(2) The COTP Philadelphia and the Duty Officer at the Marine Safety Office, Philadelphia, Pennsylvania, can be contacted at telephone number (215) 271–4940 and on VHF channels 13 and 16.

(3) The COTP Philadelphia may authorize and designate any Coast Guard commissioned, warrant, or petty officer to act on his behalf in enforcing this safety zone.

Dated: January 25, 1999.

T.E. Bernard,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 99–2973 Filed 2–5–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN55–01–7280b; MN56–01–7281b; MN57–01–7282b; FRL–6230–4]

Approval and Promulgation of State Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: In this document, the EPA is proposing to approve revisions to Minnesota's State Implementation Plan (SIP) for particulate matter and sulfur dioxide in the Minneapolis-St. Paul area. This revision amends State Administrative Orders for North Star Steel Company, LaFarge Corporation, and GAF Building Materials.

In the final rules section of this **Federal Register**, EPA is approving the State's request as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless the Agency receives relevant adverse written comment on this action within 30 days of this publication. Should the Agency receive such comment, it will publish a document informing the public that the direct final rule will not take effect and such public comment received will be addressed in a subsequent final rule based on this proposed rule. If no adverse comments are received, the direct final rule will take effect on the date stated in that document and no further activity will be taken on this proposed rule. EPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before March 10, 1999.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Christos Panos at (312) 353–8328.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this **Federal Register**. Copies of the documents relevant to this action are available for public inspection during normal business hours at the above address. (Please telephone Christos Panos at (312) 353–8328 before visiting the Region 5 Office.)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Sulfur dioxide.

Dated: January 19, 1999.

JoLynn Traub,

Acting Regional Administrator, Region 5.

[FR Doc. 99–2786 Filed 2–5–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 83

[FRL–6230–7]

RIN 2060–AI11

Control of Emissions From New Nonroad Spark-Ignition Engines Rated Above 19 Kilowatts and New Land-Based Recreational Spark-Ignition Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Finding.

SUMMARY: EPA proposes a finding that nonroad spark-ignition engines rated above 19 kilowatts, as well as all land-based recreational nonroad spark-ignition engines, cause or contribute to air quality nonattainment in more than one ozone or carbon monoxide nonattainment area. EPA also proposes a finding that particulate matter emissions from these engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. This proposal does not address marine propulsion engines.

DATES: EPA requests comment on this proposal no later than April 12, 1999. EPA will hold a public hearing on this proposed finding on March 11, 1999 if one is requested on or before February 23, 1999.

ADDRESSES: Materials related to this action are contained in Public Docket A–98–01, located at room M–1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460. Anyone may inspect the docket from 8:00 a.m. until 5:30 p.m., Monday through Friday. EPA may charge a reasonable fee for copying docket materials.

Send comments on this notice to Public Docket A–98–01 at the above address. EPA requests that you also send a copy of any comments to Alan Stout, U.S. EPA, 2000 Traverwood Drive, Ann Arbor, MI 48105.

FOR FURTHER INFORMATION CONTACT: Alan Stout (734) 214–4805.

SUPPLEMENTARY INFORMATION: EPA has established emission standards for several nonroad engine categories. The categories of nonroad engines for which standards currently exist cover a variety of applications, including farm and construction equipment, marine vessels, locomotives, and lawn and garden equipment. Lawn and garden equipment uses nonroad spark-ignition engines, but these engines are generally rated below 19 kW. Emission standards targeting lawn and garden engines therefore apply only to engines rated at or below 19 kW.

In contrast, nonroad spark-ignition engines rated above 19 kW (25 hp) and all spark-ignition engines used in land-based recreational applications are not currently subject to federal emission standards.[1] With this document, EPA is beginning the process leading to eventual emission standards for these engines.

I. Statutory Authority

Section 213(a)(1) of the Clean Air Act, 42 U.S.C. 7547(a), requires that the Agency study the emissions from all categories of nonroad engines and equipment (other than locomotives) to determine, among other things, whether these emissions ''cause or significantly contribute to air pollution which may reasonably be anticipated to endanger public health and welfare.'' Section 213(a)(2) further requires EPA to determine, through notice and comment, whether the emissions of

[1] For the purposes of this document, all references to spark-ignition engines rated above 19 kW includes marine auxiliary engines, but excludes marine propulsion engines.

carbon monoxide (CO), volatile organic compounds (VOCs), and oxides of nitrogen (NO_X) found in the above study significantly contributes to ozone or CO concentrations in more than one ozone or CO nonattainment area. With such a determination of significance, section 213(a)(3) requires the Agency to establish emission standards applicable to CO, VOC, and NO_X emissions from classes or categories of new nonroad engines and vehicles that cause or contribute to such air pollution. Moreover, if EPA determines that any other emissions from new nonroad engines contribute significantly to air pollution, EPA may promulgate emission standards under section 213(a)(4) regulating emissions from classes or categories of new nonroad engines that EPA finds contribute to such air pollution.

As directed by the Clean Air Act, EPA conducted a study of emissions from nonroad engines, vehicles, and equipment in 1991.[2] Based on the results of that study, referred to as NEVES, EPA determined that emissions of NO_X, HC, and CO from nonroad engines and equipment contribute significantly to ozone and CO concentrations in more than one nonattainment area (see 59 FR 31306, June 17, 1994).[3] Given this determination, section 213(a)(3) of the Act requires EPA to promulgate emissions standards for those classes or categories of new nonroad engines, vehicles, and equipment that in EPA's judgment cause or contribute to such air pollution. EPA is proposing in this document that nonroad SI engines rated above 19 kW and all land-based recreational nonroad SI engines ''cause or contribute'' to such air pollution.

Where EPA determines that other emissions from nonroad engines, vehicles, or equipment significantly contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, section 213(a)(4) authorizes EPA to establish (and from time to time revise) emission standards from those classes or categories of new nonroad engines, vehicles, and equipment that EPA determines cause or contribute to such air pollution, taking into account cost, noise, safety and energy factors associated with the application of technology used to meet the standards. EPA has made this determination for emissions of particulate matter (PM) and smoke from nonroad engines (see 59 FR 31306, June 17, 1994). In that rulemaking, EPA found that smoke emissions from nonroad engines significantly contribute to such air pollution based on smoke's relationship to the particulate matter that makes up smoke. Particulate matter can be inhaled into the lower lung cavity, posing a potential health threat. EPA cited recent studies associating PM with increased mortality. EPA also noted smoke's impact on visibility and soiling of urban buildings and other property.[4] EPA also promulgated standards for emissions of PM and smoke from nonroad diesel engines in that rulemaking. With this document, EPA is proposing to find that emissions of PM from nonroad SI engines rated above 19 kW and all land-based recreational nonroad SI engines ''cause or contribute'' to such air pollution, taking cost, noise, safety and energy factors into account.

II. Emission Modeling

EPA is in the process of developing its updated Nonroad Emissions Model, which computes nationwide emission levels for a wide variety of nonroad engines. The model incorporates information on emission rates, operating data, and population to determine annual emission levels of various pollutants. Population and operating data, including load factor and operating rate, are determined separately for dozens of different applications. Load factor refers to the degree to which an engine is loaded, with full-power operation indicated by a load factor of 1.0. In addition to gasoline, Large SI engines can operate on liquefied petroleum gas (LPG) or compressed natural gas (CNG). An EPA memorandum describes the detailed inputs and methodology for this modeling.[5] Some of the key operating parameters from the model are reproduced in Tables 1 and 2.

TABLE 1.—OPERATING PARAMETERS AND POPULATION ESTIMATES FOR VARIOUS APPLICATIONS OF ENGINES RATED ABOVE 19 KW

Application	Load factor	Hours	1996	2010	Percent
		per year	population	population	LPG/CNG
Forklift	0.30	1500	442,000	547,063	95
Generator	0.68	115	205,990	202,177	50
Welder	0.51	208	55,495	67,872	50
Commercial turf	0.60	733	41,440	55,074	0
Pump	0.69	221	41,104	44,830	50
Air compressor	0.56	484	24,182	28,633	50
Baler	0.62	68	21,937	27,597	0
Irrigation set	0.60	716	17,800	9,724	50
Aerial lift	0.46	361	15,734	15,555	50
Scrubber/sweeper	0.71	516	14,154	13,955	50
Chipper/grinder	0.78	488	12,218	16,262	50
Leaf blower/vacuum	0.75	56	10,823	14,384	0
Oil field equipment	0.90	1104	8,792	8,924	100
Sprayer	0.65	80	8,635	10,863	0
Trencher	0.66	402	8,168	9,604	50
Specialty vehicle/cart	0.58	65	7,833	8,726	50
Skid/steer loader	0.58	310	7,795	9,164	50
Other general industrial	0.54	713	3,987	3,942	50
Rubber-tired loader	0.71	512	3,476	4,088	50

[2] ''Nonroad Engine and Vehicle Emission Study—Report and Appendices,'' EPA–21A–201, November 1991 (available in Air docket A–96–40).

[3] The terms HC (hydrocarbon) and VOC (volatile organic carbon) refer to similar sets of chemicals and are generally used interchangeably.

[4] The nonroad study (NEVES) found that nonroad sources are responsible for approximately 5.55% of the total anthropogenic inventory of PM emissions and over one percent of total PM emissions in six to ten of the thirteen nonattainment areas surveyed.

[5] ''Emission Modeling for Large SI Engines,'' EPA memorandum from Alan Stout to Docket A–98–01 (document II–B–01), January 28, 1999.

TABLE 1.—OPERATING PARAMETERS AND POPULATION ESTIMATES FOR VARIOUS APPLICATIONS OF ENGINES RATED ABOVE 19 kW—Continued

Application	Load factor	Hours per year	1996 population	2010 population	Percent LPG/CNG
Gas compressor	0.60	8500	3,023	1,620	100
Paving equipment	0.59	175	2,996	3,524	50
Terminal tractor	0.78	827	2,905	2,872	50
Bore/drill rig	0.79	107	2,618	3,080	50
Ag. tractor	0.62	550	2,152	2,707	0
Concrete/industrial saw	0.78	610	2,133	2,509	50
Rough terrain forklift	0.63	413	1,933	2,273	50
Roller	0.62	621	1,596	1,878	50
Crane	0.47	415	1,584	1,864	50
Other material handling	0.53	386	1,535	1,518	50
Paver	0.66	392	1,337	1,573	50
Other agriculture equipment	0.55	124	1,234	1,552	0
Other construction	0.48	371	1,222	1,436	50
Pressure washer	0.85	115	1,207	2,271	50
Aircraft support	0.56	681	840	1,238	50
Crushing/processing equip	0.85	241	532	628	50
Surfacing equipment	0.49	488	481	567	50
Tractor/loader/backhoe	0.48	870	416	489	50
Hydraulic power unit	0.56	450	339	384	50
Other lawn & garden	0.58	61	333	443	0
Refrigeration/AC	0.46	605	163	226	100

TABLE 2.—OPERATING PARAMETERS AND POPULATION ESTIMATES FOR LAND-BASED RECREATIONAL ENGINES

Application	Load factor	Hours per year	1996 population	2010 population	Percent 2-stroke
ATV/Nonroad Motorcycle*	0.72	135	1,743,801	1,880,196	19
Snowmobile	0.81	121	1,289,302	1,390,148	100
Specialty vehicle	0.58	65	413,492	445,853	43

*Including mini-bikes, mopeds, and go-carts.

Emission modeling runs for the years 2000 and 2010 are summarized in Tables 3 and 4. These tables show relative contributions of the different mobile source categories to the overall emissions inventory. Of the total emissions from mobile sources, nonroad SI engines rated above 19 kW contribute 1 percent, 2 percent, 3 percent, and 0.4 percent of HC, NO_X, CO, and PM emissions in the year 2000. The results for land-based recreational engines reflect the much different emissions profile from two-stroke engines. These engines are estimated to contribute 15 percent of mobile source HC emissions, 9 percent of CO emissions, and 0.2 percent of NO_X emissions. PM emissions from land-based recreational engines amount to 2 percent of total mobile source emissions. Since highway engines account for a large fraction of mobile source emissions, as shown in Tables 3 and 4, the contribution of these engines as a percentage of total nonroad emissions will be significantly higher than that from total mobile sources emissions.

These emission figures are projected to change somewhat by 2010. The contribution of CO emissions from SI engines above 19 kW increases to 4 percent and the contribution of HC and CO emissions from land-based recreational engines increases to 19 percent and 11 percent. Population growth and the effects of regulatory control programs are factored into these later emissions estimates. Table 4 shows that the relative importance of uncontrolled engines grows over time as other engines reduce their emission levels. The effectiveness of all control programs is offset by the anticipated growth in engine populations.

TABLE 3.—MODELED ANNUAL EMISSION LEVELS FOR MOBILE SOURCE CATEGORIES IN 2000

[Thousand short tons.]

Category	NO_X		HC		CO		PM	
	tons	percent	tons	percent	tons	percent	tons	percent
Nonroad SI > 19 kW	227	2	57	1	2,060	3	3	0.4
Recreational SI equip.	25	0.2	1,100	15	6,652	9	16	2
Nonroad SI < 19 kW	82	0.7	623	8	13,859	19	14	2
Marine SI	39	0.4	609	8	2,177	3	30	4
Nonroad diesel	2,803	25	371	5	1,002	1	306	44
Marine diesel	206	2	45	1	76	0.1	30	4
Locomotive	1,075	10	46	1	104	0.1	27	4
Aircraft	178	2	183	2	1,017	1	39	6

TABLE 3.—MODELED ANNUAL EMISSION LEVELS FOR MOBILE SOURCE CATEGORIES IN 2000—Continued

[Thousand short tons.]

Category	NO_X		HC		CO		PM	
	tons	percent	tons	percent	tons	percent	tons	percent
Total Nonroad	4,635	42	3,034	40	26,947	38	465	66
Total Highway	6,397	58	4,482	60	44,244	62	238	34
Total Mobile Source	11,032	100	7,516	100	71,191	100	703	100

TABLE 4.—MODELED ANNUAL EMISSION LEVELS FOR MOBILE SOURCE CATEGORIES IN 2010

[Thousand short tons.]

Category	NO_X		HC		CO		PM	
	tons	percent	tons	percent	tons	percent	tons	percent
Nonroad SI > 19 kW	288	3	46	1	2,427	4	3	0.4
Recreational SI equip.	26	0.3	1,174	19	6,900	11	18	2
Nonroad SI < 19 kW	73	0.8	293	5	11,528	18	15	2
Marine SI	49	0.5	363	6	2,221	3	22	3
Nonroad diesel	2,248	24	249	4	699	1	375	51
Marine diesel	211	2	46	1	78	0.1	31	4
Locomotive	1,075	11	46	1	104	0.2	27	4
Aircraft	209	2	215	4	1,279	2	42	6
Total Nonroad	4,179	44	2,432	40	25,236	39	533	73
Total Highway	5,354	56	3,683	60	40,201	61	200	27
Total Mobile Source	9,533	100	6,115	100	65,437	100	733	100

In presenting this analysis, EPA has estimated national emissions as a proxy for emissions within nonattainment areas. This should be a reasonable approximation due to the fact that the equipment listed in the above tables is generally not isolated to individual areas. However, EPA recognizes that some applications may not contribute equally to emissions in both attainment and nonattainment areas. EPA would like to include current data on the contribution of these sources to nonattainment area emissions when it finalizes a finding based on this proposal and the associated public comments. Accordingly, EPA seeks comments and data that address the degree to which emissions from these engines and equipment contribute to air pollution in nonattainment areas.

EPA's 1991 study analyzed emissions from nonroad engines in several nonattainment areas.[6] The analysis showed that Large SI equipment and SI recreational vehicles contribute to emissions of VOCs, NO_X, CO and PM in the vast majority of the nonattainment areas surveyed. The 1991 study does not provide total inventories for Large SI equipment because equipment categories were aggregated using different criteria than are used in this notice. However, a review of, for example, spark-ignited forklifts in the New York City Consolidated Metropolitan Statistical Area area indicated contributions of 4868, 84 853, 5148 and 27 tons per year of VOCs, CO, NO_X, and PM, respectively. According to the study, spark-ignited recreational vehicles (mini-bikes and mopeds, and others vehicle types) in the New York City Consolidated Metropolitan Statistical Area contributed 11 280, 19 054, 82 and 217 tons of these pollutants per year.[7] In the South Coast (Los Angeles) area, spark-ignited forklifts contributed 4612, 80 649, 4893 and 25 tons of VOCs, CO, NO_X and PM, respectively, while SI recreational vehicles contributed 8066, 28 465, 53 and 80 tons of these pollutants per year. Many of the factors that EPA used in creating the emission estimates for the 1991 study have been revised in the current modeling as EPA gathers more complete information regarding, for example, emission factors and population estimates. These revisions do not, however, change the central analysis of contribution in the 1991 study.

III. General Approach for an Emission Control Program

EPA has made an extensive effort to coordinate EPA's anticipated regulatory program for spark-ignited engines rated above 19 kW with the requirements adopted by the California Air Resources Board (California ARB). The California ARB finalized emission standards for these engines on October 22, 1998. An EPA memorandum provides additional information about the requirements approved by the California ARB and highlights a few issues that will warrant further attention in the EPA rulemaking.[8]

EPA believes that equipment in the large nonroad SI category generally use engines of similar design. The same is true of engines in the recreational vehicle category. Manufacturers will generally be able to produce engine models with the projected control technologies that can be used in most applications in a category without significant modification. EPA seeks additional information on relevant similarities and distinctions between engines used in these categories.

[6] See ''Nonroad Engine and Vehicle Emission Study—Report and Appendices'' and ''Nonroad Inventory Tables: Inventories A and B,'' in EPA Air Docket A–91–24.

[7] The New York City CMSA includes New York City, Long Island, parts of New York north of New York City, parts of Northern New Jersey and parts of Connecticut.

[8] ''California Requirements for Large SI Engines and Possible EPA Approaches,'' EPA memorandum from Alan Stout to Docket A–98–01 (Document II–B–02), January 28, 1999.

IV. Conclusion

Based on the analysis described in this document, EPA proposes that emissions of HC, NO_X, and CO from nonroad spark-ignition engines rated above 19 kW and from nonroad land-based spark-ignition recreational engines contribute to ozone or carbon monoxide concentrations in more than one ozone or CO nonattainment area, and emissions of PM from such engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare.

V. Public Participation

Publication of this document opens a formal comment period for this proposal. EPA will accept comments for the period indicated under **DATES** above. The Agency encourages all parties that have an interest in the program described in this document to offer comment on all aspects of this rulemaking, including the memoranda referenced in this document. All comments, with the exception of proprietary information, should be directed to the EPA Air Docket Section, Docket No. A–97–50 before the date specified above. The Agency will hold a public hearing if one is requested, as noted under **DATES** above.

Commenters wishing to submit proprietary information for consideration should clearly separate such information from other comments by (1) labeling proprietary information ''Confidential Business Information'' and (2) sending proprietary information directly to the contact person listed (see **FOR FURTHER INFORMATION CONTACT**) and not to the public docket. This will help ensure that proprietary information is not inadvertently placed in the docket. If a commenter wants EPA to use a submission of confidential information as part of the basis for the final rule, then a nonconfidential version of the document that summarizes the key data or information should be sent to the docket.

Information covered by a claim of confidentiality will be disclosed by EPA only to the extent allowed and in accordance with the procedures set forth in 40 CFR part 2. If no claim of confidentiality accompanies the submission when it is received by EPA, it will be made available to the public without further notice to the commenter.

VI. Administrative Requirements

A. Administrative Designation and Regulatory Analysis

Under Executive Order 12866, the Agency must determine whether this regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order (58 FR 51735, Oct. 4, 1993). The order defines ''significant regulatory action'' as any regulatory action that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or, (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

EPA has submitted this proposed finding to the Office of Management and Budget pursuant to Executive Order 12866.

B. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment 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.

The Agency certifies that this proposal will not have a significant economic impact on a substantial number of small entities. This proposal involves no requirements that would impose any burden on industry or other segments of society. A finding that Large SI engines cause or contribute to air pollution in at least two nonattainment areas, however, will lead EPA to initiate a rulemaking to set emission standards for these engines. In that separate rulemaking, EPA will review whether the proposed regulations would have a significant economic impact on a substantial number of small entities. The subsequent rulemaking will provide ample opportunity for notice and comment.

C. Paperwork Reduction Act

This proposal contains no requirements for collecting, storing, or reporting information.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub .L. 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''federal mandates'' that may result in expenditures to state, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

EPA has determined that this proposed finding does not contain federal mandates that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. The rule does not impose any enforceable duties on State, local, or tribal governments. This rule also contains no regulatory requirements that might significantly or uniquely affect small governments. In addition, there will be no economic effects resulting from this proposed rule Thus, this proposed rule is not subject to the requirements of sections 202 and 205 of the UMRA.

E. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless doing so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed finding involves no technical standards.

F. Protection of Children

Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to a rule that is determined to be ''economically significant,'' as defined under Executive Order 12866, if the environmental health or safety risk addressed by the rule has a disproportionate effect on children. For these rules, 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 proposed finding is not subject to Executive Order 13045, because it does not involve decisions on environmental health or safety risks that may disproportionately affect children.

G. Enhancing the Intergovernmental Partnership under Executive Order 12875

Under Executive Order 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, Executive Order 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, Executive Order 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.''

This rule would not create a mandate on State, local or tribal governments. The rule would not impose any enforceable duties on these entities. This rule would be implemented at the federal level and would impose no compliance obligations on any party. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

H. Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly 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 EPA complies by consulting, Executive Order 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, Executive Order 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.''

This rule would not significantly or uniquely affect the communities of Indian tribal governments. This rule would be implemented at the federal level and would impose no compliance obligations on any party. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

List of Subjects in 40 CFR Part 83

Environmental protection, Administrative practice and procedure, Confidential business information, Gasoline, Imports, Motor vehicle pollution, Reporting and recordkeeping requirements, Research, Warranties.

Dated: January 29, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–2694 Filed 2–5–99; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1309

RIN 0970—AB54

Head Start Program

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), HHS.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Administration on Children, Youth and Families is issuing this Notice of Proposed Rulemaking to implement a statutory provision that authorizes Head Start grantees to use grant funds to finance the construction and major renovation of Head Start facilities.

DATES: In order to be considered, comments on this proposed rule must be received on or before April 9, 1999.

ADDRESSES: Please address comments to the Associate Commissioner, Head Start Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, DC 20013. Beginning 14 days after close of the comment period, comments will be available for public inspection in Room 2219, 330 C Street, SW., Washington, DC 20201, Monday through Friday, between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Douglas Klafehn, Deputy Associate Commissioner, Head Start Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, DC 20013; (202) 205–8572.

SUPPLEMENTARY INFORMATION:

I. Program Purpose

Head Start is authorized under the Head Start Act (42 U.S.C. 9801 *et seq.*). It is a national program providing comprehensive developmental services to low-income preschool children, primarily age three to the age of compulsory school attendance, and their families. To help enrolled children achieve their full potential, Head Start programs provide comprehensive