

Electric arc furnace means any furnace wherein electrical energy is converted to heat energy by transmission of current between electrodes partially submerged in the furnace charge.

Electrometallurgical operations means the use of electric and electrolytic processes to purify metals or reduce metallic compounds to metals.

Fugitive emissions means any pollutant released to the atmosphere that is not discharged through a ventilation system that is specifically designed to capture pollutants at the

source, convey them through ductwork, and exhausts them from a control device. Fugitive emissions include pollutants released to the atmosphere through windows, doors, vents, or other building openings. Fugitive emissions also include pollutants released to the atmosphere through other general building ventilation or exhaust systems not specifically designed to capture pollutants at the source.

Sealed EAF means a furnace equipped with the cover with seals around the electrodes and outer edges of the cover

to eliminate air being drawn in under the cover.

Tapping means the removal of product from the EAF or other reaction vessel under normal operating conditions, such as removal of metal under normal pressure and movement by gravity down the spout into the ladle.

§ 63.11533–63.11543 [Reserved]

Tables to Subpart YYYYYY of Part 63

As required in § 63.11530, you must meet each requirement in the following table that applies to you.

TABLE 1—TO SUBPART YYYYYY OF PART 63—APPLICABILITY OF GENERAL PROVISIONS

Citation	Subject
63.1 ¹	Applicability.
63.2	Definitions.
63.3	Units and abbreviations.
63.4	Prohibited activities.
63.5	Construction/reconstruction.
63.6	Compliance with standards and maintenance.
63.8	Monitoring.
63.9	Notification.
63.10	Recordkeeping and reporting.
63.12	State authority and delegations.
63.13	Addresses of State air pollution control agencies and EPA regional offices.
63.14	Incorporation by reference.
63.15	Availability of information and confidentiality.
63.16	Performance track provisions.

¹ § 63.11524(d), “Am I subject to this subpart?” exempts affected sources from the obligation to obtain title V operating permits.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 131

[EPA–HQ–OW–2007–93; FRL–8716–1]

Withdrawal of Federal Antidegradation Policy for All Waters of the United States Within the Commonwealth of Pennsylvania

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to withdraw the federal antidegradation policy for all waters of the United States within the Commonwealth of Pennsylvania. We will withdraw the federal antidegradation policy to allow Pennsylvania to implement its own antidegradation policy. Pennsylvania has adequately demonstrated that its antidegradation policy protects all waters of the United States within the Commonwealth at a level consistent with the federal requirements. Therefore, the federal antidegradation policy is redundant. In the “Rules and

Regulations” section of this **Federal Register**, we are withdrawing the federal antidegradation policy for waters within the Commonwealth of Pennsylvania as a direct final rule without a prior proposed rule. If we received no adverse comment, we will not take further action on this proposed rule.

DATES: Written comments must be received by October 15, 2008.

ADDRESSES: Submit your comments, identified by Docket Id. No. EPA–HQ–OW–2007–0093, by mail to: Water Docket, USEPA, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Caroline Whitehead at EPA Headquarters, Office of Water, 1200 Pennsylvania Ave, NW, Mail Code 4305T, Washington, DC 20460 (*telephone:* 202–566–2907, *fax:* 202–566–0409 or *e-mail:* whitehead.caroline@epa.gov) or Denise Hakowski at EPA Region 3, 1650 Arch Street, Mail Code 3WP30, Philadelphia,

PA 19103 (*telephone:* 215–814–5726, *fax:* 215–814–2318 or *e-mail:* hakowski.denise@epa.gov).

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final rule that is located in the “Rules and Regulations” section of this **Federal Register** publication.

I. Why Is EPA Issuing This Proposed Rule?

This document proposes to take action on withdrawing the federal antidegradation policy for the Commonwealth of Pennsylvania because Pennsylvania has adequately demonstrated that its antidegradation policy protects all waters of the United States at a level consistent with the federal requirements. We have published a direct final rule withdrawing the federal antidegradation policy for the Commonwealth of Pennsylvania in the “Rules and Regulations” section of this **Federal Register** because we view this as a noncontroversial action and anticipate no adverse comment. We have explained our reasons for this withdrawal in the preamble to the direct final rule.

If we receive no adverse comment, we will not take further action on this proposal rule. If we receive adverse comment, we will withdraw the direct final rule and it will not take effect. We will address all public comments in a subsequent final rule based on this proposed rule.

We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For the various statutes and executive orders that require findings for rulemaking, EPA incorporates the findings from the direct final rulemaking into this companion notice for the purpose of providing public notice and opportunity for comment. For further information, please see the information provided in the **ADDRESSES** section of this document.

List of Subjects in 40 CFR Part 131

Environmental protection, Antidegradation, Water quality standards.

Dated: September 9, 2008.

Stephen L. Johnson,

Administrator.

[FR Doc. E8-21463 Filed 9-12-08; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[EPA-HQ-SFUND-1989-0011; FRL-8715-2]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the Berks Landfill Superfund Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region III is issuing a Notice of Intent to Delete the Berks Landfill Superfund Site (Site) located in Spring Township, Berks County, Pennsylvania, from the National Priorities List (NPL) and requests public comments on this proposed action. The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP),

have determined that all appropriate response actions under CERCLA, other than operation, maintenance, and five-year reviews, have been completed. However, this deletion does not preclude future actions under CERCLA. **DATES:** Comments must be received by October 15, 2008.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-SFUND-1989-0011, by one of the following methods:

- <http://www.regulations.gov>. Follow on-line instructions for submitting comments.

- *E-mail:* matzko.kristine@epa.gov.
- *Fax:* 215-814-3002, Attn: Kristine Matzko (3HS21).

- *Mail:* EPA Region III, Attn: Kristine Matzko (3HS21), 1650 Arch Street, Philadelphia, Pennsylvania 19103.

- *Hand delivery:* EPA Region III, Attn: Kristine Matzko (3HS21), 1650 Arch Street, Philadelphia, Pennsylvania 19103. Such deliveries are only accepted during business hours, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA-HQ-SFUND-1989-0011. EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in the hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at:

Regional Center for Environmental Information, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103, 215-814-5254. Business hours are Monday through Friday 8 a.m. to 5 p.m.

Township of Spring Municipal Office, 2800 Shillington Road, Reading, Pennsylvania 19608, 610-678-5393. Business hours are Monday through Friday 8 a.m. to 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Kristine Matzko, Remedial Project Manager, U.S. Environmental Protection Agency, Region III, (3HS21) 1650 Arch Street, Philadelphia, Pennsylvania 19103, 215-814-5719, e-mail matzko.kristine@epa.gov.

SUPPLEMENTARY INFORMATION: In the "Rules and Regulations" Section of today's **Federal Register**, we are publishing a direct final Notice of Deletion of the Berks Landfill Superfund Site without prior Notice of Intent to Delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final Notice of Deletion, and those reasons are incorporated herein. If we receive no adverse comment(s) on this deletion action, we will not take further action on this Notice of Intent to Delete. If we receive adverse comment(s), we will withdraw the direct final Notice of Deletion, and it will not take effect. We will, as appropriate, address all public comments in a subsequent final Notice of Deletion based on this Notice of Intent to Delete. We will not institute a second comment period on this Notice of Intent to Delete. Any parties interested in commenting must do so at this time. For additional information, see the direct final Notice of Deletion which is located in the Rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous waste, Hazardous substances, Intergovernmental relations, Penalties,