generic NO_X RACT regulation, must be filed in the United States Court of Appeals for the appropriate circuit by August 23, 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).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: June 2, 1999.

Thomas Maslany,

Regional Administrator, Region III.

40 CFR part 52 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 V—Maryland

2. Section 52.1070 is amended by adding paragraph (c)(143) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(143) Revisions to the Code of Maryland Air Regulations (COMAR) 26.11.01.01 and 26.11.09.01, and limited approval of revisions to COMAR 26.11.09.08, submitted on June 8, 1993 and July 11, 1995 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of June 8, 1993 from the Maryland Department of the Environment transmitting COMAR 26.11.09.08, Control of NO_X Emissions from Major Stationary Sources and amendments to COMAR 26.11.09.01, Definitions.

(B) COMAR 26.11.09.08, Control of NO_X Emissions from Major Stationary Sources, effective on May 10, 1993, replacing the existing COMAR 26.11.09.08.

(C) Amendment to COMAR 26.11.09.01, Definitions, effective on May 10, 1993.

(D) Letter of July 11, 1995 from the Maryland Department of the Environment transmitting amendments to COMAR 26.11.09.08, Control of NO_X Emissions from Major Stationary Sources, amendments to COMAR 26.11.01.01, Definitions and COMAR 26.11.09.01, Definitions.

(E) Amendments to COMAR 26.11.09.08, Control of NO_X Emissions from Major Stationary Sources, effective on June 20, 1994 and May 8, 1995.

(F) Amendment to COMAR 26.11.01.01, Definitions, effective on June 20, 1994.

(G) Amendments to COMAR 26.11.09.01, Definitions, effective on June 20, 1994 and on May 8, 1995.

(ii) Additional material.

(A) Remainder of June 8, 1993 and July 11, 1995 State submittals.

(B) Letter of October 29, 1998 from the Maryland Department of the Environment agreeing to meet certain conditions by no later than 12 months after July 22, 1999.

3. Section 52.1072 is amended by adding paragraph (e) to read as follows:

§ 52.1072 Conditional approval.

* * * * *

(e) Revisions to the Code of Maryland Air Regulations (COMAR), rule 26.11.09.08, pertaining to NO_X RACT submitted on June 8, 1993 and amended on July 11, 1995 by the Maryland Department of the Environment, is conditionally approved based on certain contingencies. Maryland must meet the following conditions by no later than 12 months after July 22, 1999. These conditions are that Maryland must:

(1) Certify that it has submitted case-by-case RACT SIPs for all sources subject to the RACT requirements currently known to the Department, or demonstrate that the emissions from any remaining subject sources represent a de minimis level of emissions;

(2) Either submit COMAR 26.11.01.11 to EPA for approval, or revise COMAR 26.11.09.08F to clearly explain the reporting and record keeping requirements in COMAR 26.11.09.08;

(3) Change COMAR 26.11.09.08D to unambiguously require all emissions trading plans and proposals be submitted as individual SIP revisions, or meet all the requirements of a discretionary EIP.

[FR Doc. 99–15713 Filed 6–21–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–6363–5]

Final Determination To Extend Deadline for Promulgation of Action on Section 126 Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final determination.

SUMMARY: The EPA is extending by six months the deadline for taking final action on petitions that three States have submitted to require EPA to make findings that sources upwind of those States contribute significantly to ozone nonattainment problems in those States. Under the Clean Air Act (CAA or Act), EPA is authorized to grant this time extension if EPA determines that the extension is necessary, among other things, to meet the purposes of the Act's rulemaking requirements. By this document, EPA is making that determination. The three States that have submitted the petitions are Delaware, Maryland and New Jersey.

EFFECTIVE DATE: This action is effective as of June 14, 1999.

FOR FURTHER INFORMATION CONTACT: Howard J. Hoffman, Office of General Counsel, MC 2344, 401 M St. SW, Washington, DC 20460, (202) 260–5892, hoffman.howard@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Today's action is procedural, and is set in the context of a series of actions EPA is taking to address the problem of the transport of tropospheric ozone and its precursors—especially oxides of nitrogen (NO_X)—across the eastern region of the United States.

By a document dated May 25, 1999, 64 FR 28250, EPA promulgated a final rulemaking concerning petitions submitted by eight northeastern States under section 126(b), which authorizes States or political subdivisions to petition EPA for a finding that major stationary sources in upwind states emit in violation of the prohibition of section 110(a)(2)(D), by contributing significantly to nonattainment problems in downwind States. The eight States submitting the petitions were Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont.

EPA has recently received additional petitions under section 126 from the States of Delaware (received on June 11,

1999), Maryland (received on May 3, 1999), and New Jersey (received on April 15, 1999). These petitions seek findings, similar to those for which EPA granted affirmative technical determinations, for specified sources in specified upwind States.

Under section 126(b), for each petition, EPA must make the requested finding, or deny the petition, within 60 days of receipt of the petition. This period would expire, for the Delaware petition, on August 10, 1999; for the Maryland petition, on July 2, 1999; and, for the New Jersey petition, on June 14, 1999.

Under section 126(c), with respect to any existing sources for which EPA makes the requested finding, those sources must cease operations within three months of the finding, except that those sources may continue to operate if they comply with emissions limitations and compliance schedules that EPA may provide to bring about compliance with the applicable requirements.

Section 126(b) provides that EPA must allow a public hearing for the submitted petitions. In addition, EPA's action under section 126 is subject to the procedural requirements of CAA section 307(d). See section 307(d)(1)(N). One of these requirements is notice-and-comment rulemaking, under section 307(d)(3).

In addition, section 307(d)(10) provides for a time extension, under certain circumstances, for rulemaking subject to section 307(d). Specifically, section 307(d)(10) provides:

Each statutory deadline for promulgation of rules to which this subsection applies which requires promulgation less than six months after date of proposal may be extended to not more than six months after date of proposal by the Administrator upon a determination that such extension is necessary to afford the public, and the agency, adequate opportunity to carry out the purposes of this subsection.

Section 307(d)(10) applies, by its terms, to section 126 rulemakings because the 60-day time limit under section 126(b) necessarily limits the period after proposal to less than six months. In previous rulemaking concerning the earlier section 126 petitions, EPA granted itself several time extensions for acting on those petitions. See, e.g., 62 FR 54769 (Oct. 22, 1997).

In accordance with section 307(d)(10), EPA is today determining that the 60-day period afforded by section 126(b) is not adequate to allow the public and the agency adequate opportunity to carry out the purposes of the section 307(d) procedures for developing an adequate proposal on whether the sources identified in the section 126 petitions contribute significantly to nonattainment problems downwind, and, further, to allow public input into the promulgation of any controls to mitigate or eliminate those contributions. The determination of whether upwind emissions contribute significantly to downwind nonattainment areas is highly complex, although much technical work has already been accomplished in the course of other rulemakings.

EPA is in the process of determining what would be an appropriate schedule for action on the section 126 petitions, in light of the complexity of the required determinations and the other issues. The schedule must afford EPA adequate time to prepare a notice that clearly elucidates the issues so as to facilitate public comment, as well as afford the public adequate time to comment.

Accordingly, extending the date for action on the section 126 petitions for six months is necessary to determine the appropriate overall schedule for action, as well as to continue to develop the technical analysis needed to develop a proposal.

II. Final Action

A. Final Determination

Today, EPA is determining, under CAA section 307(d)(10), that a six-month period is necessary to assure the development of an appropriate schedule for rulemaking on the section 126 petitions, which schedule would allow EPA adequate time to prepare a notice for proposal that will best facilitate public comment, as well as allow the public sufficient time to comment. Accordingly, EPA is granting a six-month extension to the time for rulemaking on the section 126 petitions. Under this extension, the dates for action on the section 126 petitions are:

Delaware: February 10, 2000
Maryland: January 3, 2000
New Jersey: December 14, 1999

B. Notice-and-Comment Under the Administrative Procedures Act (APA)

This document is a final agency action, but may not be subject to the notice-and-comment requirements of the APA, 5 U.S.C. 553(b). EPA believes that because of the limited time provided to make a determination that the deadline for action on the section 126 petitions should be extended, Congress may not have intended such a determination to be subject to notice-and-comment rulemaking. However, to the extent that this determination is subject to notice-and-comment rulemaking, EPA invokes the good cause exception pursuant to the APA, 5 U.S.C. 553(b)(3)(B). Providing notice and comment would be impracticable because of the limited time provided for making this determination, and would be contrary to the public interest because it would divert agency resources from the critical substantive review of the section 126 petitions.

C. Effective Date Under the APA

Today's action will be effective on June 14, 1999. Under the APA, 5 U.S.C. 553(d)(3), agency rulemaking may take effect before 30 days after the date of publication in the **Federal Register** if the agency has good cause to mandate an earlier effective date. Today's action—a deadline extension—must take effect immediately because its purpose is to move back by six months the upcoming deadlines for the three section 126 petitions. Moreover, EPA intends to use immediately the six-month extension period to continue to develop an appropriate schedule for ultimate action on the section 126 petitions, and to continue to develop the technical analysis needed to develop the notice of proposed rulemaking. These reasons support an effective date prior to 30 days after the date of publication.

D. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

E. Unfunded Mandates

Under the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1501 et seq., EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector or to State, local, or tribal governments in the aggregate. In addition, before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, EPA must have developed a small government agency plan. EPA has determined that these requirements do not apply to today's action because it (i) is not a Federal mandate—rather, it simply extends the date for EPA action on a rulemaking; and (ii) contains no regulatory requirements that might significantly or uniquely affect small governments.

F. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 600 et seq., EPA must propose a regulatory flexibility analysis

assessing the impact on small entities of any rule subject to the notice-and-comment rulemaking requirements. Because this action is exempt from such requirements, as described above, it is not subject to RFA.

G. Submission to Congress and the General Accounting Office

Under 5 U.S.C. of the APA, 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), EPA submitted, by the date of publication of this rule, 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 General Accounting Office. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2), as amended.

H. Paperwork Reduction Act

This action does not contain any information collection requirements which require OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.)

I. Judicial Review

Under CAA section 307(b)(1), a petition to review today's action may be filed in the Court of Appeals for the District of Columbia within 60 days of June 22, 1999.

Dated: June 14, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–15543 Filed 6–21–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[IL–64–2–5807; FRL–6344–5]

RIN 2060–AE41

National Emission Standards for Hazardous Air Pollutants for Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action promulgates national emission standards for hazardous air pollutants (NESHAP) for hydrochloric acid process steel pickling facilities and hydrochloric acid regeneration plants pursuant to section 112 of the Clean Air Act (Act). Major source facilities subject to the rule emit hydrochloric acid (HCl), a hazardous air pollutant (HAP). Chronic exposure to HCl has been reported to cause gastritis, chronic bronchitis, dermatitis, and photosensitization. Acute inhalation exposure to HCl may cause hoarseness, inflammation and ulceration of the respiratory tract, chest pain, and pulmonary edema. Hydrochloric acid regeneration plants also emit chlorine (Cl_2), which is also a HAP. Acute exposure to high levels of Cl_2 results in chest pain, vomiting, toxic pneumonitis, pulmonary edema, and death. At lower levels, Cl_2 is a potent irritant to the eyes, the upper respiratory tract, and lungs. The final rule provides public health protection by requiring new or existing pickling lines that use hydrochloric acid as the primary pickling solution, hydrochloric acid regeneration plants, and acid storage tanks to meet emission standards reflecting application of the maximum achievable control technology (MACT). Implementation of the rule is expected to reduce HAP emissions by more than 2,200 megagrams per year (Mg/yr) (2,500 tons per year (tpy) from current levels.

EFFECTIVE DATE: This final rule is effective on June 22, 1999. See the **SUPPLEMENTARY INFORMATION** section concerning judicial review.

ADDRESSES: Docket. Docket A–95–43, containing the information considered by the EPA in development of the final rule, is available for public inspection between 8 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 (6102), 401 M Street SW, Washington, DC 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.

FOR FURTHER INFORMATION CONTACT: Jim Maysilles, Metals Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–3265, facsimile number (919) 541–5600, electronic mail address, ''maysilles.jim@epa.gov''.

SUPPLEMENTARY INFORMATION:

Regulated Entities.

Entities potentially regulated by this action are those that emit or have the potential to emit HAP listed in section 112(b) of the Act. Regulated categories and entities include:

Category	Examples of regulated entities
Industry	HCl steel pickling plants and acid regeneration plants (SIC 3312, 3315, and 3317).
Federal government	Not affected.
State/local/tribal government.	Not affected.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities of which EPA is aware that could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine if your facility is regulated by this action, you should carefully examine the applicability criteria in section III.A of this document and in § 63.1155 of the final rule. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT SECTION.**

Judicial Review

The NESHAP for Steel Pickling Facilities—HCl Process was proposed on September 18, 1997 (62 FR 49051); this action announces EPA's final decisions on this rule. Under section 307(b)(1) of the Act, judicial review of this final rule is available only by filing a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this final rule. Under section 307(b)(2) of the Act, the requirements established by today's final rule may not be challenged later in any civil or criminal proceeding brought by EPA to enforce these requirements.

Technology Transfer Network

In addition to being available in the docket, an electronic copy of today's document, which includes the regulatory text, is available through the TTN at the UATW. Following promulgation, a copy of the rule will be posted at the TTN's policy and guidance page for newly proposed or promulgated rules (http://www.epa.gov/ttn/oarpg/t3pfpr.html). The TTN facilitates the exchange of information in various areas of air pollution control, such as technology. If more information on the TTN is needed, call the TTN HELP line at (919) 541–5384.

Background Information Document

A background information document (BID) for the promulgated standards containing a summary of all the public