hour NAAQS, the links were based on determinations as to which upwind States included source emissions which contribute significantly to nonattainment areas in the Petitioner States.

After publication of the section 126 NPR on October 21, 1998, EPA published a separate rulemaking that proposed to determine that the 1-hour ozone standard no longer applied to certain nonattainment areas, including the following areas in the Petitioner States: Boston-Lawrence-Worcester (E.MA), Massachusetts-New Hampshire; Portland, Maine; Portsmouth-Dover-Rochester, New Hampshire; and Providence (all RI), Rhode Island (63 FR 69598, December 17, 1998) (revocation NPR). The proposal was based on the fact that those areas experienced three consecutive ozone seasons—1996–1998—in which the air quality did not violate the 1-hour ozone standard. In prior, similar rulemakings, EPA had determined that under these circumstances, the 1-hour standard no longer applied to such areas (63 FR 31014, June 5, 1998). If EPA promulgates a final determination that the 1-hour ozone standard no longer applies for those designated nonattainment areas in the Petitioner-States, EPA believes that contributions from sources in upwind States to those areas would no longer constitute a basis for EPA to approve the Petitioner States' requested findings as to the 1-hour ozone standard for those areas.

The EPA solicits comment on the impacts on the section 126 rulemaking that would result were EPA to finalize a determination that the 1-hour ozone standard no longer applies to the specified nonattainment areas in the Petitioner States.

The EPA has received two requests to reopen the comment period on the section 126 NPR in light of the proposed determination in the revocation NPR that the 1-hour NAAQS no longer applies to certain areas. See Docket A–97–43, numbers IV–G–69 (Midwest Ozone Group) and IV–G–56 (Hunton & Williams, representing the Utility Air Regulatory Group). This notice responds to those requests.

Dated: February 24, 1999.

Robert Perciasepe,

Assistant Administrator for the Office of Air and Radiation.

[FR Doc. 99–5092 Filed 3–1–99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD–FRL–6234–9]

RIN 2060–AH95

Amendment to National Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983, and Electric Arc Furnaces Constructed After August 17, 1983

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; amendments to rule.

SUMMARY: The EPA is proposing to amend the national standards of performance for new stationary sources (NSPS) for electric arc furnaces (EAF) constructed after October 21, 1974, and on or before August 17, 1983 (40 CFR part 60, subpart AA), and the NSPS for EAF constructed after August 17, 1983 (40 CFR part 60, subpart AAa). Changes to both rules are being proposed to add alternative requirements for the monitoring of EAF capture systems in response to recommendations made by the Common Sense Initiative (CSI) subcommittee on iron and steel. The CSI was established by the Administrator to bring together affected stakeholders to find cleaner, cheaper, and smarter environmental management solutions. In addition, the EPA is proposing to make a number of editorial changes and to clarify two definitions.

In the Final Rules section of this **Federal Register**, EPA is amending 40 CFR part 60, subpart AA and 40 CFR subpart AAa as a direct final rule without prior proposal because the Agency views these amendments as noncontroversial and anticipates no adverse comments. A detailed rationale for these amendments is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. All adverse public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Parties interested in commenting on the direct final rule should do so at this time.

DATES: *Comments.* Comments must be received on or before April 1, 1999, unless a hearing is requested by March 12, 1999. If a hearing is requested, written comments must be received by April 16, 1999.

Public Hearing. Anyone requesting a public hearing must contact the person listed below under **FOR FURTHER INFORMATION CONTACT** no later than March 12, 1999. If a hearing is held, it will take place on March 17, 1999, beginning at 10:00 a.m.

ADDRESSES: *Comments.* Written comments should be submitted to: Docket A–79–33, U.S. EPA, Air & Radiation Docket & Information Center, 401 M Street, S.W., Room 1500, Washington, D.C. 20460. *Docket.* Docket No. A–79–33, containing information considered by the EPA in development of this action, is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (MC–6102), 401 M Street, S.W., Washington, D.C. 20460; telephone (202) 260–7548. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

Public Hearing. If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina. Persons interested in attending the hearing or wishing to present oral testimony should notify Mr. Kevin Cavender, Metals Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541–2364.

FOR FURTHER INFORMATION CONTACT: Mr. Kevin Cavender, Metals Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541–2364.

SUPPLEMENTARY INFORMATION: If no adverse comments are timely received, no further activity is contemplated in relation to this proposed rule and the direct final rule in the final rules section of this **Federal Register** will automatically go into effect on the date specified in that rule. If adverse comments are timely received, the direct final rule will be withdrawn and all public comment received will be addressed in a subsequent final rule. Because the EPA will not institute a second comment period on this proposed rule, any parties interested in commenting should do so during this comment period.

For further supplemental information, the detailed rationale, and the

provisions of the amendments, see the information provided in the direct final rule in the final rules section of this **Federal Register**.

Administrative Requirements

Docket

The docket is an organized and complete file of all the information considered by the EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docket system is intended to allow members of the public and affected industries to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the background information documents (BIDs) and preambles to the proposed and promulgated standards, the contents of the docket, excluding interagency review materials, will serve as the official record in case of judicial review (section 307(d)(7)(A) of the Act).

Executive Order 12866

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

It has been determined that these amendments to the final EAF rules are not a ''significant regulatory action'' under the terms of the Executive Order and are therefore not subject to OMB review.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 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 to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, 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. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. This action only provides affected EAF owners and operators with alternative monitoring options. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12875

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

Executive Order 13084

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 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 officials 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 amendments do not significantly or uniquely affect the communities of Indian tribal governments. This action only provides affected EAF owners and operators with alternative monitoring options. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

Paperwork Reduction Act

The Office of Management and Budget (OMB) approved the information collection requirements contained in the

two final EAF rules under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and assigned the OMB control number 2060–0038.

The information collection requirements in these amendments will be submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An information Collection Request (ICR) document has been prepared by EPA (ICR No. 1060.09) and copies may be obtained from Sandy Farmer by mail at OP Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., S.W.; Washington, DC 20460, by email at farmer.sandy@epa.gov, or by calling (202)–260–2740. A copy may also be downloaded off the Internet at http://www.epa.gov/icr. The information requirements in these amendments are not effective until OMB approves them.

The proposed information requirements are based on recordkeeping, and reporting requirements in the NESHAP general provisions (40 CFR part 60, subpart A), which are mandatory for all owners or operators subject to national emission standards. These recordkeeping and reporting requirements are specifically authorized by section 114 of the Act (42 U.S.C. 7414). All information submitted to the EPA pursuant to the recordkeeping and reporting requirements for which a claim of confidentiality is made is safeguarded according to Agency policies set forth in 40 CFR part 2, subpart B.

The annual increase to monitoring, recordkeeping, and reporting burden for this amendment is estimated at 11,375 labor hours at a total cost of $398,238.75 nationwide, and the annual average increase in burden is 175 labor hours and $6,126.75 per source. This estimate includes daily shop opacity observations and associated semi-annual excess emissions reports and recordkeeping. There will be no increase in annualized capital/startup costs as a result of the new alternative monitoring requirements.

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.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, OPPE Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., S.W.; Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., N.W., Washington, DC 20503, marked ''Attention: Desk Officer for EPA.'' Comments are requested within April 1, 1999. Include the ICR number in any correspondence.

Regulatory Flexibility Act

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. These proposed amendments would not have a significant impact on a substantial number of small entities because these amendments only provide alternative compliance options designed to provide facilities with increased flexibility. Therefore, I certify that this action will not have a significant economic impact on a substantial number of small entities.

National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 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., material specifications, test methods, sampling and analytical procedures, 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 action does not involve technical standards other than those already specified in the original EAF rules.

Protection of Children From Environmental Health Risks and Safety Risk Under Executive Order 13045

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 action is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

List of Subjects in 40 CFR Part 60

Environmental protection, Air pollution control, Electric arc furnace, Monitoring requirements, Reporting and recordkeeping requirements.

Dated: February 17, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–4577 Filed 3–1–99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–6236–3]

Michigan: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).