

Chattahoochee River

Dated: July 17, 1998.

Stephen C. Saunders

(Acting) Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 98-24695 Filed 9-14-98; 8:45 am]

BILLING CODE 4310-70-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[FRL-6161-4]

Regulation of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the St. Louis, Missouri Moderate Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: Under section 211(k)(6) of the Clean Air Act, as amended (Act), the Administrator of EPA shall require the sale of reformulated gasoline (RFG) in ozone nonattainment areas upon the application of the Governor of the state in which the nonattainment area is located. This notice proposes to extend the Act's prohibition against the sale of conventional (i.e., non-reformulated) gasoline in RFG areas to the St. Louis, Missouri moderate ozone nonattainment area. The Agency proposes to implement this prohibition on May 1, 1999, for all persons other than retailers and wholesale purchaser-consumers (i.e., refiners, importers, and distributors). For retailers and wholesale purchaser-consumers, EPA proposes to implement the prohibition on June 1, 1999, as requested by Governor Mel Carnahan of the State of Missouri. On June 1, 1999, the St. Louis ozone nonattainment area would be a covered area for all purposes in the federal RFG program.

DATES: The Agency will hold a public hearing on today's proposal if one is requested by September 22, 1998. If a public hearing is held, it will take place on Tuesday, September 29, 1998. If a public hearing is held on today's proposal, comments must be received by October 30, 1998. If a hearing is not held, comments must be received by October 15, 1998.

ADDRESSES: If a public hearing is requested by September 22, 1998, it will be held from 9 a.m. until noon at the Renaissance St. Louis Hotel—Airport, 9801 Natural Bridge Road, St. Louis, MO. If additional time is needed to hear testimony, the hearing will continue

from 1 until 5 p.m. in the same location. If there are no parties interested in testifying on this proposal, the hearing will be subject to cancellation without further notification. If you wish to testify at this public hearing, or if you want to know if the hearing has been canceled contact Karen Smith at (202) 564-9674. Materials relevant to this document have been placed in Docket A-98-38. The docket is located at the Air Docket Section, Mail Code 6102, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, in room M-1500 Waterside Mall. Documents may be inspected from 8 a.m. to 5:30 p.m. A reasonable fee may be charged for copying docket materials.

Written comments should be submitted to Air Docket Section, Mail Code 6102, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. A copy should also be sent to Karen Smith at U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street, SW (6406J), Washington, DC 20460. An identical docket is also located in EPA's Region VII office in Docket A-98-38. The docket is located at 726 Minnesota Avenue, Kansas City, Kansas, 66101. In Region VII contact Wayne G. Leidwanger at (913) 551-7607 or Royan Teter at (913) 551-7609. Documents may be inspected from 9 a.m. to noon and from 1-4 p.m. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: Karen Smith at U.S. Environmental Protection Agency, Office of Air and Radiation, 401 M Street, SW (6406J), Washington, DC 20460, (202) 564-9674. An additional contact person is Christine Hawk at (202) 564-9672.

SUPPLEMENTARY INFORMATION: Under section 211(k)(6) of the Clean Air Act, as amended (Act), the Administrator of EPA shall require the sale of reformulated gasoline in an ozone nonattainment area classified as Marginal, Moderate, Serious, or Severe upon the application of the Governor of the state in which the nonattainment area is located. This action proposes to extend the prohibition set forth in section 211(k)(5) against the sale of conventional (i.e., non-reformulated) gasoline to the St. Louis, Missouri moderate ozone nonattainment area. The Agency is proposing the implementation date of the prohibition described herein to take effect on May 1, 1999 for all persons other than retailers and wholesale purchaser-consumers (i.e., refiners, importers, and distributors). For retailers and wholesale purchaser-consumers, EPA is proposing

the implementation of the prohibition described herein to take effect June 1, 1999 as requested by Governor Mel Carnahan of the State of Missouri. As of the implementation date for retailers and wholesale purchaser-consumers, the St. Louis ozone nonattainment area will be a covered area for all purposes in the federal RFG program.

The preamble and regulatory language are also available electronically from the EPA internet Web site. This service is free of charge, except for any cost you already incur for internet connectivity. A copy of the **Federal Register** version is made available on the day of publication on the primary Web site listed below. The EPA Office of Mobile Sources also publishes these notices on the secondary Web site listed below.

Internet (Web)

<http://www.epa.gov/docs/fedrgstr/EPA-AIR/> (either select desired date or use Search feature)

<http://www.epa.gov/OMSWWW/> (look in What's New or under the specific rulemaking topic)

Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

Regulated entities: Entities potentially regulated by this action are those which produce, supply or distribute motor gasoline. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Petroleum refiners, motor vehicle gasoline distributors and retailers.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your business is regulated by this action, you should carefully examine the list of areas covered by the reformulated gasoline program in § 80.70 of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Opportunity for Public Participation

A. Comments and the Public Docket Procedures

Comments should be submitted in writing to EPA's Air Docket and to Karen Smith (see ADDRESSES). Persons with comments containing proprietary information must distinguish such information from other comments to the greatest extent and label it as "Confidential Business Information." If a person making comments wants EPA to base the final rule in part on a submission labeled as confidential business information, then a non-confidential version of the document which summarizes the key data or information should be placed in the public docket. Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed by the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when it is received by EPA, it may be made available to the public without further notice to the person making comments.

B. Public Hearing Procedures

Any person desiring to present testimony regarding this proposed rule at the public hearing (see DATES) should notify the contact person listed above of such intent as soon as possible. A sign-up sheet will be available at the registration table the morning of the hearing for scheduling testimony for those who have not notified the contact person. This testimony will be scheduled on a first come, first serve basis to follow the previously scheduled testimony.

EPA suggests that approximately 50 copies of the statement or material to be presented be brought to the hearing for distribution to the audience. In addition, EPA would find it helpful to receive an advance copy of any statement or material to be presented at the hearing in order to give EPA staff adequate time to review such material before the hearing. Such advance copies should be submitted to the contact person listed above.

The official records of the hearing will be kept open for 30 days following the hearing to allow submission of rebuttal and supplementary testimony. All such submittals should be directed to the Air Docket, Docket No. A-98-38 (see ADDRESSES).

The Director of EPA's Fuels and Energy Division, Office of Mobile Sources, or his/her designee, is hereby designated Presiding Officer of the hearing. The hearing will be conducted informally and technical rules of

evidence will not apply. Because a public hearing is designed to give interested parties an opportunity to participate in the proceeding, there are no adversary parties as such. Statements by participants will not be subject to cross examination by other participants. A written transcript of the hearing will be placed in the above docket for review. Anyone desiring to purchase a copy of the transcript should make individual arrangements with the court reporter recording the proceeding. The Presiding Officer is authorized to strike from the record statements which he/she deems irrelevant or repetitious and to impose reasonable limits on the duration of the statement of any witness. This information will be available for public inspection at the EPA Air Docket, Docket No. A-98-38 (see ADDRESSES).

The remainder of this proposed rulemaking is organized in the following sections:

- I. Background
 - Opt-in Provision/Process
- II. The Governor's Request
- III. Action
- IV. Public Participation and Effective Date
- V. Environmental Impact
- VI. Administrative Designation and Regulatory Analysis
 - A. Executive Order 12866
 - B. Regulatory Flexibility
 - C. Executive Order 12875: Enhancing Intergovernmental Partnerships
 - D. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments
 - E. Unfunded Mandates
 - F. The Paperwork Reduction Act
 - G. Children's Health Protection
 - H. National Technology Transfer and Advancement Act of 1995 (NTTAA)
 - I. Statutory Authority

I. Background

Opt-in Provision/Process

As part of the Clean Air Act Amendments of 1990, Congress added a new subsection (k) to section 211 of the Act. Subsection (k) prohibits the sale of gasoline that EPA has not certified as reformulated ("conventional gasoline") in the nine worst ozone nonattainment areas beginning January 1, 1995. Section 211(k)(10)(D) defines the areas covered by the reformulated gasoline (RFG) program as the nine ozone nonattainment areas having a 1980 population in excess of 250,000 and having the highest ozone design values during the period 1987 through 1989.¹ Under section 211(k)(10)(D), any area

¹ Applying these criteria, EPA has determined the nine covered areas to be the metropolitan areas including Los Angeles, Houston, New York City, Baltimore, Chicago, San Diego, Philadelphia, Hartford and Milwaukee.

reclassified as a severe ozone nonattainment area under section 181(b) is also to be included in the RFG program, such as Sacramento, California. EPA first published final regulations for the RFG program on February 16, 1994. See 59 FR 7716.

Other ozone nonattainment areas may be included in the program at the request of the Governor of the state in which the area is located. Section 211(k)(6)(A) provides that upon the application of a Governor, EPA shall apply the prohibition against selling conventional gasoline in "any area in the State classified under subpart 2 of Part D of Title I as a Marginal, Moderate, Serious or Severe" ozone nonattainment area. Subparagraph 211(k)(6)(A) further provides that EPA is to apply the prohibition as of the date the Administrator "deems appropriate, not later than January 1, 1995, or 1 year after such application is received, whichever is later." In some cases the effective date may be extended for such an area as provided in section 211(k)(6)(B) based on a determination by EPA that there is "insufficient domestic capacity to produce" RFG. Finally, EPA is to publish a Governor's application in the **Federal Register**.

II. The Governor's Request

EPA received an application July 13, 1998 from the Honorable Mel Carnahan, Governor of the State of Missouri, for the St. Louis moderate ozone nonattainment area to be included in the reformulated gasoline program. The Governor's letter is set out in full below. July 10, 1998.

Ms. Carol Browner,
Administrator, U.S. Environmental
Protection Agency, 401 M Street, SW,
Washington, DC 20460

Dear Administrator Browner: Pursuant to Section 211(k)(6) of the Clean Air Act (CAA), I request the U.S. Environmental Protection Agency (EPA) extend the requirement for Reformulated Gasoline (RFG) to the Missouri portion of the St. Louis ozone non-attainment area beginning June 1, 1999.

Also, be advised that I have directed the Missouri Department of Natural Resources to allow for the use of ethanol as a wintertime oxygenate in the St. Louis area.

Thank you for your attention to this matter. I look forward to the successful implementation of this program and, ultimately, attainment of the federal clean air standards for the St. Louis area.

If you have any further questions or concerns, please contact Mr. Stephen Mahfood, Director, Department of Natural Resources.

Very truly yours,
s/ Mel Carnahan

cc: Dennis Grams, EPA, Region VII

III. Action

Pursuant to the Governor's letter and the provisions of section 211(k)(6), EPA is proposing to apply the prohibitions of subsection 211(k)(5) to the St. Louis, Missouri ozone nonattainment area as of May 1, 1999, for all persons other than retailers and wholesale purchaser-consumers. This date applies to the refinery level and all other points in the distribution system other than the retail level. For retailers and wholesale purchaser-consumers, EPA is proposing to apply the prohibitions of subsection 211(k)(5) to the St. Louis, Missouri ozone nonattainment area on June 1, 1999. As of the June 1, 1999 implementation date, this area would be treated as a covered area for all purposes of the federal RFG program.

The application of the prohibition of section 211(k)(5) to the St. Louis ozone nonattainment area could take effect no later than July 13, 1999, under section 211(k)(6)(A), which stipulates that the effective program date must be no "later than January 1, 1995 or 1 year after [the Governor's] application is received, whichever is later." For the St. Louis nonattainment area, EPA could establish an effective date for the start of the RFG program anytime up to this date.

EPA considers that July 13, 1999 would be the latest possible effective date, since EPA expects there to be sufficient domestic capacity to produce RFG and therefore has no current reason to extend the effective date beyond one year after July 13, 1999 under section 211(k)(6)(B). EPA believes that there is adequate domestic capability to support the current demand for RFG nationwide as well as the addition of the St. Louis area. According to the Energy Information Administration's (EIA) preliminary calculations using survey data and demand estimates, it appears that there are adequate RFG supplies for the areas currently considering opting-in to the program. An estimated 63 thousand barrels per day of gasoline are required in St. Louis which could be covered by industry's current capacity to supply roughly an extra 300 thousand barrels per day of RFG in the eastern half of the U.S.

Like the federal volatility program, the RFG program includes seasonal requirements. Summertime RFG must meet certain VOC control requirements to reduce emissions of VOCs, an ozone precursor. Under the RFG program, there are two compliance dates for VOC-controlled RFG. At the refinery level, and all other points in the distribution system other than the retail level, compliance with RFG VOC-control requirements is required from May 1 to

September 15. At the retail level (service stations and wholesale purchaser-consumers), compliance is required from June 1 to September 15. See 40 CFR 80.78 (a)(1)(v). Pipeline requirements and demands for RFG from the supply industry drive refineries to establish their own internal compliance date earlier than May so that they can then assure that terminals are capable of meeting the RFG VOC-control requirements by May 1. Based on past success with this implementation strategy, EPA proposes to stagger the implementation dates for the St. Louis opt-in to the RFG program.

Pursuant to its discretion to set an effective date under section 211(k)(6), EPA is proposing two implementation dates. For all persons other than retailers and wholesale purchaser-consumers (i.e., refiners, importers, and distributors), EPA is proposing the implementation to take effect on May 1, 1999. For retailers and wholesale purchaser-consumers, EPA is proposing the implementation to take effect on June 1, 1999. These dates are consistent with the state's request that EPA require that the RFG program begin in the St. Louis area on June 1, 1999. These dates would provide environmental benefits by allowing St. Louis to achieve VOC reduction benefits throughout the 1999 VOC-controlled season. EPA believes these dates provide adequate lead time for the distribution industry to set up storage and sales agreements to ensure supply. Although EPA is proposing and seeking comments on allowing 30 days for the transition period (May 1, 1999 to June 1, 1999), EPA is also asking for comment on whether retailers and wholesale purchaser-consumers believe they could comply with federal RFG in 15 days from the effective date set for persons other than retailers and wholesale purchaser-consumers.

IV. Public Participation and Effective Date

The Agency is publishing this action as a proposed rulemaking. The Agency will hold a public hearing on today's proposal if one is requested on September 29, 1998.

Section 211(k)(6) states that, "[u]pon the application of the Governor of a State, the Administrator shall apply the prohibition" against the sale of conventional gasoline in any area of the State classified as Marginal, Moderate, Serious, or Severe for ozone. Although section 211(k)(6) provides EPA discretion to establish the effective date for this prohibition to apply to such areas, and allows EPA to consider whether there is sufficient domestic capacity to produce RFG in establishing

the effective date, EPA does not have discretion to deny a Governor's request. Therefore, the scope of this action is limited to setting an effective date for St. Louis's opt-in to the RFG program, and not to decide whether St. Louis should in fact opt in. For this reason, EPA is only soliciting comments addressing the implementation date and whether there is sufficient capacity to produce RFG, and is not soliciting comments that support or oppose St. Louis's participating in the program.

EPA also asks for comment on whether retailers and wholesale purchaser-consumers could comply with federal RFG in 15 or 30 days from the effective date set for persons other than retailers and wholesale purchaser-consumers.

In setting the effective date, EPA believes it should review the many factors that could affect the supply of gasoline to that area. By evaluating these and other factors, EPA can make a determination as to whether industry's capacity to supply RFG for an opt-in area meets or exceeds the demand.

V. Environmental Impact

The federal RFG program provides reductions in ozone-forming VOC emissions, air toxics, and starting in 2000, oxides of nitrogen (NO_x). Reductions in VOCs and NO_x are environmentally significant because they lead to reductions in ozone formation and in secondary formation of particulate matter, with the associated improvements in human health and welfare. Exposure to ground-level ozone (or smog) can cause respiratory problems, chest pain, and coughing and may worsen bronchitis, emphysema, and asthma. Animal studies suggest that long-term exposure (months to years) to ozone can damage lung tissue and may lead to chronic respiratory illness. Reductions in emissions of toxic air pollutants are environmentally important because they carry significant benefits for human health and welfare primarily by reducing the number of cancer cases each year.

Missouri's modeling estimates that if federal RFG is required to be sold in St. Louis, VOC emissions will be cut by an additional 5.53 tons/day over the VOC reductions from its current low volatility (RVP) gasoline requirement of 7.0 psi. In addition, all vehicles would have improved emissions and the area would also get reductions in toxic emissions.

VI. Administrative Designation and Regulatory Analysis

A. Executive Order 12866

Under Executive Order 12866,² the Agency must determine whether a regulation is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments of communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof, or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.³

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Regulatory Flexibility

For the following reasons, EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this proposed rule. EPA has also determined that this proposed rule would not have a significant economic impact on a substantial number of small entities.

In promulgating the RFG and the related anti-dumping regulations for conventional gasoline, the Agency analyzed the impact of the regulations on small businesses. The Agency concluded that the regulations may possibly have some economic effect on a substantial number of small refiners, but that the regulations may not significantly affect other small entities, such as gasoline blenders, terminal operators, service stations and ethanol blenders. See 59 FR 7810-7811 (February 16, 1994). As stated in the preamble to the final RFG/anti-dumping rule, exempting small refiners from the RFG regulations would result in the failure of meeting CAA standards. 59 FR 7810. However, since most small refiners are located in the mountain

states or in California, which has its own RFG program, the vast majority of small refiners are unaffected by the federal RFG requirements (although all refiners of conventional gasoline are subject to the anti-dumping requirements). Moreover, all businesses, large and small, maintain the option to produce conventional gasoline to be sold in areas not obligated by the Act to receive RFG or those areas which have not chosen to opt into the RFG program. A complete analysis of the effect of the RFG/anti-dumping regulations on small businesses is contained in the Regulatory Flexibility Analysis which was prepared for the RFG and anti-dumping rulemaking, and can be found in the docket for that rulemaking. The docket number is: EPA Air Docket A-92-12.

Today's proposed rule will affect only those refiners, importers or blenders of gasoline that choose to produce or import RFG for sale in the St. Louis ozone nonattainment area, and gasoline distributors and retail stations in those areas. As discussed above, EPA determined that, because of their location, the vast majority of small refiners would be unaffected by the RFG requirements. For the same reason, most small refiners will be unaffected by today's action. Other small entities, such as gasoline distributors and retail stations located in St. Louis, which will become a covered area as a result of today's action, will be subject to the same requirements as those small entities which are located in current RFG covered areas. The Agency did not find the RFG regulations to significantly affect these entities. Based on this, EPA certifies that this proposed rule would not have a significant adverse impact on a substantial number of small entities.

C. Executive Order 12875: Enhancing Intergovernmental Partnerships

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the 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 officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates."

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

D. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Today's proposed rule does not create a mandate any tribal governments. The rule does not impose any enforceable duties on these entities. Today's proposed rule will affect only those refiners, importers or blenders of gasoline that choose to produce or import RFG for sale in the St. Louis ozone nonattainment area, and gasoline distributors and retail stations in those areas. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("UMRA"), Pub. L. 104-4, EPA must prepare a budgetary impact statement to accompany any general notice of

² See 58 FR 51735 (October 4, 1993).

³ *Id.* at section 3(f)(1)-(4).

proposed rulemaking 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 in any one year. Under section 205, for any rule subject to section 202 EPA generally must select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Under section 203, before establishing any regulatory requirements that may significantly or uniquely affect small governments, EPA must take steps to inform and advise small governments of the requirements and enable them to provide input.

EPA has determined that today's proposed rule does not trigger the requirements of UMRA. The rule does not include a Federal mandate that may result in estimated annual costs to State, local or tribal governments in the aggregate, or to the private sector, of \$100 million or more, and it does not establish regulatory requirements that may significantly or uniquely affect small governments.

F. The Paperwork Reduction Act

This action does not add any new requirements under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The Office of Management and Budget (OMB) has approved the information collection requirements that apply to the RFG/anti-dumping program, and has assigned OMB control number 2060-0277 (EPA ICR No. 1591.07).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This 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. 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 and 48 CFR Chapter 15.

G. Children's Health Protection

This proposed rule is not subject to E.O. 13045, entitled "Protection of Children From Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

H. National Technology Transfer and Advancement Act of 1995 (NTTAA)

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub. L. 104-113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

I. Statutory Authority

The Statutory authority for the action proposed today is granted to EPA by sections 211(c) and (k) and 301 of the Clean Air Act, as amended; 42 U.S.C. 7545(c) and (k) and 7601.

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, Motor vehicle pollution.

Dated: September 9, 1998.

Carol M. Browner,
Administrator.

40 CFR part 80 is proposed to be amended as follows:

PART 80—[AMENDED]

1. The authority citation for part 80 is revised to read as follows:

Authority: Secs. 114, 211, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7414, 7545 and 7601(a)).

2. Section 80.70 is amended by adding paragraph (n) as follows:

§ 80.70 Covered areas.

* * * * *

(n) The prohibitions of section 211(k)(5) will apply to all persons other than retailers and wholesale purchaser-consumers on May 1, 1999. The

prohibitions of section 211(k)(5) will apply to retailers and wholesale purchaser-consumers on June 1, 1999. As of the effective date for retailers and wholesale purchaser-consumers, the St. Louis, Missouri ozone nonattainment area is a covered area. The geographical extent of the covered area listed in this paragraph shall be the nonattainment boundaries for the St. Louis ozone nonattainment area as specified in 40 CFR 81.326.

[FR Doc. 98-24637 Filed 9-14-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6159-5]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Operable Unit 2 of the South Andover Salvage Yards site from the National Priorities List; request for comments.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) Region 5 announces its intent to delete operable unit OU2 of the South Andover Salvage Yards Site (the Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which the U.S. EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by the U.S. EPA, because it has been determined that Responsible Parties have implemented all response actions required and the U.S. EPA, in consultation with the State of Minnesota, has determined that no further response is appropriate for this particular operable unit. This action constitutes a partial delisting of the Site from the NPL. Moreover, the U.S. EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of the Site's OU2 from the NPL may be submitted on or before October 15, 1998.