation meets the requirements of Section 182 and is approvable. However, since control option 5 describes a process by which RACT can be defined but does not specifically define RACT for each source to which such options apply, that portion of the rule is not fully

approvable. Therefore, EPA is only granting a limited approval of Env-A 1204.27. To receive full approval, New Hampshire will need to define explicitly, and have approved by EPA, RACT for all of those sources which do not conform to the presumptive RACT options outlined in the regulation. New Hampshire will need to define RACT for the following sources before EPA will grant full approval: Harvard Industries, New Filcas of America Inc., Sturm Ruger Inc., and Anheuser Busch.

III. Final Action

EPA review of the regulations in Part Env-A 800, 900, and 1204 (except for Env-A 1204.27 and 1204.06) indicates that New Hampshire has sufficiently defined the VOC RACT and emission statement requirements. EPA review of the miscellaneous VOC RACT for L.W. Packard, Textile Tapes Corporation, and Kalwall Corporation in Manchester, indicates that New Hampshire has sufficiently defined the VOC RACT requirements for these facilities. Therefore EPA is approving Part Env-A 800, 900, and 1204 (except 1204.06), and the source specific VOC RACT Order #ARD-95-010 for Kalwall in Manchester, VOC RACT Order #ARD-96-001 for Textile Tapes Corporation, and VOC RACT Order #ARD-94-001 for L.W. Packard. As noted above, New Hampshire withdrew Env-A 1204.06 from its SIP submittal. Therefore, this action does not approve that section as part of the SIP.

EPA has evaluated New Hampshire's submittal for consistency with the Act, EPA regulations, and EPA policy. EPA has determined that the changes made to Part Env-A 800, Part Env-A 900 and Part Env-A 1204, except for Env-A 1204.06 and 1204.27 of New Hampshire's Regulations Controlling Air Pollution meet the requirements of the Act. Therefore, EPA is approving under Section 110(k)(3) those changes. However, EPA has determined that Env-A 1204.27 does not meet all of the Act's requirements for the reasons described above. EPA believes that approval of the submitted rule will strengthen the SIP but because of the above-mentioned deficiencies, the rule does not meet the requirements of Section 182(b)(2) of the CAA. In light of such deficiencies, EPA cannot grant full approval of this rule under section 110(k)(3) and Part D. However, EPA may grant a limited approval of the submitted rule under Section 110(k)(3) and EPA's authority pursuant to Section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited due to the fact that this rule does not meet the

requirement of Section 182(b)(2) because of the deficiencies noted above. Thus, in order to strengthen the SIP, EPA is taking action on New Hampshire's submitted Section Env-A 1204.27 as a limited approval under Section 110(k)(3) and 301(a) of the CAA.

EPA's evaluation of all the submitted regulations is detailed in the Technical Support Document. Copies of that document are available, upon request, from the EPA Regional Office listed in the ADDRESSES section of this action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the ADDRESSES section of this action.

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 SIP revision should adverse or critical comments be filed. This action will be effective May 11, 1998, without further notice, unless, the agency receives relevant adverse comments by April 9, 1998, or the parallel notice of proposed rulemaking.

If the EPA receives such comments, it will publish a document informing the public that this rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The 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 May 11, 1998.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management

and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

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 impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. 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 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).

C. Unfunded Mandates

Under Sections 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 costs to State, local, or tribal governments in the aggregate; or to the 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 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.

D. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. 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 May 11, 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).) EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons,

Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: February 9, 1998.

John P. DeVillars,
Regional Administrator, Region I.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart EE—New Hampshire

2. Section 52.1520 is amended by adding paragraph (c)(51) to read as follows:

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

(51) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on December 9, 1996, June 28, 1996, October 24, 1996, and July 10, 1995.

(i) Incorporation by reference. (A) Letters from the New Hampshire Air Resources Division dated December 9, 1996, June 28, 1996, October 24, 1996, July 10, 1995 and December 21, 1992 submitting revisions to the New Hampshire State Implementation Plan (SIP), and a letter dated November 21, 1997 withdrawing Env-A 1204.06 from the SIP submittal.

(B) Regulations Part Env-A 801 "Purpose;" Part Env-A 802 "Testing and Monitoring for Stationary Sources: General Requirements;" Part Env-A 902

"Malfunctions and Breakdowns of Air Pollution Control Equipment;" and Part Env-A 903 "Compliance Schedules" all effective November 15, 1992.

(C) Regulations Part Env-A 803 "VOC Testing;" Part Env-A 804 "Capture Efficiency;" Sections Env-A 901.01 through 901.05, 901.08 and 901.09 of Part Env-A 901 "Recordkeeping and Reporting by Sources;" and Part Env-A 1204 "Stationary Sources of Volatile Organic Compounds (VOCs) (except 1204.06)," all effective on August 31, 1995.

(D) New Hampshire VOC RACT Order ARD-94-001, concerning L.W. Packard, effective May 5, 1995.

(E) New Hampshire VOC RACT Order ARD-95-010, concerning Kalwall in Manchester, NH, effective September 10, 1996.

(F) New Hampshire VOC RACT Order ARD-96-001, concerning Textile Tapes Corporation, NH, effective October 4, 1996.

3. In § 52.1525 Table 52.1525 is amended by adding new entries in numerical order to existing state citations "Part Env-A 801; Part Env-A 802; Part Env-A 803; Part Env-A 804; Part Env-A 805; Part Env-A 806; Part Env-A 807; Part Env-A 901, sections Env-A 901.01 through 901.05, 901.08 and 901.09; Part Env-A 902; Part Env-A 903; Part Env-A 1204 (except 1204.06);" "Order ARD-94-001," "Order ARD-95-010," and "Order ARD-96-001" to read as follows:

§ 52.1525—EPA—approved New Hampshire state regulations.

* * * * *

TABLE 52.1525.—EPA—APPROVED RULES AND REGULATIONS—NEW HAMPSHIRE

| Title/subject | State citation chapter | Date adopted by State | Date approved by EPA | Federal Register citation | 52.1520 | Comments |
|--|-----------------------------|-----------------------|----------------------|---------------------------|---------|---|
| * | * | * | * | * | * | * |
| Purpose | CH air 800, Part Env-A 801. | November 13, 1992. | 3-10-98 | 63 FR 11600 ... | c(51) | Adds testing and monitoring procedures. |
| Testing and Monitoring for Stationary Sources: General Requirements. | CH air 800, Part Env-A 802. | November 13, 1992. | 3-10-98 | 63 FR 11600 ... | c(51) | Adds testing and monitoring procedures. |
| VOC Testing | CH air 800, Part Env-A 803. | August 21, 1995. | 3-10-98 | 63 FR 11600 ... | c(51) | Adds testing and monitoring procedures. |
| Capture Efficiency | CH air 800, Part Env-A 804. | August 21, 1995. | 3-10-98 | 63 FR 11600 ... | c(51) | Adds testing and monitoring procedures. |

TABLE 52.1525.—EPA—APPROVED RULES AND REGULATIONS—NEW HAMPSHIRE—Continued

| Title/subject | State citation chapter | Date adopted by State | Date approved by EPA | Federal Register citation | 52.1520 | Comments |
|---|--|-----------------------|----------------------|---------------------------|---------|---|
| Continuous Emission Monitoring. | CH air 800, Part Env-A 805. | November 13, 1992. | 3-10-98 | 63 FR 11600 ... | c(51) | Adds testing and monitoring procedures. |
| Testing for Diesel Engines and Motor Vehicles. | CH air 800, Part Env-A 806. | November 13, 1992. | 3-10-98 | 63 FR 11600 ... | c(51) | Adds testing and monitoring procedures. |
| Approval of Alternate Methods. | CH air 800, Part Env-A 807. | November 13, 1992. | 3-10-98 | 63 FR 11600 ... | c(51) | Adds testing and monitoring procedures. |
| * | * | * | * | * | * | * |
| Recordkeeping and Reporting by Sources. | CH air 900, Part Env-A 901, sections 901.01, 901.03, 901.09. | November 13, 1992. | 3-10-98 | 63 FR 11600 ... | c(51) | Adds recordkeeping and reporting requirements. |
| Recordkeeping and Reporting by Sources. | CH air 900, Part Env-A 901, sections 901.02, 901.04, 901.05, and 901.08. | August 21, 1995. | 3-10-98 | 63 FR 11600 ... | c(51) | Adds recordkeeping and reporting requirements. |
| Malfunctions and Breakdowns of Air Pollution Control Equipment. | CH air 900, Part Env-A 902. | November 13, 1992. | 3-10-98 | 63 FR 11600 ... | c(51) | Adds recordkeeping and reporting requirements. |
| Compliance Schedules | CH air 900, Part Env-A 903. | November 13, 1992. | 3-10-98 | 63 FR 11600 ... | c(51) | Adds recordkeeping and reporting requirements. |
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| Stationary Sources of Volatile Organic Compounds. | CH air 1204, Part Env-A 1204 (except 1204.06). | August 21, 1995. | 3-10-98 | 63 FR 11600 ... | c(51) | Adds VOC RACT requirements. Limited approval only of Env-A 1204.27. |
| Source Specific Order | Order ARD-94-001. | May 5, 1995 | 3-10-98 | 63 FR 11600 ... | c(51) | VOC RACT for L.W. Packard. |
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| Source Specific Order | Order ARD-95-010. | September 10, 1996. | 3-10-98 | 63 FR 11600 ... | c(51) | VOC RACT for Kalwall, Manchester. |
| Source Specific Order | Order ARD-96-001. | October 4, 1996. | 3-10-98 | 63 FR 11600 ... | c(51) | VOC RACT for Textile Tapes. |
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