was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: February 20, 1999.

Chuck Findley,

Acting Regional Administrator, Region 10.

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

PART 52—[AMENDED]

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

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

Subpart MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c)(127) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(127) December 9, 1996, letter from the Director, Oregon Department of Environmental Quality, to the Region 10 Regional Administrator, EPA, submitting the Attainment Plan for the Oakridge, Oregon PM–10 nonattainment area as a revision to its SIP.

(i) Incorporation by reference.

(A) State Implementation Plan for PM–10 in Oakridge, dated August 1996, and Appendices XII, XIII and XIV.

(ii) Additional Material: Appendix I through VI and VIII through XI of the State Implementation Plan for PM–10 in Oakridge dated August 1996.

[FR Doc. 99–6259 Filed 3–12–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX99–1–7389a; FRL–6239–5]

Approval and Promulgation of Implementation Plans; Texas; Reasonably Available Control Technology for Emissions of Volatile Organic Compounds (VOCs) From Wood Furniture Coating Operations and Ship Building and Repair Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: We, the EPA, are taking direct final action to include rules in the Texas State Implementation Plan (SIP). These rules control emissions of VOCs from Wood Furniture Coating Operations and Ship Building and Repair Operations. Texas submitted these rules in a letter dated April 13, 1998, to meet the Federal Clean Air Act's (the Act) requirements for Reasonably Available Control Technology (RACT).

DATES: This direct final rule is effective on May 14, 1999 unless we receive adverse comments by April 14, 1999. If we receive such comments, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), at the EPA Region 6 Office listed below.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), Multimedia Planning and Permitting Division, Dallas, 1445 Ross Avenue, Texas 75202–2733, telephone: (214) 665–7214.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Guy R. Donaldson, Air Planning Section (6PD–L), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone: (214) 665–7242.

SUPPLEMENTARY INFORMATION:

What Action Is EPA Taking?

We are approving revisions to Texas rules for the control of VOC emissions from Wood Furniture Coating Operations and from Ship Building and Repair Operations. These facilities emit VOCs, primarily during painting and solvent clean up operations. Texas based these rules on the EPA Control Technique Guidelines (CTGs) for these source categories. The approval of these rules means that we agree Texas is implementing RACT on these source categories as required by section 182(b)(2)(A) and (C), and section 183 of the Act. Texas also is requiring that coating of offshore oil and gas platforms coated at shipbuilding/ship repair facilities meet the limits in the CTG. This approval will incorporate these rules into the Texas SIP. The authority for our approval of these rules is found in section 110, Part D and section 301 of the Act.

What Are the Clean Air Act's RACT Requirements?

Section 172 of the Act contains general requirements for States to implement RACT in areas that do not meet the National Ambient Air Quality Standard (NAAQS). Section 182(b)(2) of the Act contains more specific requirements for moderate and above ozone nonattainment areas. In particular, 182(b)(2)(A) requires States to implement RACT on each category of VOC source covered by a CTG issued after enactment of the 1990 Clean Air Act Amendments.

On April 27, 1996, we issued a CTG for ship building and repair operations. On May 20, 1996, we issued a CTG for Wood furniture manufacturing operations. The State of Texas was then required to implement RACT requirements in its moderate and above ozone nonattainment areas based on the information in these CTGs.

A related requirement of the Act in 182(b)(2)(C) calls for States to implement RACT on major sources of VOCs in ozone nonattainment area. The Act defines a major source as a facility that emits more than 100 tons/year in a marginal or moderate ozone nonattainment area, 50 tons/year in a serious ozone nonattainment area or 25 tons/year in a severe ozone nonattainment area. Texas submitted and we approved (61 FR 5589) declarations that, outside of the Houston ozone nonattainment area, there are no major shipbuilding and repair sources in ozone nonattainment areas. In the same **Federal Register**, we approved a declaration that, outside of the Dallas/Fort Worth nonattainment area, there were no major wood furniture manufacturing operations in ozone nonattainment areas in Texas.

A CTG, however, can call for control of sources that emit less than a major source level of emissions if control of smaller sources is technically and economically feasible. The wood furniture CTG indicates that sources emitting as little as 25 tons/year can be controlled at reasonable cost even in serious or moderate ozone nonattainment area. Thus, the Texas rule calls for the control of wood furniture manufacturing operations that emit more than 25 tons/year in all of the ozone nonattainment areas in Texas.

Texas has chosen to implement the shipbuilding and repair CTG in the

Beaumont/Port Arthur and Houston/Galveston areas because these operations would only be expected to occur in the coastal areas. The shipbuilding and repair CTG outlines reasonable controls based on the major source definition for a nonattainment area. Thus in the Beaumont/Port Arthur area, only facilities emitting more than 100 tons/year are required to implement controls. Texas chose to implement the rules in Beaumont, in spite of the previous declaration that there were no major source ship building and repair facilities. In Houston, ship building and repair facilities that emit as little as 25 tons/year must be controlled.

Why Regulate VOCs?

Oxygen in the atmosphere reacts with VOCs and Oxides of Nitrogen (NO_X) to form ozone, a key component of urban smog. Inhaling even low levels of ozone can trigger a variety of health problems including chest pains, coughing, nausea, throat irritation, and congestion. It also can worsen bronchitis and asthma. Exposure to ozone can also reduce lung capacity in healthy adults.

What Is a SIP?

Section 110 of the Act requires States to develop air pollution regulations and control strategies to ensure that state air quality meets the NAAQS established by the EPA. These ambient standards are established under section 109 of the Act and they address six criteria pollutants: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the federally enforceable SIP. Each State has a SIP designed to protect air quality. These SIPs can be extensive, containing State regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What Is a Control Technique Guideline?

A CTG is a document issued by EPA that includes information regarding technology and costs of various emissions control techniques that States can use to establish RACT. Each CTG contains a ''presumptive norm'' for RACT for a specific source category. Where applicable, States should adopt rules consistent with the presumptive norm. If a State adopts rules consistent with the presumptive norm, we will approve the rules as RACT. States may choose to develop their own RACT requirements on a case by case basis, considering the economic and technical circumstances of an individual source. If we agree with the State's technical and economic analysis for a particular source, we can approve source specific RACT requirements that differ from the presumptive norm in the CTG.

Section 183 of the Clean Air Act Amendments called for EPA to issue 11 CTGs. One of these CTGs was the Wood Furniture CTG. In addition, section 183(b)(4) specifically directed EPA to issue a CTG for the control of emissions from ship building and repair operations.

What Do the State's Rules Require?

Texas generally followed the presumptive norm in the CTGs. The requirements for ship building and repair and wood furniture coating can be found in the TNRCC's rules for Surface Coating Processes located at 30 TAC 115.420–115.429. These rules establish limits for the amount of VOCs that marine coatings and wood furniture coatings can contain when applied which are identical to those contained in the CTGs.

The rules for wood furniture coating also establish new work practices as recommended by the CTG. For wood furniture coating operations, the rules generally prohibit the use of conventional air spray guns. Instead facilities must use, where possible, paint application equipment that will result in a lower percentage of paint over spray. Less over spray will result in lower emissions of VOCs.

We reviewed the State's requirements against the recommendations in the CTGs and agree that RACT is being implemented for wood furniture operations and ship building. For further information regarding our review, please see the Technical Support Document located in the docket for this action.

Do These State Rules, Which EPA Is Now Approving, Apply to Me?

These rules are intended to reduce VOC emissions in areas that do not meet NAAQS for ozone. Consequently, these rules apply to facilities located in the Dallas/Fort Worth (moderate), El Paso (serious), Beaumont/Port Arthur (moderate) and Houston/Galveston (severe) ozone nonattainment areas.

Specifically, these rules apply to you if you are an owner or operator of a wood furniture coating operation that emits, when uncontrolled, more than 25 tons/year of VOCs, and you are located in Dallas, Denton, Tarrant, Collin, Hardin, Jefferson, Orange, Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, Waller or El Paso Counties. If you emit less than 25 tons/year VOCs when uncontrolled, you will need to continue to comply with Texas' existing rules for wood furniture coating contained at 115.421(a)(13).

These rules apply to you if you are the owner or operator of a ship building operation or ship repair operation that emits more than 100 tons/year of VOC, when uncontrolled, in Hardin, Jefferson or Orange counties. Also, these rules apply to you if you are the owner or operator of a ship building operation or ship repair operation that emits, when uncontrolled, more than 25 tons/year in Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, or Waller Counties.

What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of the State regulation before and after it is incorporated into the federally approved SIP is primarily a state function. However, once the regulation is federally approved, the EPA and the public may take enforcement action against violators of these regulations if the state fails to do so.

What Is the Federal Approval Process for a SIP?

In order for State regulations to be incorporated into the federally enforceable SIP, States must formally adopt the regulations and control strategies consistent with State and Federal requirements. This process generally includes a public notice, a public hearing, a public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a State rule, regulation, or control strategy is adopted, the State may submit the adopted provisions to us and request that these provisions be included in the federally enforceable SIP. We must then decide on an appropriate Federal action, provide public notice on this action, and seek additional public comment regarding this action. If adverse comments are received, we must address them prior to a final action.

All State regulations and supporting information approved by the EPA under section 110 of the Act are incorporated into the federally approved SIP. Records of these SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The actual State regulations which were approved are not reproduced in their entirety in the CFR but are ''incorporated by reference,'' which means that we have approved a given State regulation with a specific effective date.

What Is the Process for EPA's Approval of This SIP Revision?

We are 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** publication, we are 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 May 14, 1999 without further notice unless we receive adverse comment by April 14, 1999. If we receive adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

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

Administrative Requirements

Executive Order 12866

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

B. Regulatory Flexibility

The Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, 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 Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids EPA to base its actions concerning SIPs on such grounds. *See Union Electric Co.*, v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to 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.

The 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 preexisting 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.

D. 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. The 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective May 14, 1999.

E. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, 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 any 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.

F. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

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, or EPA consults with those governments. If the EPA complies by consulting, E.O. 13084 requires EPA to provide to OMB, 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 officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on

matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any new requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

G. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

H. Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 14, 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, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 1, 1999.

Jerry Clifford,

Acting Regional Administrator, Region 6.

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

PART 52—[AMENDED]

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

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

Subpart SS—Texas

2. Section 52.2270 is amended by adding paragraph (c)(117) to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(117) Revisions to the Texas State Implementation Plan submitted to the EPA in a letter dated April 13, 1998. These revisions address Reasonably Available Control Technology for Wood Furniture coating operations and Ship Building and Repair. The revisions also address coating of oil and gas platforms at ship building and repair facilities.

(i) Incorporation by Reference.

(A) Revisions to Regulation V, as adopted by the Commission on March 18, 1998, effective April 7, 1998, sections 115.10. Definitions—Introductory Paragraph, 115.420 Surface Coating Definitions, 115.420(a) General Surface Coating Definitions, 114.420(a)(1)–115.420(a)(10), 115.420(b) Specific surface coating definitions—Introductory Paragraph, 115.420(b)(1), 115.420(b)(2), 115.420(b)(2)(A), 115.420(b)(2)(B), 115.420(b)(3)–115.420(b)(9), 115.420(b)(10), 115.420(b)(10)(A)–115.420(b)(10)(E), 115.420(b)(10)(F), 115.420(b)(10)(F)(i)–115.420(b)(10)(F)(vii), 115.420(b)(10)(G), 115.420(b)(11), 115.420(b)(12), 115.420(b)(12)(A)–115.420(b)(12)(FF), 115.420(b)(13), 115.420(b)(13)(A), 115.420(b)(13)(A)(i), 115.420(b)(13)(A)(ii), 115.420(b)(13)(B), 115.420(b)(13)(B)(i)–115.420(b)(13)(B)(ix), 115.420(b)(14), 115.420(b)(15), 115.420(15)(A), 115.420(15)(A)(i)–115.420(15)(A)(xi), 115.420(15)(B), 115.420(15)(B)(i)–115.420(15)(B)(xix), 115.421(a), 115.421(a)(8), 115.421(a)(8)(B), 115.421(a)(8)(B)(i)–115.421(a)(8)(B)(ix), 115.421(a)(13), 115.421(a)(13)(A), 115.421(a)(13)(A)(i)–115.421(a)(13)(A)(vii), 115.421(a)(13)(A)(viii), 115.421(a)(13)(A)(ix), 115.421(a)(14), 115.421(a)(14)(A), 115.421(a)(14)(A)(i), 115.421(a)(14)(A)(ii), 115.421(a)(14)(A)(iii), 115.421(a)(14)(A)(iii)(I)–115.421(a)(14)(A)(iii)(III), 115.421(a)(14)(A)(iv)–115.421(a)(14)(A)(vi), 115.421(a)(14)(B), 115.421(a)(15), 115.421(a)(15)(A),115.421(a)(15)(B), 115.421(a)(15)(B)(i), 115.421(a)(15)(B)(ii), 115.421(b), 115.422. Control Requirements—Introductory Paragraph, 115.422(2), 115.422(3), 115.422(3)(A), 115.422(3)(B), 115.422(3)(C), 115.422(3)(C)(i), 115.422(3)(C)(ii), 115.422(3)(C)(ii)(I), 115.422(3)(C)(ii)(II), 115.422(3)(C)(iii)–115.422(3)(C)(v), 115.422(3)(C)(vi), 115.422(3)(C)(vi)(I), 115.422(3)(vi)(II), 115.422(3)(D), 115.422(3)(E), 115.422(3)(E)(i), 115.422(3)(E)(ii), 115.422(4), 115.422(4)(A)–115.422(4)(C), 115.422(5), 115.422(5)(A), 115.422(5)(B), 115.423(a), 115.423(a)(1), 115.423(a)(2), 115.423(b), 115.423(b)(1), 115.423(b)(2), 115.426(a), 115.426(a)(1), 115.426(a)(1)(B), 115.426(a)(1)(B)(i), 115.426(a)(1)(B)(ii), 115.426(a)(2), 115.426(a)(2)(A), 115.426(a)(2)(A)(i), 115.426(b), 115.426(b)(1), 115.426(b)(1)(B), 115.426(b)(2), 115.426(b)(2)(A), 115.426(b)(2)(A)(i), 115.427(a), 115.427(a)(1), 115.427(a)(1)(B), 115.427(a)(1)(C), 115.427(a)(3), 115.427(a)(3)(A), 115.427(a)(3)(B), 115.427(a)(3)(D)–115.427(a)(3)(I), 115.427(b), 115.427(b)(4), 115.429(a), and 115.429(b).

(B) Certification Dated March 18, 1998 that these are true and correct copies of revisions to 30 TAC Chapter 115 and the SIP.

[FR Doc. 99–6254 Filed 3–12–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL–6236–9]

Approval of Section 112(l) Authority for Hazardous Air Pollutants; Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; State of California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The California Air Resources Board (CARB) requested approval, under Section 112(l) of the Clean Air Act (the Act), to implement and enforce California's ''Hexavalent Chromium Airborne Toxic Control Measure for Chrome Plating and Chromic Acid Anodizing Operations'' (Chrome ATCM) in place of the ''National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks'' (Chrome NESHAP). EPA has reviewed this request and has found that it satisfies all of the