DATES: Comments must be received in writing by March 29, 1999.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103 and the District of Columbia Department of Public Health, Air Quality Division, 2100 Martin Luther King Ave, S.E., Washington, DC 20020.

FOR FURTHER INFORMATION CONTACT: Kristeen Gaffney, (215) 814–2092 at the EPA Region III address above, or by e-mail at gaffney.kristeen@epamail.epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the EPA Region III address above.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final action of the same name which is located in the Rules and Regulations section of this **Federal Register**.

Dated: February 12, 1999.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 99–4435 Filed 2–24–99; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[LA–50–1–7401; FRL–6235–2]

Approval and Promulgation of Air Quality Implementation Plans; Louisiana: Revision to the State Implementation Plan (SIP) for the Ozone Maintenance Plan for St. James Parish

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: We are reopening our proposal to approve a revision to the Louisiana SIP for the St. James Parish ozone maintenance area, submitted by Louisiana on April 23, 1998. The revision includes an adjustment to the volatile organic compound emission inventory for the 1990 base year of the approved maintenance plan, and changes to the approved contingency plan's triggers and control measures. We have received a request to extend the comment period an additional two weeks. The requesters need the additional time to review the initial simulation results of the Urban Airshed Modeling demonstration submitted with this SIP revision. In order to ensure that all interested parties have sufficient opportunity to submit comments, we will re-open the comment period for the St. James Parish SIP revision. Please review our reasons for proposing approval of the St. James Parish SIP revision, as published in the **Federal Register** on January 14, 1999 (64 FR 2455).

DATES: Comments received on or before March 29, 1999, including those received between the close of the comment period on February 16, 1999, and the publication of this document, will be entered into the public record and considered by the EPA before taking final action.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Persons interested in examining these documents should make an appointment with the appropriate office at least 24 hours before the visiting day. Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733. Louisiana Department of Environmental Quality, Office of Air Quality and Radiation Protection, H. B. Garlock Building, 7290 Bluebonnet Blvd., Baton Rouge, Louisiana, 70810.

FOR FURTHER INFORMATION CONTACT: Lt. Mick Cote, Air Planning Section (6PD–L), Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7219.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: February 16, 1999.

Jerry Clifford,

Acting Regional Administrator, Region 6.

[FR Doc. 99–4579 Filed 2–24–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–6304–7]

Protection of Stratospheric Ozone: Incorporation of Montreal Protocol Adjustment for a 1999 Interim Reduction in Class I, Group VI Controlled Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: With this action, EPA is proposing a revision to the accelerated phaseout regulations that govern the production, import, export, transformation and destruction of substances that deplete the ozone layer under the authority of Title VI of the Clean Air Act Amendments of 1990 (CAA or the Act). Today's proposed amendment reflects changes in U.S. obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol) due to recent adjustments by signatory countries to this international agreement. Specifically, today's proposed amendment incorporates the Protocol's 25 percent interim reduction in the production and consumption of class I, Group VI controlled substances (methyl bromide) for the 1999 control period and subsequent control periods.

In taking today's action, EPA recognizes the expressed intent of Congress in recent changes to the Clean Air Act that direct EPA to conform the U.S. phasedown schedule to the Montreal Protocol's schedule for developed nations, including required interim reductions and specific exemptions. EPA intends to follow this proposed rule with other actions to complete the process of conforming the U.S. methyl bromide phaseout schedule and specific exemptions with obligations under the Montreal Protocol and with the recent changes to the Clean Air Act. Through subsequent actions to today's proposed amendment, EPA plans to reflect, through notice and comment rulemaking, the additional steps in the phaseout schedule for the production and consumption of methyl bromide, as follows: beginning January 1, 2001, a 50 percent reduction in baseline levels; beginning January 1, 2003, a 70 percent reduction in baseline levels; beginning January 1, 2005, a complete phaseout of the production and consumption with emergency and critical use exemptions permitted under the Montreal Protocol. Even sooner, EPA plans to publish a proposal that

will describe a process for exempting quarantine and preshipment quantities of methyl bromide used in the U.S. from the reduction steps in the phaseout schedule.

DATES: Written comments on this proposed rule must be received on or before March 29, 1999, unless a public hearing is requested. If a public hearing takes place, it will be scheduled for March 12, 1999, after which comments must be received on or before March 29, 1999. Any party requesting a public hearing must notify the contact person listed below by 5pm Eastern Standard Time on March 4, 1999. After that time, interested parties may call EPA's Stratospheric Ozone Protection Information Hotline at 1–800–296–1996 to inquire with regard to whether a hearing will be held, as well as the time and place of such a hearing.

ADDRESSES: Comments on this rulemaking should be submitted in duplicate (two copies) to: Air Docket No. A–92–13, U.S. Environmental Protection Agency, 401 M Street, S.W., Room M–1500, Washington, D.C., 20460. Inquiries regarding a public hearing should be directed to the Stratospheric Ozone Protection Hotline at 1–800–269–1996.

Materials relevant to this rulemaking are contained in Docket No. A–92–13. The Docket is located in room M–1500, First Floor, Waterside Mall at the address above. The materials may be inspected from 8 a.m. until 4 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Tom Land, U.S. Environmental Protection Agency, Stratospheric Protection Division, Office of Atmospheric Programs, 6205J, 401 M Street, SW., Washington, DC, 20460, 202–564–9185.

SUPPLEMENTARY INFORMATION:

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IV. Summary of Supporting Analysis

I. Background

The current regulatory requirements of the Stratospheric Ozone Protection Program that limit production and consumption of ozone-depleting substances were promulgated by the Environmental Protection Agency (EPA or the Agency) in the **Federal Register** on May 10, 1995 (60 FR 24970) and on December 20, 1994 (59 FR 65478). The regulatory program was originally published in the **Federal Register** on August 12, 1988 (53 FR 30566), in response to the 1987 signing of the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol).[1] The U.S. was one of the original signatories to the 1987 Montreal Protocol and the U.S. ratified the Protocol on April 4, 1988. Congress then enacted, and President Bush signed into law, the Clean Air Act Amendments of 1990 (CAA or the Act) that included Title VI on Stratospheric Ozone Protection. Today's action proposes amendments to the existing EPA regulations published under Title VI of the CAA governing the production and consumption of ozone-depleting substances. Today's proposed amendments are designed to ensure the U.S. meets its obligations under the Protocol and the CAA, including the first interim reduction reflecting amendments to Title VI as created by Section 764 of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law No. 105-277). Section 764(a) of the Omnibus Act requires EPA to promulgate rules to bring the schedule for phaseout of methyl bromide into accordance with the Montreal Protocol as in effect at the time of enactment.

The requirements contained in the final rules published in the **Federal Register** on May 10, 1995 and December 20, 1994 establish an Allowance Program (the Program). The Program and its history are described in the notice of proposed rulemaking (NPRM) published in the **Federal Register** on November 10, 1994 (59 FR 56276). The control and the phaseout of production and consumption of Class I ozone-depleting substances as required under the Protocol and CAA are accomplished through the Allowance Program. In this action, EPA is also recognizing the expressed intent of Congress in recent changes to the Clean Air Act, which direct EPA to conform the U.S. phasedown schedule to the Montreal Protocol's schedule for developed nations, including required interim reductions.

In developing the Allowance Program, EPA collected information on the amounts of ozone-depleting substances produced, imported, exported, transformed and destroyed within the United States for specific baseline years. This information was used to establish the U.S. production and consumption ceilings for these substances. The data were also used to assign company-specific production and import rights to companies that were in most cases producing or importing during the specific year of data collection. These production or import rights are called ''allowances.'' Due to the complete phaseout of many of the ozone-depleting chemicals, the quantities of production allowances and consumption allowances granted to companies for those chemicals were gradually reduced and eventually eliminated. Production allowances and consumption allowances continue to exist for only one specific class I controlled ozone-depleting substance—methyl bromide. All other production or consumption of class I controlled substances is prohibited under the Protocol and the CAA, but for a few narrow exemptions.

In the context of the regulatory program, the use of the term consumption may be misleading. Consumption does not mean the ''use'' of a controlled substance, but rather is defined as production plus imports minus exports of controlled substances (Article 1 of the Protocol and Section 601 of the CAA). Unless they are subject to use restrictions, Class I controlled substances can generally continue to be ''used'' after their ''production and consumption'' phaseout dates.

The specific names and chemical formulas for the controlled ozone-depleting substances in the Groups of class I controlled substances are in Appendix A and Appendix F in Subpart A of 40 CFR Part 82. The specific names and chemical formulas for the class II controlled ozone-depleting substances are in Appendix B and Appendix F in Subpart A.

Although the regulations phased out the production and consumption of class I, Group II substances (halons) on January 1, 1994, and all other class I controlled substances (except methyl bromide) on January 1, 1996, a very limited number of exemptions exist, consistent with U.S. obligations under the Protocol. The regulations allow for the manufacture of phased-out class I controlled substances, provided the substances are either transformed, or destroyed. (40 CFR 82.4(b)) They also allow limited manufacture if the substances are (1) exported to countries

[1] Several revisions to the original 1988 rule were issued on the following dates: February 9, 1989 (54 FR 6376), April 3, 1989 (54 FR 13502), July 5, 1989 (54 FR 28062), July 12, 1989 (54 FR 29337), February 13, 1990 (55 FR 5005), June 15, 1990 (55 FR 24490) and June 22, 1990 (55 FR 25812) July 30, 1992 (57 FR 33754), and December 10, 1993 (58 FR 65018).

listed under Article 5 of the Protocol, (2) produced for essential uses as authorized by the Protocol and the regulations, or (3) produced with destruction or transformation credits. (40 CFR 82.4(b))

The regulations allow import of phased-out class I controlled substances provided the substances are either transformed or destroyed. (40 CFR 82.4(d)) Limited exceptions to the ban on the import of phased-out class I controlled substances also exist if the substances are: (1) previously used, (2) imported for essential uses as authorized by the Protocol and the regulations, (3) imported with destruction or transformation credits or (4) a transhipment or a heel. (40 CFR 82.4(d), 82.13(g)(2)).

EPA intends to follow this proposed rule with other actions to complete the process of conforming the U.S. phaseout schedule for methyl bromide with obligations under the Montreal Protocol and with the recent changes to the Clean Air Act. Through subsequent actions to today's proposed amendment, EPA plans to reflect, through notice and comment rulemaking, the additional steps in the phaseout schedule for the production and consumption of methyl bromide, as follows: beginning January 1, 2001, a 50 percent reduction in baseline levels; beginning January 1, 2003, a 70 percent reduction in baseline levels; beginning January 1, 2005, a complete phaseout of production and consumption with processes for special exemptions permitted under the Montreal Protocol. In the coming months, EPA plans to publish a proposal that will define the process for exempting quarantine and preshipment quantities of methyl bromide used in the U.S. from the phaseout schedule. These subsequent actions are described in more detail in Part III of today's proposed rulemaking.

II. Proposed Amendments to § 82.7—Grant and Phased Reduction of Baseline Production and Consumption Allowances for Class I Controlled Substances

EPA is proposing a 25 percent reduction in the 1991 baseline levels of production allowances and consumption allowances for methyl bromide for the 1999 and 2000 control periods. At the 1997 meeting of the Montreal Protocol, the Parties agreed to adjust the phaseout schedule of methyl bromide for industrialized countries.

Today's action is proposed to ensure that the U.S. meets its obligations under the Protocol as well as to ensure compliance with Title VI of the CAA, including the first interim reduction reflecting Section 764 of the recent 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act. EPA plans to take final action on this proposal as early as possible in 1999. Producers and importers of methyl bromide should plan accordingly to ensure that the United States meets its obligations under the Montreal Protocol.

The Parties to the Protocol established a freeze in the level of methyl bromide production and consumption for developed countries at the 1992 Meeting in Copenhagen. Each developed country's 1991 production and consumption of methyl bromide was used as the baseline for establishing the freeze. EPA published a final rule in the **Federal Register** on December 10, 1993 listing methyl bromide as a class I controlled substance and freezing production and consumption at 1991 levels. (58 FR 65018, 65028–65044, 65074). In the rule published in the **Federal Register** on December 30, 1993, EPA established baseline production allowances and consumption allowances for methyl bromide for specific companies. The companies receiving baseline production and consumption allowances in accordance with their 1991 level of production, imports and exports for class I, Group VI controlled substances (methyl bromide) are listed at 40 CFR 82.5 and 82.6 (58 FR 69238). Section 82.7 of the rule published in the **Federal Register** on May 10, 1995 (60 FR 24970) sets forth the percentage of baseline allowances for methyl bromide (class I, Group VI controlled substances) granted to companies in each control period (each calendar year). Currently, the percentage of baseline methyl bromide allowances granted for each control period until 2001 is 100 percent. In accordance with the Protocol's adjustment to the methyl bromide phaseout schedule, EPA is proposing to grant 75 percent of baseline production allowances and 75 percent of baseline consumption allowances to the companies listed in Sections 82.5 and 82.6 for class I, Group VI substances beginning in 1999.

In preparing the December 30, 1993 final rule for the complete phaseout of methyl bromide in 2001, EPA conducted a Cost Effectiveness Analysis, dated September 30, 1993, under the title, ''Part 2, The Cost and Cost-Effectiveness of the Proposed Phaseout of Methyl Bromide.'' EPA conducted an additional analysis for today's proposed interim reduction in methyl bromide production and consumption. The results of the additional analysis indicate that, if the U.S. had to reduce methyl bromide production and consumption from 100 percent to 75 percent of the baseline in 1999, the estimated cost increase would be less than 2 percent of the original cost estimate for the 2001 phaseout. The original (1993) annualized cost estimate for the 2001 phaseout, adjusted to 1998 dollars, is $159 million. The incremental annualized costs for today's proposed reduction beginning in 1999 from 100 percent of the baseline to 75 percent would be approximately $3 million. However, from 1994 through 1997, the actual consumption of methyl bromide in the U.S. has been approximately 10 to 15 percent below the 1991 baseline as reported to EPA's Allowance Tracking System. The United States must therefore reduce methyl bromide consumption in 1999 by only 10 to 15 percent in relation to the 1991 baseline to achieve the Protocol's first interim reduction from 100 percent to 75 percent. According to the additional analysis, the estimated cost increase of implementing a 10 to 15 percent reduction in methyl bromide production and consumption in 1999 would be less than 1 percent of the original cost estimate conducted in 1993, or an annualized incremental cost of less than $2 million. Because this new analysis is an addendum to the 1993 analysis and uses the same algorithms it permits easy comparisons with the earlier cost estimates. In undertaking the steps discussed below, EPA, in consultation with the U.S. Department of Agriculture, intends to conduct further analysis.

III. Next Steps to Conform the U.S. Methyl Bromide Phaseout Schedule and Exemptions to those of the Montreal Protocol and the Recently Amended Clean Air Act

Immediately following today's action, EPA will hold stakeholder meetings to solicit feedback on subsequent rulemakings. EPA intends to publish two proposals to conform the United States' methyl bromide program to obligations under the Montreal Protocol and recent changes to the Clean Air Act. First, EPA intends to propose a process that would exempt quantities of methyl bromide used for quarantine and preshipment in the U.S. from the phaseout schedule and make adjustments to the existing baseline. Second, EPA intends to propose additional phaseout steps for methyl bromide, and establish additional exemptions in accordance with the Protocol, as follows:

—beginning January 1, 2001, a 50 percent reduction in baseline levels;
—beginning January 1, 2003, a 70 percent reduction in baseline levels;

—beginning January 1, 2005, a complete phaseout of the production and consumption;
—establish a process for emergency use exemptions; and
—establish a process for critical use exemptions as permitted under the Montreal Protocol.

The discussion below outlines EPA's plans for subsequent rulemaking and provides a vision of the Agency's future actions to conform the U.S. methyl bromide regulatory program with the Montreal Protocol and recent changes to Title VI of the Clean Air Act. The plans described below provide general information. EPA will request formal comments on more detailed proposals in the very near future.

EPA intends to quickly publish a proposal to exempt all quantities of methyl bromide used for quarantine and preshipment in the United States. EPA anticipates proposing a flexible process that is responsive to market demands for methyl bromide for quarantine and preshipment. In preparing the notice of proposed rulemaking on quarantine and preshipment, EPA will address the new Section 604(d)(5) of Title VI of the CAA on Sanitation and Food Protection added by Section 764(b) of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105–277). In this same regulatory action, EPA intends to correct the existing methyl bromide baseline of production allowances and consumption allowances because they contain a fixed quantity associated with quarantine and preshipment. When EPA included methyl bromide in the list of class I controlled ozone depleting substances in the final rule published in the **Federal Register** on December 10, 1993 (58 FR 65018), and established the baseline for production and consumption allowances, the quantities of quarantine and preshipment were included in the baseline.

The second step EPA intends to take in conforming the U.S. methyl bromide program to obligations under the Montreal Protocol and recent changes to the Clean Air Act would be a proposal to set the remaining reduction steps and final phaseout, to establish the process for emergency use exemptions and to create the process for critical use exemptions. Each of these parts of a proposal would be designed to ensure the U.S. meets its obligations under the Montreal Protocol consistent with statutory requirements in the Clean Air Act. The remaining phaseout steps for the production and consumption of methyl bromide are a 50 percent reduction in baseline levels beginning January 1, 2001; a 70 percent reduction in baseline levels beginning January 1, 2003; and a complete phaseout of production and consumption beginning January 1, 2005, with emergency use exemptions and critical use exemptions as permitted under the Montreal Protocol. EPA, in consultation with the U.S. Department of Agriculture, intends to conduct further analysis to support the proposal of these further reduction steps, final phaseout, and exemptions.

IV. Summary of Supporting Analysis

A. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a written statement is required under section 202, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule, unless the Agency explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Section 203 of the UMRA requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule. Section 204 of the UMRA requires the Agency to develop a process to allow elected state, local, and tribal government officials to provide input in the development of any proposal containing a significant Federal intergovernmental mandate.

The provisions in today's proposal fulfill the obligations of the United States under the international treaty, The Montreal Protocol on Substances that Deplete the Ozone Layer, as well as the recent amendments to Title VI of the Clean Air Act. Analysis of today's proposed rule estimates an incremental annualized cost of $1 to 3 million for the 25 percent reduction as compared to the 1993 original analysis for establishing the 2001 phaseout. However, further analysis shows that just the 25 percent reduction proposed in today's rule for the two year period of 1999 and 2000 would have an estimated cost of $71 million without other additional reduction steps and without a complete phaseout of the production and consumption of methyl bromide. Therefore, it is unlikely that today's rule will result in expenditures of $100 million or more in any one year for State, local and tribal governments, or for the private sector in the aggregate. Thus, today's proposed rule is not subject to the requirements of sections 202 and 205 of the UMRA. EPA has also determined that this proposed rule contains no regulatory requirements that might significantly or uniquely affect small governments; therefore, EPA is not required to develop a plan with regard to small governments under section 203. Finally, because this proposal does not contain a significant intergovernmental mandate, the Agency is not required to develop a process to obtain input from elected state, local, and tribal officials under section 204.

B. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

The Agency performed an initial screening analysis and determined that this regulation does not have a significant economic impact on a substantial number of small entities. EPA characterized the regulated community by identifying the SIC codes of the companies affected by this rule. The Agency determined that the members of the regulated community affected by today's rule are not small businesses under SBA definitions. Small governments and small not-for-profit organizations are not subject to the provisions of today's rule. The provisions in today's action regulate large, multinational corporations that either produce, import, or export class I, group VI ozone-depleting substances. Thus, today's rule will not have a significant economic impact on a substantial number of small entities.

EPA concluded that this proposed rule would not have a significant impact on a substantial number of small entities, therefore, I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. This rule, therefore, does not require a regulatory flexibility analysis.

C. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether this regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines a ''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 or 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 the Executive Order.

Pursuant to the terms of Executive Order 12866, OMB has notified EPA that it considers this a ''significant regulatory action'' within the meaning of the Executive Order. EPA has submitted this action to OMB for review. Changes made in response to OMB suggestions or recommendations will be documented in the public record.

Analysis of today's proposed rule estimates an incremental annualized cost of $1 to 3 million for the 25 percent reduction as compared to the 1993 original analysis for establishing the 2001 phaseout. However, further analysis shows that just the 25 percent reduction proposed in today's rule for the two year period 1999 and 2000 would have an estimated cost of $71 million without additional reduction steps and without a complete phaseout of the production and consumption of methyl bromide.

D. Applicability of E.O. 13045—Children's Health Protection

Executive Order 13045: ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This proposed rule is not subject to E.O. 13045 because it implements a Congressional directive to phase out production and consumption of methyl bromide in accordance with the schedule under the Montreal Protocol.

E. Paperwork Reduction Act

This action does not add any information collection requirements or increase burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The Office of Management and Budget (OMB) previously approved the information collection requirements contained in the final rule promulgated on May 10, 1995, and assigned OMB control number 2060–0170 (EPA ICR No. 1432.16).

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.

F. Executive Order 12875: Enhancing the Intergovernmental Partnership

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 or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide 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.

G. 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide 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 officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies or matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. The rule does not impose any enforceable duties on communities of Indian tribal governments. Accordingly, the

requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

H. The National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Pub L. No. 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. The proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Exports, Imports, Ozone layer.

Dated: February 18, 1999.

Carol M. Browner,

Administrator.

40 CFR part 82 is proposed to be amended as follows:

PART 82—PROTECTION OF STRATOSPHERIC OZONE

1. The authority citation for part 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Subpart A—Production and Consumption Controls

2. Section 82.7 is revised to read as follows:

§ 82.7 Grant and phase reduction of baseline production and consumption allowances for class I controlled substances.

For each control period specified in the following table, each person is granted the specified percentage of the baseline production and consumption allowances apportioned to him under §§ 82.5 and 82.6 of this subpart.

[In precent]

Control period	Class I substances in groups I and III	Class I substances in group II	Class I substances in group IV	Class I substances in group V	Class I substances in group VI	Class I substances in group VIII
1994	25	0	50	50	100	100
1995	25	0	15	30	100	100
1996	0	0	0	0	100	0
1997	0	0	0	0	100	0
1998	0	0	0	0	100	0
1999	0	0	0	0	75	0
2000	0	0	0	0	75	0

[FR Doc. 99–4578 Filed 2–24–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–6302–2]

Wyoming: Final Authorization of State Hazardous Waste Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to grant final authorization to the hazardous waste program revision (Amendment A) submitted by Wyoming's Department of Environmental Quality. In the ''Rules and Regulations'' section of this **Federal Register** (FR), EPA is authorizing the State's program revision as an immediate final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. The Agency has explained the reasons for this authorization in the preamble to the immediate final rule. If EPA does not receive adverse written comments, the immediate final rule will become effective and the Agency will not take further action on this proposal. If EPA receives adverse written comments, EPA will withdraw the immediate final rule and it will not take effect. EPA will then address public comments in a later rule based on this proposal. EPA may not provide further opportunity for comment. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments on this proposed rule must be received on or before March 29, 1999.

ADDRESSES: Send written comments to Kris Shurr (8P–HW), EPA, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, phone number: (303) 312–6139. You can examine copies of the materials submitted by Wyoming at the following locations: EPA Region VIII, from 8:00 AM to 4:00 PM, 999 18th Street, Suite 500, Denver, Colorado 80202–2466, contact: Kris Shurr, phone number: (303) 312–6312; or Wyoming Department of Environmental Quality (WDEQ), from 8:00 AM to 5:00 PM, 122 W. 25th Street, Cheyenne, Wyoming 82002, contact: Marisa Latady, phone number: (307) 777–7541.

FOR FURTHER INFORMATION CONTACT: Kris Shurr at the above address and phone number.

SUPPLEMENTARY INFORMATION: For additional information see the immediate final rule published in the ''Rules and Regulations'' section of this **Federal Register**.

Dated: February 5, 1999.

William P. Yellowtail,

Regional Administrator, Region VIII.

[FR Doc. 99–3989 Filed 2–24–99; 8:45 am]

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