Commander, no person or vessel may enter or remain in the regulated area.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Since the regulations will only be in effect for one hour, the impacts on routine navigation are expected to be minimal.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

These regulations contain no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph (34)(h) of COMDTINST M16475.1C, this rule is categorically excluded from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade are excluded under that authority.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35–T05–106 is added to read as follows:

§ 100.35–T05–106 Cape Fear River, Wilmington, North Carolina.

(a) *Definitions:*

(1) *Regulated Area.* The waters of the Cape Fear River from shoreline to shoreline, bounded on the north by a line drawn along latitude 34°14.4′ North and bounded on the south by a line drawn along latitude 34°14.0′ North. All coordinates reference Datum NAD 1983.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Fort Macon.

(b) *Special Local Regulations:*

(1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in this area shall:

(i) Stop the vessel immediately when directed to do so by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any official patrol, including any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(c) *Effective Dates.* This temporary final rule is effective from 11:30 p.m. on December 31, 1998 to 12:30 a.m. on January 1, 1999.

Dated: December 8, 1998.

Roger T. Rufe, Jr.,

Vice Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 98–34133 Filed 12–23–98; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 96

[FRL–6198–1]

Correction and Clarification to the Finding of Significant Contribution and Rulemaking for Purposes of Reducing Regional Transport of Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction and clarification.

SUMMARY: The EPA is correcting and clarifying certain aspects to the requirements for 22 States and the District of Columbia to submit State implementation plan (SIP) revisions to prohibit specified amounts of emissions of oxides of nitrogen (NO_X) (also referred to as the NO_X SIP call). Most importantly, EPA is reopening the period for emissions inventory revisions to 2007 baseline sub-inventory information used to establish each State's budget in the NO_X SIP Call to February 22, 1999. This includes source-specific emission inventory data and vehicle miles traveled (VMT) and nonroad mobile growth rates, VMT distribution by vehicle class, average speed by roadway type, inspection and maintenance program parameters, and other input parameters used in the calculation of highway vehicle emissions. The comment period for 2007 baseline sub-inventory revisions will be reopened for two related notices of proposed rulemaking concerning Clean Air Act section 126 petitions (the section 126 proposal) and Federal implementation plans for the NO_X SIP call (the FIP proposal) in a future action.

DATES: This rule is effective December 28, 1998.

ADDRESSES: Dockets containing information relating to this rulemaking (docket Nos. A–96–56, A–97–43, and A–98–12) are available for public inspection at the Air and Radiation Docket and Information Center (6102), U.S. Environmental Protection Agency, 401 M Street SW, room M–1500, Washington, DC 20460, telephone (202) 260–7548, between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. E-mail is A–AND–R–DOCKET–GROUP@EPA.GOV.

FOR FURTHER INFORMATION CONTACT: General questions concerning today's action should be addressed to Kimber S. Scavo, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, MD–15,

Research Triangle Park, NC 27711, telephone (919) 541–3354; e-mail: scavo.kimber@epa.gov. Specific questions on emissions inventory updates should be directed to Greg Stella, Office of Air Quality Planning and Standards, Emissions Monitoring and Analysis Division, MD–14, Research Triangle Park, NC 27711, telephone (919) 541–3649; e-mail: stella.greg@epa.gov.

SUPPLEMENTARY INFORMATION: By notice dated October 27, 1998, EPA published, ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,'' 63 FR 57356, which may be referred to as the NO_X SIP call. By notice dated September 30, 1998, EPA proposed, ''Findings of Significant Contribution and Rulemakings on Section 126 Petitions and Federal Implementation Plans for Purposes of Reducing Interstate Ozone Transport,'' 63 FR 52213. On October 21, 1998, EPA published longer, more detailed versions of these proposals entitled ''Findings of Significant Contribution and Rulemaking on Section 126 Petitions for Purposes of Reducing Interstate Ozone Transport,'' 63 FR 56292, and ''Federal Implementation Plans to Reduce the Regional Transport of Ozone,'' 63 FR 56394. The section 126 proposal and the FIP proposal are related to the final NO_X SIP call. The comment period for these two proposals closed on November 30, 1998.

Emission Inventory Revisions

The EPA has received numerous requests to allow more time to accept revisions to source-specific inventory data used to establish each State's base and budget in the NO_X SIP Call and to also allow revisions to VMT projections. The final SIP call, as described on page 57427, provided that the opportunity for source-specific inventory data revisions would be available for the first 60 days of the 12-month period between signature of the NO_X SIP call and the deadline for submission of the required SIP revisions (i.e., November 23, 1998). The Agency is aware of difficulties some States have had accessing the emission inventory data bases. Therefore, EPA, today, is reopening this time period to 60 days from the date of publication of this rule rather than signature of the NO_X SIP call and to accept revisions to VMT projections. However, the EPA strongly urges commenters to submit proposed changes to the inventories of EGUs greater than 25 MWe and non-EGU boilers and turbines greater than 250 mmBtu/hr within 30 days from the date of publication of this document, i.e., January 25, 1999. The EPA requests commenters submit comments on these sources first in order to facilitate incorporation of any necessary changes into the budgets for the section 126 final rulemaking which must be finalized by April 30, 1999 in accordance with the consent decree governing EPA's action on the pending section 126 petitions. The EPA recommends that commenters also submit suggested inventory revisions to the dockets for the section 126 proposal and the FIP proposal. By a future notification, EPA will reopen the comment period for those proposed actions to February 22, 1999 solely for the purpose of receiving such inventory revisions. Additionally, no changes to the emissions inventory will be made unless information, as specified in Section III.F.5 of the final NO_X SIP call, is provided to corroborate and justify the need for the requested modification. These revisions must be postmarked by February 22, 1999 and sent directly to the Docket Office listed in **ADDRESSES** (in duplicate form if possible). (Docket no. A–96–56 for the NO_X SIP call, A–97–43 for the section 126 proposal, and A–98–12 for the FIP proposal.) Sources and other non-State commenters should also send a copy of their comments concerning the inventory changes to their State air pollution control agency.

Individuals interested in modifications requested by commenters may review the materials as they are submitted and available in the dockets. With respect to the SIP call, within 60 days after the close of this comment period—i.e., by April 23, 1999—EPA will evaluate the data submitted by commenters and, if it is determined to be technically justified, revise the State budgets for the NO_X SIP call to reflect the new data.

For a comment to be considered, the data submitted in the request for modification must be submitted in electronic format (i.e., spreadsheet, data base, text file) and must be accompanied by information to support the requested change. The EPA has identified the specific data elements for each source sector that must be included in the electronic file submitted with any data modification request. For budget calculation purposes, emphasis should be on NO_X emissions, noting that other precursor emissions and modeling data are necessary for final development of the modeling inventory.

However, in many cases, not all of the inventory information needs to be corrected and resubmitted. For example, it may be the case that source-specific NO_X emission rates are incorrect, but all stack and other emissions data are acceptable. In these cases, it is not necessary to resubmit the entire inventory record data. Only source identification information and additional data that require correction need to be resubmitted. In those cases where the majority of the data are incorrect or the submission is for a new, unaccounted for source, complete files with all data fields outlined in Section III.F.5 of the final rulemaking preamble must be submitted.

For those sources so indicated above, a simplified inventory revision submittal is acceptable and must include the following information:

- Source sector needing revision.
- Identification of the specific changes requested to the inventory.
- Reason for requested change.
- All of the following sector-specific information in electronic file format:

Electric Generating Units

Data on a source-specific basis including:

- Federal Information Placement System State Code.
- Federal Information Placement System (FIPS) County Code.
- Plant name.
- Plant ID numbers (ORIS code preferred (ORIS is a coding mechanism used by the Department of Energy to track plants with EGUs), State agency tracking number also or otherwise).
- Unit ID numbers (a unit is a boiler or other combustion device).
- Unit type (also known as prime mover; e.g., wall-fired boiler, stoker boiler, combined cycle, combustion turbine, etc.).
- Primary fuel on a heat input basis.
- Maximum rated heat input capacity of unit.
- Nameplate capacity of the largest generator the unit serves.
- 1995 and 1996 ozone season heat inputs.
- 1996 (or most recent) average NO_X rate for the ozone season.

Non-EGU Point Sources

Data on a source-specific basis including:

- Federal Information Placement System State Code.
- Federal Information Placement System (FIPS) County Code.
- Plant name.
- Plant ID numbers (National Emission Data System (NEDS), Aerometric Information Retrieval System/AIRS Facility Subsystem (AIRS/AFS), and State agency tracking number also or otherwise).
- Unit ID numbers.
- Primary source classification code (SCC).

• Maximum rated heat input capacity of unit.
• 1995 ozone season or typical ozone season daily NO_X emissions.
• 1995 existing NO_X control efficiency.

Stationary Area Sources

Data on a sub-category specific basis including:
• Federal Information Placement System State Code.
• Federal Information Placement System (FIPS) County Code.
• Source classification code (SCC).
• 1995 ozone season or typical ozone season daily NO_X emissions.
• 1995 existing NO_X control efficiency.

Nonroad Mobile Sources

Data on a sub-category specific basis including:
• Federal Information Placement System State Code.
• Federal Information Placement System (FIPS) County Code.
• Source classification code (SCC).
• 1995 ozone season or typical ozone season daily NO_X emissions.
• 1995 existing NO_X control efficiency.

Highway Mobile Sources

Data on a SCC or vehicle type basis including:
• Federal Information Placement System State Code.
• Federal Information Placement System (FIPS) County Code.
• Primary source classification code (SCC) or vehicle type.
• 1995 ozone season or typical ozone season daily vehicle miles traveled (VMT).

The EPA is also accepting comments on VMT and nonroad mobile growth rates, VMT distribution by vehicle class, average speed by roadway type, inspection and maintenance program parameters, and other input parameters used in the calculation of highway vehicle emissions. These comments must be on a county-level basis and must include adequate evidence and explanation for any differences between the input parameters used in the final rulemaking budgets and the input parameters being proposed in the comments. Comments also must be consistent with other State submittals, including SIPs, transportation plans and conformity demonstrations, and other documents, or must contain an explanation for the differences between the comments and these other recent submittals and a plan to correct these other submittals to make them consistent with the comments submitted in response to this notice.

This process will not change the timeframes for the FIP (63 FR 56394) or section 126 (63 FR 56292) actions. A courtesy copy of comments mailed to Greg Stella at the address listed above would be appreciated in addition to the formal submittal to the docket(s).

Correction to Table III–1

When EPA published the final SIP call, EPA inadvertently included as Table III–1, a previous version of numbers that do not match the final budget numbers for the SIP call (see 63 FR 57410). The following Table III–1 includes corrected numbers.

TABLE III–1.—STATE BUDGETS BY ENERGY SOURCE BASIS

[Higher of 1995 or 1996 EIA data]

State	Proposed input-based budgets fossil fuel-burning generators	Revised (final) input-based budgets fossil fuel-burning generators	Output-based budgets—all generation sources	Output-based budgets—all generation sources except nuclear	Output-based budgets fossil fuel-burning generators
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Alabama	30644	29051	34949	35186	32854
Connecticut	5245	2583	7703	5173	4471
Delaware	4994	3523	2400	3225	3428
District of Columbia	152	207	100	133	142
Georgia	32433	30255	32331	31819	30922
Illinois	36570	32045	44401	27982	29701
Indiana	51818	49020	32320	43430	45985
Kentucky	38775	36753	24930	33501	34281
Maryland	12971	14807	13329	13013	13256
Massachusetts	14651	15033	11054	13292	13541
Michigan	29458	28165	32383	32145	32566
Missouri	26450	23923	19856	22776	23577
New Jersey	8191	10863	12807	11265	11508
New York	31222	30273	39635	39572	32222
North Carolina	32691	31394	32113	30257	29966
Ohio	51493	48468	39923	47301	50187
Pennsylvania	45971	52000	53629	47172	48639
Rhode Island	1609	1118	2250	3022	3213
South Carolina	19842	16290	23330	14132	13877
Tennessee	26225	25386	26499	26172	24853
Virginia	20990	18258	19155	15753	15619
West Virginia	24045	26439	22930	30811	32636
Wisconsin	17345	17972	15798	16693	16379
Total	563785	543825	543825	543825	543825

Budget Reductions for Large EGUs and Non-EGUs

The 2007 baseline inventory for large EGUs and non-EGUs is based on the universe of sources in the 1995 inventory and a growth factor which accounts both for increases in use of those sources and for new sources that commence operation after 1995. As explained in the October 27, 1998, NO_X SIP Call and as further clarified later in today's notice, the final State budgets cap emissions on all large EGUs and non-EGUs. This includes both sources that operated in 1995 and were part of the baseline inventory and new sources that commence operation after 1995. Since States must implement emission reduction strategies that either cap emissions from these sources at the levels specified in the SIP Call budgets or achieve equivalent reductions, all boilers and turbines must be classified as either EGUs or non-EGUs and as small or large. In this notice, EPA reiterates how boilers and turbines that existed in 1995 were classified. As explained above, EPA will be finalizing a revised 1995 inventory based on additional comments received. The classifications that EPA uses in this inventory are the ones that EPA will use in 2007 to determine if a unit should be included in the EGU or non-EGU portion of this budget. This notice also clarifies how EPA will classify units that commence operation after 1995.

Clarification of EGU Classification for Purposes of Estimating Budget Reductions

The following discussion clarifies EPA's classification of units as EGUs. This clarification also applies to the proposed FIP and the EPA action under section 126.[1]

Consistent with the supplemental notice of proposed rulemaking (63 FR 25902, May 11, 1998) and the accompanying technical support document related to budget development, EPA took a two-step approach to determining which of the following categories a boiler or turbine fit into: large EGU, small EGU, large non-EGU or small non-EGU. First, EPA determined if a boiler or turbine fit into the category of EGU or non-EGU. The EPA then determined if the boiler should be classified as large or small.

The EPA used three sources of data for determining if a generator's purpose included generation of electricity for sale and thus qualified the unit connected to the generator as an EGU. First, EPA treated as EGUs all units that are currently reporting under Title IV of the Clean Air Act. Second, EPA included as EGUs any additional units that were serving generators reporting to the Energy Information Administration (EIA) using Form 860 in 1995. Form 860 is submitted for utility generators. Third, EPA included units serving generators that reported to EIA using Form 867 in 1995. Since Form 867 is submitted by non-utility generators, including generators ''which consume all of their generation at the facility,'' EPA excluded any units for which EPA had information indicating that the unit was not connected to any generators that sold any electricity. This was primarily determined by excluding units that were not listed as sources that sell power under contract to the electric grid using the electric generation forecasts of the North American Electric Reliability Council.

Once EPA determined that a boiler or turbine should be classified as an EGU, EPA considered that unit a large EGU if it served a generator greater than 25 MWe and considered it a small EGU if it served a generator less than or equal to 25 MWe.

While EPA believes that this methodology was the best way to classify existing boilers and turbines given the data available, EPA does not believe that this is the best way to classify new boilers or turbines for regulatory purposes. The EPA will continue to use this methodology to classify units that operated on or before December 31, 1995 as EGUs or non-EGUs. Any requests to change the EGU/non-EGU categorization of a unit operating on or before December 31, 1995 that EPA has categorized as an EGU or a non-EGU or any requests to add a unit operating on or before December 31, 1995 that has not been categorized as an EGU or a non-EGU should follow the methodology based on data reported to EPA and EIA, outlined above. Once EPA responds to comments received, EPA does not intend to reclassify units that were in operation before January 1, 1996 because, as discussed below, EPA uses a different approach to classify units that commence operation on or after January 1, 1996. However, EPA may reconsider unit classifications in 2007 along with the 2007 transport reassessment.

The EPA believes there are two important reasons that the methodology outlined above is not appropriate to use on an ongoing basis for new boilers or turbines. First, EPA is concerned about the completeness of data using this methodology. The EPA has this concern because there are limited consequences to not reporting to EIA and because EPA has no assurance that sources will continue to be required to report to EIA using the same forms. Second, because of changes in the electric generation industry and because of regulatory developments such as the SIP call, owners and operators of units may have an incentive to install small (25 MWe or less) generators to larger boilers or turbines that are primarily used for industrial processes and not electricity generation. Such sources should be considered large and be controlled.

For units commencing operation on or after January 1, 1996, EPA plans to use the following two-step process. First, EPA intends to classify as an EGU any boiler or turbine that is connected to a generator greater than 25 MWe from which any electricity is sold. This will be based on information reported directly to the State under the SIP (or EPA in the case of a FIP or section 126 action). The EPA believes this addresses the first concern about completeness of data, as discussed in the previous paragraph. Second, if a boiler or turbine is connected to a generator equal to or less than 25 MWe from which any electricity is sold, it will be considered a small EGU if it has the potential to use more than 50.0 percent of the usable energy from the boiler or turbine to generate electricity. This will address EPA's second concern (discussed in the previous paragraph) about owners or operators of large boilers and turbines that have small generators. All other boilers and turbines (including boilers and turbines connected to generators equal to or less than 25 MWe from which any electricity is sold and which have the potential to use 50.0 percent or less of the usable energy from the boiler or turbine to generate electricity) will be considered non-EGUs and the process described below should be used to classify those units as large or small. Once a unit has been classified, EPA does not intend to reclassify that unit, but may reconsider unit classification in 2007 along with the 2007 transport reassessment.

Clarification of Non-EGU Large Source Classification for Purposes of Estimating Budget Reductions

The following discussion clarifies EPA's classification of ''large'' and ''small'' sources for categories of the non-EGU point sources affected by the emissions budget reductions. The ''large'' non-EGU point source categories involved in the budget reductions are boilers, turbines, stationary internal combustion engines, and cement plants. The following method was used to

[1] If any comments are received on the following EGU classification, EPA will consider them in the context of its final section 126 and FIP actions.

identify ''large'' and ''small'' non-EGU boilers and turbines (for more detailed information refer to the ''Development of Modeling Inventory and Budgets for Regional SIP Call'' document, September 24, 1998, in docket A–96–56):

1. Where boiler heat input capacity data were available for a unit, those data were used. Units with such data that are less than or equal to 250 mmBtu are ''small'' and units greater than 250 mmBtu/hr are ''large.''

2. Where boiler heat input capacity data were not available for a unit, those data were estimated, as described in the NPR and SNPR. Units estimated to be greater than 250 mmBtu/hr are ''large.''

3. Where boiler heat input capacity data were not available for a unit and where the boiler capacity was estimated to be less than 250 mmBtu/hr, 1995 point-level emissions were checked for each unit. If the 1995 average daily ozone season emissions were greater than one ton, the unit was categorized as a ''large'' source; otherwise, the unit was categorized as a ''small'' source.

A stationary internal combustion engine and a cement plant were determined to be ''large'' if its 1995 average daily ozone season emissions were greater than one ton. The heat input capacity does not affect its classification as large or small.

Clarification to 40 CFR 51.121(f)(2)(ii)

This notice clarifies that 40 CFR 51.121(f)(2)(ii) requires that if a State controls large EGUs and large non-EGU boilers, turbines and combined cycle units for purposes of complying with the NO_X SIP call, those control measures must assure that collectively all such sources, including new or modified units, will not exceed the total NO_X emissions projected for such sources and that those control measures must be in place no later than May 1, 2003. The amendment made to 40 CFR 51.121(f)(2)(ii) in this correction notice also clarifies that if SIP rules allow the large EGUs and large non-EGU boilers, turbines, and combined cycle units to use credits from the State compliance supplement pool, those units may use credit from the State compliance supplement pool during the 2003 or 2004 control seasons.

Section 51.121(f)(2)(ii) in the October 27 final SIP call requires that if a State elects to impose control measures on fossil fuel-fired NO_X sources serving electric generators with a nameplate capacity greater than 25 MWe or boilers, combustion turbines or combined cycle units with a maximum design heat input greater than 250 mmBtu/hr, those measures must assure that collectively all such sources, including new or modified units, will not exceed in the 2007 ozone season the total NO_X emissions projected for such sources. Section 51.121(b)(1)(i) requires that SIP revisions must contain control measures adequate to prohibit NO_X emissions in excess of the budget for that jurisdiction and 40 CFR 51.121(b)(1)(ii) requires that those control measures be implemented by May 1, 2003. Therefore, 40 CFR 51.121(f)(2)(ii) is amended to contain an explicit reference to 40 CFR 51.121(b)(1)(i) and (ii). This amendment clarifies that the control measures adopted for large EGUs and large non-EGU boilers, turbines, and combined cycle units sources, including new or modified units, must be in place by May 1, 2003.''

Additionally, by referencing 40 CFR 51.121(b)(1)(i) (40 CFR 51.121(b)(1)(i) references 40 CFR 51.121(e) which provides for distribution of the compliance supplement pool) in 40 CFR 51.121(f)(2)(ii), this notice clarifies that if SIP rules allow large EGUs and large non-EGU boilers, turbines and combined cycle units to use credits from the State compliance supplement pool, those sources, including new or modified units, may demonstrate compliance in the 2003 and 2004 control seasons using credit from the compliance supplement pool.

Correction to 40 CFR 96.42

This notice corrects the formula for distributing unused allowances in the new source set-aside back to existing sources. The October 27 final SIP call mistakenly included an extra parenthesis in the text of 40 CFR 96.42. The text of 40 CFR 96.42 is corrected to remove the extra parenthesis so that the formula reads: Unit's share of NO_X allowances remaining in allocation set-aside = Total NO_X allowances remaining in allocation set-aside × (Unit's NO_X allowance allocation ÷ State trading program budget excluding allocation set-aside).

Correction to Page 57,404

On page 57,404, third column, the carryover sentence, beginning, ''The Air Quality Modeling TSD * * *'' is inaccurate and is replaced with the following: ''The 'National Air Quality and Emissions Trends Report, 1996,' included in the docket as VI–C–18, contains information as to the reductions in ozone values that have resulted from these controls.''

Administrative Requirements

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).

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This action also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655 (May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This action also is not subject to Executive Order 13045 (Protection of Children from Environmental Health Risks and Safety Risks) (62 FR 19885, April 23, 1997) because EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This action is not subject to E.O. 13045 because it does not establish an environmental standard intended to mitigate health or safety risks. In addition, the National Technology Transfer and Advancement Act of 1997 (NTTAA) does not apply because today's action does not require the public to perform activities conducive to the use of voluntary consensus standards under that Act. The EPA's compliance with these statutes and Executive Orders for the underlying rule, the final NO_X SIP call, is discussed in 63 FR 57477–81 (October 27, 1998).

List of Subjects

40 CFR Part 51

Environmental protection, Air pollution control, Administrative practice and procedure, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Transportation, Volatile organic compounds.

40 CFR Part 96

Environmental protection, Administrative practice and procedure, Air pollution control, Nitrogen dioxide, Reporting and recordkeeping requirements.

Dated: December 18, 1998.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

40 CFR parts 51 and 96 are amended as follows:

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION, AND SUBMITTAL OF IMPLEMENTATION PLANS

1. The authority citation for part 51 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart G—Control Strategy [Amended]

2. Section 51.121 is amended to revise paragraphs (e)(4) introductory text and (f)(2)(ii) to read as follows:

§ 51.121 Findings and requirements for submission of State implementation plan revisions relating to emissions of oxides of nitrogen.

* * * * *

(e) * * *

(4) If, no later than February 22, 1999, any member of the public requests revisions to the source-specific data and vehicle miles traveled (VMT) and nonroad mobile growth rates, VMT distribution by vehicle class, average speed by roadway type, inspection and maintenance program parameters, and other input parameters used to establish the State budgets set forth in paragraph (e)(2) of this section or the 2007 baseline sub-inventory information set forth in paragraph (g)(2)(ii) of this section, then EPA will act on that request no later than April 23, 1999 provided:

* * * * *

(f) * * *

(2) * * *

(ii) Impose enforceable mechanisms, in accordance with paragraphs (b)(1) (i) and (ii) of this section, to assure that collectively all such sources, including new or modified units, will not exceed in the 2007 ozone season the total NO_X emissions projected for such sources by the State pursuant to paragraph (g) of this section.

* * * * *

PART 96—NO_X BUDGET TRADING PROGRAM FOR STATE IMPLEMENTATION PLANS

3. The authority citation for part 96 continues to read:

Authority: U.S.C. 7401, 7403, 7410, and 7601.

4. Section 96.42 is amended in paragraph (f) to revise the formula immediately preceding the word ''Where:'' to read as follows:

§ 96.42 NO_X allowance allocations.

* * * * *

(f) * * *

Unit's share of NO_X allowances remaining in allocation set-aside = Total NO_X allowances remaining in allocation set-aside × (Unit's NO_X allowance allocation ÷ State trading program budget excluding allocation set-aside)

* * * * *

[FR Doc. 98–34150 Filed 12–23–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 266 and 273

[FRL–6207–7]

RIN 2050–AD19

Universal Waste Rule (Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program)

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correcting amendments.

SUMMARY: The Environmental Protection Agency (EPA) is correcting errors that appeared in the Universal Waste Rule which was published in the **Federal Register** (FR) on May 11, 1995 (60 FR 25492). This final rule creates no new regulatory requirements; rather it: makes three corrections to the regulations governing management of spent lead-acid batteries that are reclaimed; corrects the definition of a small quantity universal waste handler; and clarifies the export requirements which apply to destination facilities when destination facilities act as universal waste handlers.

EFFECTIVE DATE: December 24, 1998.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA/Superfund Hotline at (800) 424–9346 (toll free) or TDD 800 553–7672 (hearing impaired). Contact the RCRA Hotline in the Washington, D.C. metropolitan area at (703) 412–9810 or TDD 703 412–3323. For specific information concerning the Universal Waste Rule, contact Mr. Bryan Groce at (703) 308–8750, Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, mailcode 5304W. This rule is available on the Internet. Please follow these instructions to access the rule electronically: From the World Wide Web (WWW), type://www.epa.gov/epaoswer, then select option for Laws and Regulations. The official record for this action is kept in a paper format.

SUPPLEMENTARY INFORMATION:

Table of Contents

1. What is the statutory authority for this rule?
2. Does this rule create any new federal requirements?
3. What does this rule do?
4. Why are the clarifications and corrections necessary?
5. What other changes have been made as a result of this rule?
6. What federal requirements apply to spent lead-acid batteries?
7. Why are there two options for managing lead-acid batteries?
8. Is lead-acid battery regeneration a type of reclamation? If yes, why did EPA decide to regulate it differently from other lead-acid battery reclamation?
9. How does today's technical correction clarify requirements for handling spent lead-acid batteries that will be regenerated?
10. How does today's technical correction affect management requirements for storing lead-acid batteries before reclaiming them?
11. How does today's technical correction change the definition of ''small quantity handler of universal waste?''
12. How is EPA correcting requirements related to exports of universal wastes?
13. Why isn't EPA proposing these changes for public comment and establishing an effective date later than the promulgation date?
14. Does this technical correction meet conditions described in the Executive Order 12866, the Regulatory Flexibility Act, the Unfunded Mandates Reform Act of 1995, the Paperwork Reduction Act, the National Technology Transfer and Advancement Act of 1995, and the Executive Orders 13045, 12875, and 13084?
15. Has EPA submitted this rule to Congress and the General Accounting Office?