Guard Group Charleston, South Carolina.

(b) *Special Local Regulations.* (1) Entry into the regulated area is prohibited to all non-participants.

(2) After termination of the River Race Augusta each day, and during intervals between scheduled events, at the discretion of the Coast Guard Patrol Commander, all vessels may resume normal operations.

(3) The Captain of the Port Charleston will issue a Marine Safety Information Broadcast Notice to Mariners to notify the maritime community of the special local regulations and the restrictions imposed.

(c) *Dates.* These regulations become effective annually from 7 a.m. to 5 p.m. EDT each day, on the third Friday, Saturday and Sunday of May, unless otherwise specified in the notice to mariners.

Dated: May 1, 1998.

N.T. Saunders,

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

[FR Doc. 98–12846 Filed 5–11–98; 12:35 pm]

BILLING CODE 4910–15–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AI85

Veterans' Training: Time Limit for Submitting Certifications under the Service Members Occupational Conversion and Training Act

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the training assistance and training benefit regulations of the Department of Veterans Affairs (VA). It places deadlines for submitting the certifications needed for both periodic payments and lump-sum deferred-incentive payments under the Service Members Occupational Conversion and Training Act (SMOCTA). Since the Act has a sunset provision, all work for which payments are due has been completed. This final rule allows VA to close the administration of SMOCTA.

DATES: Effective Date: July 13, 1998.

FOR FURTHER INFORMATION CONTACT: William G. Susling, Jr., Education Adviser, Education Service, Veterans Benefits Administration, 202–273–7187.

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on November 10, 1997 (62 FR 60464), VA proposed to amend the ''Administration of Educational Assistance Programs'' regulations that are set forth in 38 CFR 21.4001 *et seq.* VA proposed placing two-year deadlines for submitting the certifications required for both periodic payments and lump-sum deferred-incentive payments under the Service Members Occupational Conversion and Training Act (SMOCTA), 10 U.S.C. 1143 note.

Interested parties were given 60 days to submit comments. VA received no comments. Accordingly, based on the rationale set forth in the proposed rule document, we are adopting the provisions of the proposed rule as a final rule.

The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. The final rule will affect some small entities. However, the effect of the final rule, requiring employers to submit certifications within two years of the end of SMOCTA training, would not impose any additional costs on the employer. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

No Catalog of Federal Domestic Assistance number has been assigned to the program affected by this final rule.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Educational institutions, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: May 5, 1998.

Togo D. West, Jr.,

Acting Secretary.

For the reasons set forth in the preamble, 38 CFR part 21 (subpart F–3) is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart F–3—Service Members Occupational Conversion and Training Program

1. The authority for part 21, subpart F–3 continues to read as follows:

Authority: 10 U.S.C. 1143 note; sec. 4481–4487, Pub. L. 102–484, 106 Stat. 2757–2769; sec. 610, Pub. L. 103–446, 108 Stat. 4673–4674, unless otherwise noted.

2. In § 21.4832, paragraphs (e)(3) and (e)(4) are added to read as follows:

§ 21.4832 Payments to employers.

* * * * * *

(e) * * *

(3) VA will not release any periodic payments for training provided by an employer if VA receives the employer's certification for that training after September 30, 1999.

(4) VA will not release any lump sum deferred incentive payment if VA receives either the veteran's or employer's certification required for that payment after January 31, 2000.

(Authority: 106 Stat. 2762, Pub. L. 102–484, sec. 4487(b); 10 U.S.C. 1143, note)

[FR Doc. 98–12633 Filed 5–12–98; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NH31–1–7160a; FRL–6010–7]

Approval and Promulgation of Air Quality Implementation Plans; Reasonably Available Control Technology for Nitrogen Oxides for the State of New Hampshire

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of New Hampshire. This revision establishes and requires Reasonably Available Control Technology (RACT) at three stationary sources of nitrogen oxides (NO_X). The intended effect of this action is to approve source specific orders which require major stationary sources of NO_X to reduce their emissions in accordance with requirements of the Clean Air Act.

DATES: This rule is effective on July 13, 1998 without further notice unless the Agency receives relevant adverse comments by June 12, 1998. Should the

Agency receive such comments, it will publish a timely withdrawal of this direct final rule in the **Federal Register** and inform the public that the rule did not take effect.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203–2211. Copies of the documents relevant to this action 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; as well as the Air Resources Division, New Hampshire Department of Environmental Services, 64 North Main Street, Caller Box 2033, Concord, NH 03302–2033.

FOR FURTHER INFORMATION CONTACT: Steven A. Rapp, Environmental Engineer, Air Quality Planning Unit (CAQ), U.S. EPA, Region I, JFK Federal Building, Boston, MA 02203–2211; (617) 565–2773; Rapp.Steve@EPAMAIL.EPA.GOV.

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Air Act (CAA) requires that States develop RACT regulations for all major stationary sources of NO_X in areas which have been classified as ''moderate,'' ''serious,'' ''severe,'' and ''extreme'' ozone nonattainment areas, and in all areas of the Ozone Transport Region (OTR). EPA has defined RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53762; September 17, 1979). This requirement is established by sections 182(b)(2), 182(f), and 184(b) of the CAA.

These CAA NO_X requirements are further described by EPA in a notice entitled, ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' published November 25, 1992 (57 FR 55620). The November 25, 1992 notice, also known as the NO_X Supplement, should be referred to for more detailed information on NO_X requirements. Additional EPA guidance memoranda, such as those included in the ''NO_X Policy Document for the Clean Air Act of 1990,'' also known as the NO_X Policy Document, (EPA–452/R–96–005, March 1996), should also be referred to for more information on NO_X requirements. Similarly, the ''Economic Incentive Program Rules,'' or EIP (67 FR 16690, April 7, 1997), and the Emissions Trading Policy Statement, or ETPS (51 FR 43814, December 4, 1986), should be referred to for information on EPA's policy concerning emissions averaging and/or trading by sources subject to NO_X RACT.

New Hampshire has three designated ozone nonattainment areas. First, the area which includes all of Merrimack County, part of Hillsborough County, and part of Rockingham County is classified as a marginal nonattainment area (see 40 CFR Part 81 for the list of affected towns). Second, all of Strafford County and part of Rockingham County is classified as a serious non-attainment area (see 40 CFR Part 81, § 81.330 for the list of affected towns). Third, the part of southern New Hampshire that is located within the Boston-Lawrence-Salem Consolidated Metropolitan Statistical Area (CMSA) is also classified as a serious nonattainment area (see 40 CFR Part 81, § 81.330 for the list of affected towns). Additionally, section 184(a) of the CAA also establishes the northeastern United States, which includes all of the State of New Hampshire, as part of the OTR.

Section 182(b)(2) of the CAA requires States to require implementation of RACT with respect to all major sources of volatile organic compounds (VOCs). This RACT requirement also applies to all major sources in ozone nonattainment areas with higher than moderate nonattainment classifications. Section 182(f) states that, ''the plan provisions required under this subpart for major stationary sources of volatile organic compounds shall also apply to major stationary sources (as defined in section 302 and subsections (c), (d), and (e) of the section) of oxides of nitrogen.'' Additionally, section 184(b)(2) requires major stationary sources in the OTR to meet the requirements applicable to major sources if the area were classified as a moderate nonattainment area, unless already classified at a higher nonattainment level. These sections of the CAA, taken together, establish the requirements for New Hampshire to submit a NO_X RACT regulation which covers major sources.

Section 302 of the CAA generally defines ''major stationary source'' as a facility or source of air pollution which has the potential to emit 100 tons per year or more of air pollution. This definition applies unless another provision of the CAA explicitly defines major source differently. Therefore, for NO_X, a major source is one with the potential to emit 100 tons per year or more in marginal and moderate areas, as well as in attainment areas in the OTR. However, for serious nonattainment areas, a major source is defined by section 182(c) as a source that has the potential to emit 50 tons per year or more.

In New Hampshire's Strafford County, in the part of Rockingham County that is a classified as serious nonattainment, and in the Boston-Lawrence-Salem CMSA, a major stationary source of NO_X is a facility which has a potential to emit of 50 tons per year or more of NO_X. Throughout the rest of the State, a major stationary source of NOx is a facility with the potential to emit 100 tons or more per year of NOx. Such facilities are subject to NO_X RACT requirements.

II. State Submittal

On April 14, 1997, May 6, 1997, and September 24, 1997, the New Hampshire Department of Environmental Services (DES) submitted revisions to its SIP concerning Public Service Company of New Hampshire (PSNH), Hampshire Chemical Corporation (HCC), and Crown Vantage (Crown), respectively. The Crown and HCC SIP submittals define RACT for various pieces of equipment at their facilities which are subject to the miscellaneous RACT provisions of New Hampshire's NO_X RACT regulation ''Env-A 1211 Nitrogen Oxides'' (Env-A 1211). The submittal for Crown also defines alternative emission limits for two industrial boilers at the Berlin facility. The PSNH SIP submittal establishes an emissions averaging plan for the two utility boilers at PSNH's Merrimack Station (Merrimack). Additionally, the submittal for Merrimack involves an emission quantification protocol for the creation and/or use of discrete emission reductions.

Previously, DES submitted regulation Part Env-A 1211 and a source-specific NO_X RACT determination as a SIP revision in response to the CAA requirements that RACT be required for all major sources of NO_X. On April 9, 1997, EPA published a **Federal Register** notice approving those NO_X RACT submittals. See 62 FR 17137. That notice, however, stated that RACT determinations were still outstanding for Crown and HCC. Subsequently, DES submitted NO_X RACT determinations to EPA for Crown and HCC on September 24, 1997 and May 6, 1997, respectively. Additionally, on April 14, 1997 DES submitted an emissions averaging plan and emission credit quantification protocol for PSNH as an alternative RACT determination and economic incentive program revision to the SIP.

III. Description of Submittal

The following is a description of the three SIP actions. For a more detailed description of these RACT related actions, the reader should refer to the technical support document and attachment and/or to the RACT orders themselves, located at the addresses listed above. The orders have been evaluated against the relevant EPA guidance documents, including the NO_X Supplement, the NO_X Policy Document, the EIP, and the ETPS.

A. Crown Vantage

There are a number of devices at Crown's Berlin facility which fall under the miscellaneous NO_X RACT requirements of Env-A 1211.02(l), i.e., the Chemical Recovery Unit #11, the #2 lime kiln, and four space heaters. The space heaters each have heat input capacities of less than 2 million Btu per hour (mmBtu/hr). Because these units operate only during the heating season and have relatively small NO_X emissions, it has been determined that emission controls for this unit size would not be cost effective. Therefore, RACT for these units has been defined as no additional controls. For the Chemical Recovery Unit #11, RACT has been defined as a NO_X limitation of 120 parts per million on a wet volume basis (ppmv), corrected to 8% oxygen, on a 24 hour calendar day basis. For the #2 lime kiln, RACT has been defined as an emission limitation of 120 ppmv, corrected to 10% oxygen, on a 24 hour calendar day basis. These limits are comparable to RACT limits established for similar types of equipment in other States in the northeastern United States.

Additionally, there are a number of devices at the Crown facility for which it has been demonstrated that meeting the emission limits of Env-A 1211 is not economically or technically feasible. Subsequently, alternative emission limitations have been determined pursuant to Env-A 1211.17 for these units, i.e., Boiler #3 and Boiler #12. Crown has demonstrated that for Boiler #3, low NO_X burners (LNB) would reduce NO_X at a cost-effectiveness of almost $4700 per ton of NO_X reduced. Similarly, they have shown that for Boiler #12, the cost-effectiveness would be approximately $8800 per ton of NO_X reduced. The costs required to achieve these reductions are considerably higher than the high end of the cost-effectiveness range recommended by EPA (see ''NO_X Policy Document for the Clean Air Act of 1990,'' (EPA–452/R–96–005, March 1996)). Therefore, for Boiler #3, Final RACT Order ARD–97–003 sets a NO_X emission limit of 0.45 pounds/million Btu (lb/mmBtu) on an annual basis and 0.60 lb/mmBtu on a 24 hour basis. For Boiler #12, Final RACT Order ARD–97–0903 sets a NO_X emission limitation of 0.45 lb/mmBtu. These limits are acceptable as alternative RACT emission limits. In addition, the facility must meet the record keeping and reporting requirements of Env-A 901.06 and Env-A 901.07.

On June 10, 1997, DES proposed RACT Order ARD–97–003. On July 23, 1997, DES held a public hearing. On June 26, 1997, EPA submitted written comments to the public record. On September 24, 1997, DES submitted Final RACT Order ARD–97–003, including the miscellaneous and alternative RACT determinations, to EPA as a revision to the New Hampshire SIP. On October 16, 1997, EPA deemed the package administratively and technically complete.

B. Hampshire Chemical Corporation

There are a number of devices at HCC's Nashua facility which fall under the miscellaneous NO_X RACT requirements of Env-A 1211.02(l), i.e., a hot oil heater and six kilns. All of the kilns are small units, having heat input capacities of less than 5 mmBtu/hr. Therefore, RACT for these units has been defined as no additional NO_X controls. The hot oil heater has a heat input capacity of 13.3 mmBtu/hr. Although technically the unit is not a boiler, it has similar mechanical and thermal characteristics. Therefore, RACT for the oil heater has been defined as an annual tune-up, which is also required of industrial boilers of the same size under Env-A 1211.05. In addition, the facility must meet the record keeping and reporting requirements of Env-A 901.06 and Env-A 901.07.

New Hampshire formally proposed RACT Order ARD–95–011 on December 4, 1995 and held a public hearing on January 9, 1996. EPA submitted written comments on that proposal on January 16, 1996. New Hampshire submitted Final RACT Order ARD–95–011 on May 6, 1997. EPA deemed the submittal administratively and technically complete on May 28, 1997.

C. Public Service of New Hampshire's Merrimack Station

During 1995 and 1996, EPA received and commented on several draft RACT orders concerning PSNH's Merrimack facility. These draft orders proposed to allow PSNH to meet the NO_X emission limitations of Env-A 1211.03(c)(1)(b) at units 1 (MK1) and 2 (MK2) through the use of emissions averaging, or bubbling, as provided for in Env-A 1211.13. In an effort to comply with the emission limitations of Env-A 1211.03(c)(1)(b), PSNH had installed NO_X control systems on both units in 1995. The selective non-catalytic reduction (SNCR) controls on MK1, however, did not reduce emissions as well as expected and the unit was unable to meet the emission rate limitation set by Env-A 1211. Fortunately, the selective catalytic reduction (SCR) NO_X control system on MK2 performed better than expected. This reduction allowed MK2 to run at emission rates lower than its limits in Env-A 1211. The enhanced performance of MK2 makes emissions averaging or trading a viable means of achieving the NO_X reductions anticipated by RACT regulations.

Basically, the bubble for Merrimack requires MK1 and MK2 to meet daily emissions caps as well as emission rate limitations. The first cap applies to the emissions of the two units combined. The second cap applies only to the emissions of MK1 when MK2 is not at full capacity. The order also adds a weekly emission rate limitation on MK1. MK2 remains subject to a daily emission cap and emission rate limitation under Env-A 1211.

More specifically, MK1 and MK2 are required to meet a combined daily emission cap which achieves an equivalent level of NO_X reduction that would be achieved if both units met the applicable emission limitations in Env-A 1211.03(c)(1)(b), (d), and (f). This combined emissions cap is in addition to the emissions cap on MK2 imposed by Env-A 1211.03 (d) and (f). The order also imposes a separate emissions cap on MK1 when MK2 is not operating during all 24 hours of a day. This second cap is equal to a historical actual emission rate (i.e., the sixth highest average weekly value from January to October 1996) of MK1 multiplied by its throughput capacity. As described in the ETPS, because the use of emissions averaging should not result in an increase in total emissions, the second cap is needed to ensure that MK1 will not exceed its historical level of emissions during days when MK2 is not at full capacity. Similarly, the order adds a weekly emission rate limitation (i.e., the sixth highest value from January to October 1996) to ensure that the emission rate from MK1 does not exceed historical rates of emissions experienced during the operation of the NO_X control system on MK1.

Additionally, the PSNH SIP submittal includes an emission quantification protocol for the creation or use of discrete emission reductions (DERs) of NO_X at Merrimack. Basically, the

protocol describes a method for quantifying the difference between the daily unit-specific RACT emission limitations (baseline), as established in Env-A 1211.03, and the actual daily average emission rate that each unit achieves for the hours that the unit operated. The protocol requires that actual emissions be measured by a continuous emission monitoring systems (CEMS). For MK1, the more stringent emission rate limitation of Env-A 1211.03(c)(1)(b) is used as the baseline to yield the fewest number of credits and the greatest number of debits. For MK2, which is subject to both an emission rate limitation under Env-A 1211.03(c)(1)(b) and an emissions cap under Env-A 1211.03(d), the protocol requires that the calculation be done using each of the two RACT limits and that the lesser quantity of DERs calculated be considered creditable.

The SIP submittal also includes data documenting that the protocol was used to quantify the creation of 142.5 DERs at Merrimack from June 1, 1995 to September 30, 1995. The documentation shows that the quantity is above and beyond any DERs that were used for RACT compliance at either MK1 or MK2 during that time period. The protocol is intended as a methodology to calculate the generation or use of DERs for RACT compliance, either by PSNH or by others who would purchase the DERs from PSNH. The order requires that prior to the use of the PSNH DERs by others, however, a DER use protocol (if different from the method described in the attachment to the order) be approved by DES and EPA, either on a case-by-case basis or by approval of New Hampshire's emissions trading regulations Env-A 3000 and 3100. EPA has not yet acted on those regulations and will do so in a future notice.

The order also discusses the use of the DERs as early reduction allowances as part of the Ozone Transport Commission's NO_X budget and allowance trading program. New Hampshire has not yet adopted this regulation. Therefore, EPA cannot judge the compatibility of these provisions with the allowance trading program at this time. The order does, however, discuss the potential for double-counting the emission reductions under both programs. The order commits DES to taking steps in the future to avoid such double-counting.

New Hampshire proposed RACT Order ARD–97–001 for Merrimack on January 28, 1997. EPA provided written comments to DES concerning that proposal on March 11, 1997. On April 14, 1997, DES submitted Final RACT Order ARD–97–001 as a revision to the SIP. On May 28, 1997, EPA sent a letter to DES deeming the submittal administratively and technically complete.

IV. Issues

The final RACT order for PSNH includes a protocol for the creation and/or use of credits for compliance at Merrimack. This protocol would allow the use of one-time or carry over credits during time periods other than when they were generated (i.e., the intertemporal use of credits). The credits produced at Merrimack, however, are the result of the operation of extra control capacity on MK2. This means that at any given time, extra reductions are balancing the use of earlier credits. In this way, the generation or use of credits from Merrimack should produce no increase in NO_X emissions, or ''spiking,'' due to the use of credits for compliance with RACT limits. Therefore, the use of these credits is consistent with the requirements of the New Hampshire SIP, RFP and ROP plans, and area-wide RACT requirements.

V. Final Action

EPA review of the NO_X RACT SIP submittals, including the miscellaneous NO_X RACT submittals for HCC and Crown, indicates that New Hampshire has sufficiently defined the NO_X RACT requirements for these sources. Additionally, EPA review of the emissions averaging plan and emissions quantification protocol for PSNH's Merrimack facility indicates that these economic incentive programs meet applicable EPA guidance. Therefore, EPA is approving these submittals into the New Hampshire SIP as meeting the requirements of the CAA.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal should relevant adverse comments be filed. This rule will become effective on July 13, 1998 without further notice unless the Agency receives relevant adverse comment by June 12, 1998.

Should the Agency receive such comments, it will publish a timely document in the **Federal Register** withdrawing the final rule and 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. 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 rule will be effective on July 13, 1998 and no further action will be taken on the proposed rule.

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.

VI. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

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

To reduce the burden of Federal regulations on States and small governments, President Clinton issued Executive Order 12875 on October 26, 1993, entitled ''Enhancing the Intergovernmental Partnership.'' Under

Executive Order 12875, EPA may not issue a regulation which is not required by statute unless the Federal Government provides the necessary funds to pay the direct costs incurred by the State and small governments or EPA provides OMB with a description of the prior consultation and communications the Agency has had with representatives of State and small governments and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected and other representatives of State and small governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

The present action satisfies the requirements of Executive Order 12875 because it is required by statute and because it does not contain a significant unfunded mandate. Section 110(k) of the Clean Air Act requires that EPA act on implementation plans submitted by States. This rulemaking implements that statutory command. In addition, this rule approves preexisting state requirements and does not impose new Federal mandates that bind State or small governments.

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 which 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 Federal 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 Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3).

EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability. This rule only affects three specifically-named entities, PSNH's Merrimack facility in Bow, New Hampshire, HCC in Nashua, New Hampshire, and Crown in Berlin, New Hampshire.

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 July 13, 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, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of New Hampshire was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 21, 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)(54) to read as follows:

§ 52.1520 Identification of plan.

* * * * *

(c) * * *

(54) Revisions to the State Implementation Plan submitted by the New Hampshire Air Resources Division on April 14, 1997, May 6, 1997, and September 24, 1997.

(i) Incorporation by reference.

(A) Letters from the New Hampshire Air Resources Division dated April 14, 1997, May 6, 1997, and September 24, 1997 submitting revisions to the New Hampshire State Implementation Plan.

(B) New Hampshire NO_X RACT Order ARD–97–001, concerning Public Service Company of New Hampshire in Bow, effective on April 14, 1997.

(C) New Hampshire NO_X RACT Order ARD–95–011, concerning Hampshire Chemical Corporation, effective on May 6, 1997.

(D) New Hampshire NO_X RACT Order ARD–97–003, concerning Crown Vantage, effective September 24, 1997.

3. In § 52.1525 Table 52.1525 is amended by adding new state citations for ''Final RACT Order ARD–97–001,'' ''Final RACT Order ARD–95–011,'' and ''Final RACT Order ARD–97–003,'' 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
*	*	*	*	*	*	*
Source specific order.	Order ARD–97–001.	04/14/97	5/13/98	[Insert *FR* citation from published date].	(c)(54)	Source specific NO_X RACT order for Public Service of New Hampshire in Bow, NH.
Source specific order.	Order ARD–95–011.	05/06/97	5/13/98	[Insert *FR* citation from published date].	(c)(54)	Source specific NO_X RACT order for Hampshire Chemical Corporation in Nashua, NH.
Source specific order.	Order ARD–97–003.	9/24/97	5/13/98	[Insert *FR* citation from published date].	(c)(54)	Source specific NO_X RACT order for Crown Vantage in Berlin, NH.
*	*	*	*	*	*	*

[FR Doc. 98–12716 Filed 5–12–98; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OR 66–7281a; FRL–6006–8]

Approval and Promulgation of Implementation Plans: Oregon

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) approves Oregon Department of Environmental Quality's (ODEQ) new sections to Division 30 as submitted on June 1, 1995, and revisions to Divisions 20, 21, 22, 25, and 30, as submitted on January 22, 1997, for inclusion into their State Implementation Plan (SIP).

DATES: This rule is effective without further notice on July 13, 1998, unless the Agency receives relevant adverse comment by June 12, 1998. Should the Agency receive such comments, it will publish a timely withdrawal informing the public that this rule will not take effect.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Office of Air Quality (OAQ–107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101. Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ–107), Seattle, Washington 98101, and ODEQ, 811 S.W. Sixth Avenue, Portland, OR 97204.

FOR FURTHER INFORMATION CONTACT: Catherine Woo, Office of Air Quality (OAQ–107), EPA, Seattle, Washington 98101, (206) 553–1814.

SUPPLEMENTARY INFORMATION:

I. Background

On June 1, 1995, the ODEQ submitted two new sections under Division 30 of the SIP. These included: OAR–340–030–0320, Requirement for Operation and Maintenance Plans, and OAR–340–030–0330, Source Testing, which were originally adopted on April 14, 1995 and state effective on May 1, 1995. However, they were subsequently revised and adopted by ODEQ on October 11, 1996, and submited to EPA for inclusion into the SIP on January 22, 1997. The contents of both the new sections for Division 30 and their subsequent revisions have been reviewed, with no adverse concerns regarding their content or changes. OAR–340–030–0320 and –0330 are approved as well as their subsequent revisions.

On January 22, 1997, the ODEQ submitted revisions to the SIP, which included: OAR–340–020–0047, State of Oregon Clean Air Act Implementation Plan; OAR–340–022–0170, Surface Coating in Manufacturing; OAR–340–022–0840, Innovative Products; OAR–340–022–0930, Requirements for Manufacture, Sale and Use of Spray Paint; OART–340–022–0055, Fuel Burning Equipment; OAR–340–028–0110, Definitions; OAR–340–028–0400, Information Exempt From Disclosure; OAR–340–028–0630, Typically Achievable Control Technology; OAR–340–028–1010, Requirement for Plant Site Emission Limits; OAR–340–028–1720, Permit Required; OAR–340–030–0015, Wood Waste Boilers; OAR–340–030–0044, Requirement for Operation and Maintenance Plans (Medford-Ashland AQMA Only); OAR–340–030–0050, Continuous Monitoring; and OAR–340–030–0055, Source Testing. All of these revisions, with the exception of OAR–340–022–0170, –028–0630, –021–0025 and –021–0027, are editorial and housekeeping in nature and are approved. OAR–340–022–0170 reflects a correction to delete a reference to ''metal'' parts of section (4) and a revision to say ''Miscellaneous Metal Parts and Products'' as the rule's title in in 5(j). OAR–340–028–0630 reflects a revision that would exempt sources from the Typically Achievable Control Technology only when specific design or performance standards in Division 30 apply. This corrects a previous state rule which exempts sources covered by any emission standard in Division 30. OAR–340–021–0025 and –0027 have been superseded by more specific incinerator rules in Division 25; therefore, they are repealed from the SIP. The revisions to all the above rules are approved.

II. Summary of Action

EPA is approving ODEQ's new sections to Division 30, as submitted on June 1, 1995, and revisions to Divisions 20, 21, 22, 25, and 30, as submitted on January 22, 1997. OAR–340–021–0025 and –0027 are repealed from the SIP.

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.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial