

**Subpart NN—Pennsylvania**

2. Section 52.2036 is amended by adding paragraph (k) to read as follows:

**§ 52.2036 1990 Baseyear emission inventory .**

\* \* \* \* \*

(k) Rockwell Heavy Vehicle, Inc., New Castle Forge Plant, Lawrence County—On April 8, 1998 the Pennsylvania Department of Environmental Protection requested that EPA include the CO, VOC and NO<sub>x</sub> emissions from this facility in the 1990 base year emission inventory. The CO, VOC and NO<sub>x</sub> emissions from the natural gas units and the spray booth of this facility are hereby approved as part of the 1990 point source inventory. The 1990 CO, VOC and NO<sub>x</sub> emissions from the natural gas units are 8.3 TPY, 1.2 TPY and 64.2 TPY, respectively. The 1990 VOC emissions from the spray booth is 12.1 TPY.

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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[PA129-4083a; FRL-6323-6]

**Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC RACT Determinations for Individual Sources**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the Pennsylvania state implementation plan (SIP). The revisions impose reasonably available control technology (RACT) to reduce volatile organic compounds (VOC) emissions from six (6) major sources located in Pennsylvania. EPA is approving these revisions to establish RACT requirements in accordance with the Clean Air Act.

**DATES:** This rule is effective on June 15, 1999 without further notice, unless EPA receives adverse written comment by May 17, 1999. If EPA receives such comments, it 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 Kathleen Henry, Air Protection Division, Mailcode 3AP11, 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; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

**FOR FURTHER INFORMATION CONTACT:** Linda Miller, (215) 814-2068, at the EPA Region III office or via e-mail at miller.linda@epa.gov. While information may be requested via e-mail, any comments must be submitted in writing to the above Region III address.

**SUPPLEMENTARY INFORMATION:****I. Background**

On December 8, 1995, October 18, 1996, July 24, 1998 and October 2, 1998, the Pennsylvania Department of Environmental Protection (PADEP) submitted formal revisions to its state implementation plan (SIP). Each submittal consisted of source-specific operating permits imposing RACT on individual sources. Each source covered by this rulemaking will be specifically identified and discussed below. Any additional operating permits for other individual sources submitted coincidentally with those being addressed in this document will be addressed in a separate rulemaking action.

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), Pennsylvania is required to implement RACT for all major VOC and nitrogen oxides (NO<sub>x</sub>) sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the CAA.

The entire State of Pennsylvania is located in the OTR. The Pennsylvania portion of the Philadelphia ozone nonattainment area consists of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties and is classified as severe. The remaining counties in Pennsylvania are classified as moderate or marginal nonattainment areas, were previously classified as marginal but are now areas where the one-hour ozone standard no longer applies, or are designated attainment for ozone. However, under section 184 of the CAA, at a minimum, moderate ozone nonattainment area requirements (including RACT as specified in sections 182(b)(2) and 182(f)) apply throughout the OTR. Therefore, RACT is applicable statewide in Pennsylvania. The Pennsylvania submittals that are the subject of this document are meant to satisfy the RACT requirements to reduce VOC emissions from six (6) sources in Pennsylvania.

**II. Summary of SIP Revision**

The details of the RACT requirements imposed in each of the source-specific operating permits can be found in the state submittals and in the accompanying technical support document (TSD) prepared by EPA to support of this rulemaking action. Copies of the TSD are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. Briefly, EPA is approving revisions to the Pennsylvania SIP pertaining to the determination of RACT for six (6) major sources of VOC. Several of the operating permits contain conditions irrelevant to the determination and imposition of RACT. Consequently, those provisions of the operating permits were not considered part of PADEP's SIP revision request to approve RACT for these six (6) sources.

The following table identifies the individual operating permits EPA is approving. The specific emission limitations and other RACT requirements for these sources are summarized in the accompanying TSD prepared by EPA to support this rulemaking. As previously stated copies of the TSD are available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document.

PENNSYLVANIA—VOC AND NO<sub>x</sub> RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source	County	Plan Approval (PA#), Operating Permit (OP#), Compliance Permit (CP #)	Source type	"Major source" pollutant
GKN Sinter Metals .....	Cameron .....	OP 12-0002	Powdered metal parts manufacturing.	VOC
Springs Window Fashions Div., Inc. ....	Lycoming .....	OP 41-0014	Surface coating .....	VOC
Cabinet Industries, Inc. ....	Montour .....	OP 47-0005	Surface coating .....	VOC
Centennial Printing Corporation .....	Montgomery .....	OP 46-0068	Graphic arts .....	VOC
Strick Corporation .....	Montour .....	OP 47-0002	Surface coating .....	VOC
Handy and Harmon Tube Company .....	Montgomery .....	OP 46-0016	Tube manufacturing .....	VOC

EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on June 15, 1999 without further notice unless we receive adverse comment by May 17, 1999. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

### III. Final Action

EPA is approving six (6) source-specific operating permits imposing RACT to reduce VOC emissions from GKN Sinter Metals, Inc. (Cameron County), Springs Window Fashions Division, Inc. (Lycoming County), Cabinet Industries Inc. (Montour County), Centennial Printing Corp., Strick Corporation (Montour County), and Handy and Harmon Tubing Co. (Montgomery County).

### IV. Administrative Requirements

#### A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under 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. If EPA complies by consulting, E.O. 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. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

#### C. Executive Order 13045

Executive Order 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) is "economically significant," as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has 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 final rule is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined by Executive Order 12866, and it does not address an environmental health or safety risk that

would have a disproportionate effect on children.

#### D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects 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. If EPA complies by consulting, E.O. 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, E.O. 13084 requires EPA to develop an effective process permitting elected 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 a 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 section 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 annual costs to State, local, or tribal governments in the aggregate; or to 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 the approval action promulgated does not include a Federal mandate that may result in estimated annual 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. Section 804, however, exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability approving six source-specific operating permits which impose RACT to reduce VOC from GKN Sinter Metals, Inc. (Cameron County), Springs Window Fashions Division, Inc. (Lycoming County), Cabinet Industries Inc. (Montour County), Centennial Printing Corp., Strick Corporation (Montour County), and Handy and Harmon Tubing Co. (Montgomery County).

#### H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to approve the RACT determinations to reduce VOC from GKN Sinter Metals, Inc. (Cameron County), Springs Window Fashions Division, Inc. (Lycoming County), Cabinet Industries Inc. (Montour County), Centennial Printing Corp., Strick Corporation (Montour County), and Handy and Harmon Tubing Co. (Montgomery County) must be filed in the United States Court of Appeals for the appropriate circuit by June 15, 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 to approve VOC RACT determinations for six individual sources in Pennsylvania as a revision to the Commonwealth's SIP 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: April 5, 1999.

**Thomas Voltaggio,**

*Acting 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 NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(138) to read as follows:

#### § 52.2020 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(138) Revisions to the Pennsylvania Regulations, Chapter 129.91 pertaining to VOC RACT, submitted on December 8, 1995, September 13, 1996, October 18, 1996, July 24, 1998, and October 2, 1998 by the Pennsylvania Department of Environmental Protection.

(i) Incorporation by reference.

(A) Five (5) letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC determinations in the form of operating permits on the following dates: December 8, 1995, September 13, 1996, October 18, 1996, July 24, 1998, and October 2, 1998.

(B) Operating permits (OP):

(1) GKN Sinter Metals, Inc. (Cameron County), OP-12-0002, effective September 30, 1998, except for the expiration date and conditions Nos. 14-20 relating to non-RACT provisions.

(2) Springs Window Fashions Division, Inc. (Lycoming County), OP-41-0014, effective September 29, 1998, except for the expiration date and conditions Nos. 9-10 relating to non-RACT provisions.

(3) Cabinet Industries, Inc. (Montour County), OP-47-0005, effective September 21, 1998, except for the expiration date and conditions Nos. 5-8 relating to non-RACT provisions.

(4) Centennial Printing Corp. (Montgomery County), OP-46-0068, effective October 31, 1996, as revised on May 11, 1998 except for the expiration date and conditions Nos. 13-15 and 17-20 pertaining to non-RACT provisions.

(5) Strick Corporation (Montour County), OP-47-0002, effective August 28, 1996, except for the expiration date and conditions Nos. 10-11 and 21-22 relating to non-RACT provisions.

(6) Handy and Harmon Tube Co. (Montgomery County), OP-46-0016 effective September 25, 1995, except for the expiration dates and conditions No. 11 relating to non-RACT provisions.

(ii) Additional Materials—Remainder of the Commonwealth of Pennsylvania's September 13, 1996, December 18, 1996, October 18, 1996, July 24, 1998 and October 2, 1998 submittals pertaining to

the VOC RACT requirements for GKN Sinter Metals, Inc. (Cameron County), Springs Window Fashions Division, Inc. (Lycoming County), Cabinet Industries Inc. (Montour County), Centennial Printing Corp., Strick Corporation (Montour County), and Handy and Harmon Tubing Co. (Montgomery County).

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[AD-FRL-6326-4]

RIN 2060-A128

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

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** On May 20, 1994, the Agency promulgated a rule in the **Federal Register** governing the establishment of equivalent emission limitations by permit, pursuant to section 112(j) of the Clean Air Act (Act). After the effective date of a Title V permit program in a State, each owner or operator of a major source in a source category for which the EPA was scheduled, but failed, to promulgate a section 112(d) emission standard will be required to obtain an equivalent emission limitation by permit. The permit application must be submitted to the Title V permitting authority 18 months after the EPA's missed promulgation date. This action amends the Regulations Governing Equivalent Emission Limitations by Permit rule. This amendment delays the section 112(j) permit application deadline for 7-year source categories listed in the regulatory schedule until December 15, 1999. This action is needed to alleviate unnecessary paperwork for both major source owners or operators and permitting agencies.

**DATES:** This final rule amendment will be effective on May 17, 1999 without further notice, unless EPA receives adverse comments on this rulemaking by April 26, 1999 or a request for a hearing concerning the accompanying proposed rule is received by EPA by April 23, 1999. If EPA receives timely adverse comment or a timely hearing request, EPA will publish a withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect and will proceed to

promulgate a final rule based on the proposed rule.

**ADDRESSES:** *Comments.* Interested parties may submit comments on this rulemaking in writing (original and two copies, if possible) to Docket No. A-93-32 to the following address: Air and Radiation Docket and Information Center (6102), US Environmental Protection Agency, 401 M Street, S.W., Room 1500, Washington, D.C. 20460. The EPA requests that a separate copy of each public comment be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**).

Comments may also be submitted electronically by following the instructions provided in

**SUPPLEMENTARY INFORMATION.** Public comments on this rulemaking will be accepted until April 26, 1999.

*Docket.* All information used in the development of this final action is contained in the preamble below. However, Docket No. A-93-32, containing the supporting information for the original Regulations Governing Equivalent Emission Limitations by Permit rule is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday at the Air and Radiation Docket and Information Center (6102), Room M-1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; telephone (202) 260-7548, fax (202) 260-4000. A reasonable fee may be charged for copying.

Radiation Docket and Information Center (see **ADDRESSES**).

These documents can also be accessed through the EPA web site at: <http://www.epa.gov/ttn/oarpg>. For further information and general questions regarding the Technology Transfer Network (TTNWEB), call Mr. Hersch Rorex (919) 541-5637 or Mr. Phil Dickerson (919) 541-4814.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Szykman or Mr. David Markwordt, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919) 541-2452 (Szykman) or (919) 541-0837 (Markwordt).

**SUPPLEMENTARY INFORMATION:** EPA is publishing this rule amendment without prior proposal because we consider this to be a noncontroversial amendment; and we do not expect to receive any adverse comment. However, in the "Proposed Rules" section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal for this amendment, in the event we receive

adverse comment or a hearing request and this direct final rule is subsequently withdrawn. This final rule amendment will be effective on May 17, 1999 without further notice, unless we receive adverse comment on this rulemaking by April 26, 1999 or a request for a hearing concerning the accompanying proposed rule is received by EPA by April 23, 1999. If EPA receives timely adverse comment or a timely hearing request, we will publish a withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. In that event, we will address all public comments in a subsequent final rule, based on the proposed rule amendment published in the "Proposed Rules" section of this **Federal Register** document. The EPA will not provide further opportunity for public comment on this action. Any parties interested in commenting on this amendment must do so at this time.

Electronic comments and data may be submitted by sending electronic mail (e-mail) to: a-and-r-docket@epamail.epa.gov. Submit comments as an ASCII file, avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on diskette in Word Perfect 5.1 or 6.1 or ACSII file format. Identify all comments and data in electronic form by the docket numbers A-93-22. No Confidential Business Information (CBI) should be submitted through electronic mail. Electronic comments may be filed online at many Federal Depository Libraries.

*Outline.* The information presented in this preamble is organized as follows:

- I. What are section 112(j) permit application deadlines?
- II. Why does EPA want to delay the section 112(j) permit application deadline?
- III. Under what legal authority can EPA delay the existing deadline dates?
- IV. What are the requirements to review this action in Court?
- V. Administrative Requirements
  - A. Docket
  - B. Paperwork Reduction Act
  - C. E.O. 12866: The Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act, and the Small Business Regulatory Enforcement Fairness Act of 1996
  - D. National Technology Transfer and Advancement Act
  - E. E.O. 13045: Protection of Children from Environmental Health and Safety Risks
  - F. E.O. 13084: Consultation and Coordination with Indian Tribal Governments
  - G. E.O. 12875: Enhancing the Intergovernmental Partnership
  - H. Submission to Congress and the Comptroller General