(g) * * *

(2) * * *

(ii) The base year 2007 NO_X emissions sub-inventories for each State, expressed in tons per ozone season, are as follows:

State	EGU	Non-EGU	Area	Nonroad	Highway	Total
Alabama	76,926	58,791	28,762	20,186	52,202	236,867
Connecticut	5,636	5,124	4,821	10,736	19,902	46,220
Delaware	5,838	2,370	1,129	5,651	8,524	23,512
District of Columbia	3	300	830	3,138	2,215	6,485
Georgia	86,455	36,827	13,212	26,497	90,499	253,489
Illinois	119,311	72,183	9,369	57,033	117,354	375,250
Indiana	136,773	80,884	29,070	26,536	82,170	355,433
Kentucky	107,829	29,328	31,807	15,042	54,406	238,412
Maryland	32,603	15,554	4,448	20,121	30,832	103,558
Massachusetts	16,479	11,229	11,048	20,166	28,641	87,563
Michigan	86,600	62,988	31,721	26,940	79,751	288,000
Missouri	82,097	26,870	7,341	20,875	52,554	189,737
New Jersey	18,352	18,345	12,431	23,565	35,890	108,584
New York	39,199	28,281	17,423	42,091	126,664	253,659
North Carolina	84,815	34,888	11,067	22,045	75,785	228,600
Ohio	163,132	53,074	21,860	43,780	96,572	378,418
Pennsylvania	123,102	82,270	17,842	30,635	93,052	346,900
Rhode Island	1,082	2,031	448	2,455	3,879	9,895
South Carolina	36,299	37,495	9,415	14,670	55,585	153,465
Tennessee	70,908	53,198	13,333	52,985	67,538	257,962
Virginia	40,884	54,414	27,738	27,867	73,619	224,521
West Virginia	115,490	32,235	5,459	10,438	21,325	184,947
Wisconsin	51,962	22,886	11,253	17,975	70,984	175,061
Total	1,501,775	821,563	321,826	541,428	1,339,944	4,526,538

Note: Totals may not sum due to rounding.

* * * * *

[FR Doc. 99–11983 Filed 5–13–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[ME61–7010A; A–1–FRL–6338–2]

Approval and Promulgation of Air Quality Implementation Plans; Maine; Approval of Fuel Control Program under Section 211(c)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maine on March 10, 1999, establishing a lower Reid Vapor Pressure (RVP) fuel requirement for gasoline distributed in southern Maine which includes York, Cumberland, Sagadahoc, Kennebec, Androscoggin, Knox, and Lincoln Counties. Maine has developed these fuel requirements to reduce emissions of volatile organic compounds (VOC) in accordance with the requirements of the Clean Air Act (CAA). EPA is approving Maine's fuel requirements into the Maine SIP because EPA has found that the requirements are necessary for southern Maine to achieve the national ambient air quality standard (NAAQS) for ozone.

DATES: This direct final rule is effective on July 13, 1999 without further notice, unless EPA receives adverse comment by June 14, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Government Protection Agency, Region I, One Congress Street, Boston MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours, by appointment, at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA, and Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, S.W., (LE–131), Washington, D.C. 20460. In addition, the information is available at the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge, (617) 918–1045.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Clean Air Act Amendments of 1990, southern Maine was divided into three separate ozone nonattainment areas: the Portland area which is comprised of York, Cumberland and Sagadahoc Counties; the Lewiston-Auburn area which is comprised of Androscoggin and Kennebec counties; and the Knox and Lincoln County area. Each of these areas was classified as moderate nonattainment for ozone. The ozone attainment deadline for these areas was initially November 15, 1996. Just downwind from these areas, the largely rural counties of Hancock and Waldo were designated nonattainment and classified as marginal.

To bring these areas into attainment, the State has adopted and implemented a broad range of ozone control measures including stage II vapor recovery on larger facilities, numerous stationary and area source VOC controls, an inspection and maintenance (I/M) program, and the California low emission vehicle program. In addition, the State participated in the federal reformulated gasoline (RFG) program from January 1, 1995 until March 10, 1999 in southern Maine. These measures resulted in significant air quality improvements in southern Maine.

Following adoption of the new ozone NAAQS (described below), EPA has determined that the 1-hour ozone standard no longer applies in certain

areas of the country that were meeting the 1-hour ozone NAAQS (63 FR 31014, 63 FR 39432). In Maine, EPA made this determination for all areas outside the Portland area (63 FR 31014). On December 17, 1998, EPA proposed to make this determination for the Portland area (63 FR 69598).

On July 18, 1997, EPA adopted a new 8-hour ozone standard (62 FR 38856). The new standard defines the new ozone air quality standard which all areas must meet to protect the public health. EPA is required to determine the attainment status of areas with respect to the new standard by July 18, 2000. Current monitoring data for Cumberland, Sagadahoc, York and Hancock counties indicate that these areas are not attaining the 8-hour ozone standard. Thus, despite significant progress toward attaining the 1-hour standard, EPA believes that additional reductions of ozone precursors will be required for these areas to meet the new standard.

On October 13, 1998, Maine's Governor requested that EPA allow the State to discontinue its participation in the federal RFG program, in accordance with the ''opt-out'' procedures set forth in 40 CFR 80.72. At the same time, the Governor committed to ensure that the State adopt a control program which achieved VOC reductions equivalent to those required under the RFG program, specifically identifying fuel controls as the primary replacement options. EPA approved the Governor's opt-out request effective March 10, 1999.

On February 24, 1999, the Maine Board of Environmental Protection (BEP), after a public hearing and comment period, adopted a low-RVP gasoline rule that set limits on the RVP of gasoline sold during the summer months in these seven counties in southern Maine. The rule establishes a phased approach with an ultimate RVP standard of 7.2 pounds per square inch (psi). Specifically, the rule provides that, beginning May 1, 1999 through September 15, 1999, regulated gasoline must have an RVP no greater than 7.8 psi. Beginning May 1, 2000 through September 15, 2000, and each May 1 through September 15 thereafter, no gasoline may be sold with an RVP greater than 7.2 psi. The State's low-RVP rule is codified in Chapter 119 of the Maine Department of Environmental Protection's regulations, entitled ''Motor Vehicle Fuel Volatility Limit.''

The Department of Environmental Protection, on behalf of the BEP, submitted its low-RVP rule to EPA as a revision to the SIP on March 10, 1999, the effective date of Maine's ''opt-out'' of the RFG program. On April 8, 1999, Maine submitted additional technical support for the SIP revision, including materials supporting the State's request to waive Clean Air Act preemption of state fuel controls pursuant to section 211(c)(4) of the Act.

By this low-RVP rule, Maine is ensuring that it replaces the VOC benefits that RFG had been required to achieve. These emission reductions were critical to Maine's attainment of the 1-hour ozone standard in several areas. Further, given currently available monitoring data demonstrating that some of these areas are not meeting the new 8-hour ozone standard, EPA believes that these reductions will help achieve that standard.

II. Reid Vapor Pressure

Reid Vapor Pressure is a measure of a gasoline's volatility at a certain temperature and is a measurement of the rate at which gasoline evaporates and emits VOC; the lower the RVP, the lower the rate of evaporation. The RVP of gasoline can be lowered by reducing the amount of its volatile components, such as butane. Lowering RVP in the summer months can offset the effect of summer temperature upon the volatility of gasoline, which, in turn, lowers emissions of VOC. Because VOC is a necessary component in the production of ground level ozone in hotsummer months, reduction of RVP will help areas achieve the NAAQS for ozone and thereby produce benefits for human health and the environment.

The primary emission benefits from low-RVP gasoline come from reductions in VOC evaporative emissions; exhaust emission reductions are much smaller. Because oxides of nitrogen (NO_X) are a product of combustion, they will not be found in evaporative emissions, and low-RVP gasoline will have little or no effect on NO_X.

III. State Submittal

The fuel program for southern Maine covering York, Cumberland, Sagadahoc, Kennebec, Androscoggin, Knox, and Lincoln Counties establishes limits on gasoline properties that reduce emissions of VOC. The rule controls the RVP of gasoline sold in this area in two steps. Beginning May 1, 1999 through September 15, 1999, the gasoline sold must have an RVP no greater than 7.8 psi, and from May 1, 2000 through September 15, 2000, and each May 1 through September 15 thereafter, no gasoline may be sold with an RVP greater than 7.2 psi. These same counties in Maine had previously participated in the federal RFG program.

IV. Clean Air Act Requirements

In determining the approvability of a SIP revision, EPA must evaluate the proposed revision for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans).

For SIP revisions addressing certain fuel measures, an additional statutory requirement applies. CAA section 211(c)(4)(A) prohibits state regulations respecting a fuel characteristic or component for which EPA has adopted a control or prohibition under section 211(c)(1), unless the state control is identical to the federal control. Section 211(c)(4)(C) provides an exception to this preemption if EPA approves the state requirements in a SIP. Section 211(c)(4)(C) states that the Administrator may approve preempted state fuel standards in a SIP:

> only if [s]he finds that the State control or prohibition is necessary to achieve the national primary or secondary ambient air quality standard which the plan implements. The Administrator may find that a State control or prohibition is necessary to achieve that standard if no other measures that would bring about timely attainment exist, or if other measures exist and are technically possible to implement, but are unreasonable or impracticable.

EPA's August, 1997 ''Guidance on Use of Opt-in to RFG and Low RVP Requirements in Ozone SIPS'' gives further guidance on what EPA is likely to consider in making a finding of necessity.

V. EPA Evaluation

A. General SIP Requirements

As discussed below, EPA has evaluated the submitted SIP revision and has determined that it is consistent with the requirements of the CAA and EPA regulations. EPA has found that the March 10, 1999, SIP revision, as supplemented by the additional technical support submitted on April 8, 1999, conforms to EPA's completeness criteria in 40 CFR part 51, appendix V.

The SIP submittal contains: (1) Chapter 119, Maine Department of Environmental Protection regulations, as adopted by the Maine Board of Environmental Protection on February 24, 1999 and effective on March 9, 1999; (2) documentation of the public notice dated December 22, 1998, and a transcript of the public hearing regarding the amendment of Chapter 119, dated January 20, 1999; (3) evidence of State legal authority; and (4) application for waiver of federal

preemption. Information regarding prohibitions on the sale of non-conforming gasoline, test procedures and sampling for the SIP revision can be found in Chapter 119 of the Maine Department of Environmental Protection regulations, and Maine statutes on enforcement and penalties can be found at Title 38 of Maine Revised Statutes Annotated (M.R.S.A.) Sections 348 and 349. EPA has concluded that these provisions confer on the State the requisite authority to enforce compliance with the 7.2 psi (and initial 7.8 psi) RVP limit.

B. Section 211(c)(4)(C)

1. Federal Preemption

CAA section 211(c)(4)(A) preempts certain state fuel regulations by prohibiting a state from prescribing or attempting to enforce any control or prohibition respecting any characteristic or component of a fuel or fuel additive for the purposes of motor vehicle emission control if theAdministrator has prescribed under section 211(c)(1) a control or prohibition applicable to such characteristic or component of the fuel or fuel additive, unless the state prohibition is identical to the prohibition or control prescribed by the Administrator.

EPA first proposed to regulate summertime gasoline RVP pursuant to 211(c)(1) of the Act in 1987 (52 FR 31274). EPA's gasoline RVP proposal resulted in a two-phased final regulation that Congress incorporated into the CAA at section 211(h). Phase I of the regulation took effect in 1990 (54 FR 11868) for the years 1990 and 1991. Phase II of the regulation became effective in 1992 (55 FR 23658). These regulations are found in 40 CFR 80.27. Under the regulations, the continental United States is divided into two control regions, Class B and Class C. Generally speaking, the Class B states are the warmer southern and western states, and Class C states are the cooler northern states. The Phase II regulation limits the volatility of gasoline sold during the high ozone season to 9.0 psi RVP for Class C areas and 7.8 psi RVP for Class B ozone nonattainment areas. Maine is a Class C state and is therefore required under the federal rule to meet the 9.0 psi RVP standard. *See* 40 CFR 80.27(a)(2).

Because Maine's fuel requirement for the southern Maine area limiting summertime RVP to 7.2 psi is not identical to the federal fuel standards applicable to the fuel characteristic RVP (i.e., federal phase II volatility limit of 9.0 psi), Maine's requirement is preempted unless it is approved into the Maine SIP.

2. Necessity

A state may prescribe and enforce an otherwise preempted low-RVP requirement only if the EPA approves the control into the state's SIP. In order to approve a preempted state fuel control into a SIP, EPA must find that the state control is necessary to achieve a NAAQS. In order to demonstrate the necessity of a fuel control, the state must show either that no other measures exist to bring about timely attainment, or that such measures, while technically possible, are unreasonable or impracticable. Thus, to determine whether Maine's low-RVP rule is necessary to meet the ozone NAAQS, EPA must consider whether there are other reasonable and practicable measures available to produce the needed emission reductions for ozone control.

With the State's decision to opt-out of the federal RFG program, additional VOC reductions are necessary to ensure that the Portland area continues to meet the 1-hour ozone standard and to help the entire area achieve the new 8-hour ozone standard. The Portland area has measured air quality meeting the 1-hour standard by a slim margin (i.e., the design value for the area was 0.124 ppm, just below the 0.125 ppm standard). Given the narrow margin of attainment, it is clear that the VOC reductions provided by participation of the seven counties of southern Maine in the federal RFG program were critical to the Portland area's achievement of the ozone NAAQS.

For purposes of demonstrating necessity, EPA has used the VOC reductions provided by RFG as an estimate of the emission reductions that are necessary for southern Maine to achieve the ozone NAAQS. EPA believes this estimate of necessary reductions is conservative in that it is based on the reductions needed for attainment of the 1-hour ozone standard rather than the reduction needed for the new 8-hour standard. Current monitoring data in Cumberland, Hancock, York and Sagadahoc counties suggest that additional reductions will be necessary for the state to achieve the new 8-hour standard.

In its 15-percent rate of progress plan for the Portland area, Maine had estimated that RFG would achieve 6.96 tons of VOC reduction per summer day. This figure was calculated using only vehicle miles traveled in the three-county Portland area. The sale of RFG in the surrounding four counties further benefitted the Portland area due to driving patterns into and around the Portland area and the geographic proximity of these surrounding counties.

With this estimate of the VOC reductions necessary to achieve the ozone NAAQS, the State evaluated an extensive list of non-fuel alternative controls to determine if reasonable and practicable controls could be implemented to provide sufficient VOC reductions in a timely manner. The State analyzed potential control measures by reviewing previously prepared emission inventories to determine if other non-fuel control measures could be adopted, and used to replace the VOC reductions that RFG had achieved. They reviewed all the source categories that comprised the emission inventory, and evaluated control measures on each source category. For a variety of reasons, most control measures were either already implemented, or were found to be unreasonable or impracticable for achieving reductions in advance of the 1999 and/or 2000 ozone season.

As one example, the State evaluated the possibility of further controlling gasoline refueling, or ''stage II,'' emissions. The State does have a stage II program for larger facilities, but expanding the geographic coverage, and requiring smaller facilities (i.e., gas stations) to comply would yield among the most additional VOC reductions of any control strategy that the State reviewed. The State concluded that first, a legislative change, as well as a regulatory change, would be necessary to further control emissions from this source category. Further, the actual installation of these controls would take a number of additional months, which would be beyond the time frame that Maine needed to secure the emission reductions. For these reasons, the State concluded that further stage II controls were not a practical measure for achieving VOC emission reductions in advance of the summer of 1999. EPA believes implementation of such controls would be difficult and impractical to achieve these reductions even by the summer of 2000. Other control measures were similarly evaluated, and determined to be either technically impossible or unreasonable and impracticable.

The State's analysis identified several non-fuel alternative controls that could conceivably be implemented by the summer of 2000 — the time frame for complete adoption of the phased low-RVP standard. At best, adoption of all available measures would result in about 4.5 tons per day (tpd) reduction (assuming stage II could be

implemented) which is 2.46 tpd less than the estimated necessary VOC reductions. Thus, even with implementation of all reasonable and practicable non-fuel control measures, additional VOC reductions are necessary.

Maine's low-RVP rule will achieve approximately 7 tpd of VOC reductions once fully implemented beginning the summer of 2000 (based on vehicle miles traveled in the Portland area). Due to the driving patterns and proximity of the surrounding four counties, EPA believes RVP controls in these areas will further benefit the Portland area. EPA believes these emission reductions are necessary to achieve the applicable ozone NAAQS in southern Maine. EPA is basing today's action on the information available to the Agency at this time, which indicates that adequate reasonable and practicable non-fuel measures are not available to the State that would achieve these needed emission reductions, and protect Maine's air quality in a timely manner. Hence, EPA is finding that the RVP standards are necessary for attainment of the applicable ozone NAAQS, and EPA is approving them as a revision to the Maine SIP.

Final Action

EPA has evaluated the submitted SIP revision and has determined that it is consistent with the CAA and EPA regulations. EPA has also found that this two-step low-RVP fuel control measure is necessary to achieve the ozone NAAQS in southern Maine pursuant to the CAA. Therefore, EPA is approving the Maine low-RVP rule as submitted on March 10, 1999 into the Maine SIP.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. Further, the State has requested approval of this action in advance of this summer season. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should relevant adverse comments be filed. This rule will be effective July 13, 1999 without further notice unless the Agency receives relevant adverse comments by June 14, 1999.

If EPA receives such comments, then EPA will publish a notice withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on the proposed rule. All parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this rule will be effective on July 13, 1999 and no further action will be taken on the proposed rule.

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

VI. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 12875

Under E.O. 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 written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 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 that does not already exist as a matter of State law. EPA is simply approving a state regulation under the Clean Air Act. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. 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.

This rule is not subject to E.O. 13045 because it is not ''economically significant'' as defined under E. O. 12866, and does not involve an action that addresses environmental or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly 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 rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. 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. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate, or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that this final approval action does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 13, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).) EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

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

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

Dated: April 29, 1999.

John P. DeVillars,

Regional Administrator, Region I.

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

PART 52—[AMENDED]

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

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

Subpart U—Maine

2. Section 52.1020 is amended by adding paragraph (c)(49) to read as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *

(49) Revisions to the State Implementation Plan submitted by the Maine Department of Environmental Protection on March 10, 1999.

(i) Incorporation by reference.

Chapter 119 of the Maine Department of Environmental Protection rules entitled ''Motor Vehicle Fuel Volatility Limit,'' as dated as approved on March 9, 1999.

(ii) Additional material.

(A) Letter from the Maine Department of Environmental Protection dated March 10, 1999 submitting a revision to the Maine State Implementation Plan.

(B) Additional technical support for Section 211(c) waiver submitted by Maine DEP on April 8, 1999.

4. In § 52.1031, Table 52.1031 is amended by revising citation 119 for vehicle inspection and maintenance to read as follows:

§ 52.1031 EPA-approved Maine regulations.

* * * * *

TABLE 52.1031.—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/Subject	Date adopted by State	Date approved by EPA	Federal Register citation	52.1020	
*	*	*	*	*	*	*
119	Motor Vehicle Fuel Volatility Limit.	March 9, 1999	May 14, 1999	[Insert FR citation from published date].	49	Maine Motor Vehicle Fuel Volatility Limit. Amends previously approved regulation to require that fuel with a further volatility controls be sold in York, Cumberland, Sagadahoc, Androscoggin, Kennebec, Knox and Lincoln Counties. The RVP limit during the summer will begin in 1999 with a 7.8 psi limit, and drop to 7.2 psi in each subsequent summer.
*	*	*	*	*	*	*

[FR Doc. 99–11827 Filed 5–13–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6343–1]

RIN 2060–A128

Hazardous Air Pollutants: Regulations Governing Equivalent Emission Limitations by Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to receipt of an adverse comment, EPA is withdrawing an April 16, 1999 direct final rule (64 FR 18824) which would have amended the rule implementing Clean Air Act section 112(j) to extend the section 112(j) permit application deadline for sources in 7-year source categories until December 15, 1999. Having withdrawn the direct final rule, EPA is today taking final action to extend the section 112(j) permit application deadline based on the proposed rule which was also published on April 16, 1999 (64 FR 18862).

DATES: The direct final rule to amend the section 112(j) permit application deadline, which was published on April 16, 1999 (64 FR 18827), is hereby withdrawn as of May 14, 1999.

ADDRESSES: Docket No. A–93–32 containing information pertaining to this rulemaking is available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday, excluding holidays. The docket is located in the EPA's Air and Radiation Docket and Information Center, Waterside Mall, Room M–1500, 401 M Street, SW, Washington, DC 20460, or by calling (202) 260–7548. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Mr. James Szykman at (919) 541–2452, Emission Standards Division (MD–13), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, electronic mail address is szykman.jim@epa.gov.

SUPPLEMENTARY INFORMATION: On April 16, 1999, EPA published a direct final rule (64 FR 18824) and a parallel proposal (64 FR 18862) to amend the section 112(j) permit application deadline in the Regulations Governing Equivalent Emission Limitations by Permit. This amendment would extend to December 15, 1999 the permit application deadline for major sources subject to 7-year MACT standards which were not promulgated in a timely manner.

The EPA stated in the direct final rule that if relevant, adverse comments were received by April 26, 1999, the EPA would publish a notice withdrawing the direct final rule before its effective date of May 17, 1999. The EPA received adverse comments on the direct final rule from one commenter on April 26, 1999 and is, therefore, withdrawing the direct final rule. The EPA will address these comments in a final rule extending the section 112(j) permit application deadline for major sources subject to 7-year MACT standards published elsewhere in today's **Federal Register**.

Dated: May 10, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–12242 Filed 5–13–99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6343–2]

RIN 2060–A128

Hazardous Air Pollutants: Amendment to Regulations Governing Equivalent Emission Limitations by Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.