

based on technology performance, not health or safety risks. Furthermore, the proposed rule amendments have been determined not to be "economically significant" as defined under Executive Order 12866.

H. Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use

The proposed rule amendments are not subject to Executive Order 13211 (66 FR 28355, May 22, 2001) because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law No. 104-113, 12(d) (15 U.S.C. 272 note), directs the EPA to use voluntary consensus standards in its regulatory activities unless to do 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. The NTTAA directs the EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

The proposed rulemaking does not involve technical standards. Therefore, the EPA is not considering the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 14, 2003.

Christine Todd Whitman, Administrator.

For the reasons set out in the preamble, part 60 of title 40, chapter I of the Code of Federal Regulations is proposed to be amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401-7601.

Subpart Kb—Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced after July 23, 1984

- 2. Section 60.110b is amended by: a. Revising paragraphs (a) and (b); b. Removing paragraph (c); c. Redesignating paragraphs (d) and (e) as paragraphs (c) and (d); and d. Adding paragraph (d)(8).

The revisions and addition read as follows:

§ 60.110b Applicability and designation of affected facility.

(a) Except as provided in paragraphs (b) and (c) of this section, the affected facility to which this subpart applies is each storage vessel with a capacity greater than or equal to 75 cubic meters (m³) that is used to store volatile organic liquids (VOL) for which construction, reconstruction, or modification is commenced after July 23, 1984.

(b) This subpart does not apply to storage vessels with a capacity greater than or equal to 151 m³ storing a liquid with a maximum true vapor pressure less than 3.5 kilopascals (kPa) or with a capacity greater than or equal to 75 m³ but less than 151 m³ storing a liquid with a maximum true vapor pressure less than 15.0 kPa.

(d) * * *

(8) Vessels subject to subpart GGGG of 40 CFR part 63.

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- 3. Section 60.111b is amended by: a. Removing the paragraph designations and placing the definitions in alphabetical order; b. Revising the definition of "Storage vessel;" c. Revising the definition of "Volatile organic liquid (VOL);" and d. Adding, in alphabetical order, a definition of "Process tank."

The revisions and addition read as follows:

§ 60.111 Definitions.

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Process tank means a tank that is used within a process to collect material discharged from a feedstock storage vessel or equipment within the process before the material is transferred to other equipment within the process or a product storage vessel. In many process tanks, unit operations such as reactions and blending are conducted. Other process tanks, such as surge control vessels and bottoms receivers,

however, may not involve unit operations.

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Storage vessel means each tank, reservoir, or container used for the storage of volatile organic liquids but does not include:

- (1) Frames, housing, auxiliary supports, or other components that are not directly involved in the containment of liquids or vapors; (2) Subsurface caverns or porous rock reservoirs; or (3) Process tanks.

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Volatile organic liquid (VOL) means any organic liquid which can emit volatile organic compounds into the atmosphere.

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- 4. Section 60.116b is amended by removing the last sentence of paragraph (b).

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 390 and 396

[Docket No. FMCSA-98-3656]

RIN 2126-AA38

General Requirements; Inspection, Repair, and Maintenance; Intermodal Container Chassis and Trailers

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of extension of comment period.

SUMMARY: The FMCSA is extending the comment period while it continues to explore the feasibility of conducting a negotiated rulemaking (Reg Neg) concerning maintenance of intermodal container chassis and trailers. The FMCSA has hired a convenor to speak to interested parties about the idea of a Reg Neg. The American Association of Railroads (AAR) has requested an extension of time to give a working group additional time to determine if a private-sector solution can be developed. The FMCSA is granting the AAR's request.

DATES: Please submit your comments by April 10, 2003.

ADDRESSES: Please mail or hand deliver comments about this notice to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington,

DC 20590; fax to the Docket Management Facility at 202-493-2251; or submit electronically at <http://dms.dot.gov>. Please include the docket number that appears in the heading of this document in your comments. You can copy or examine all comments received at the above street address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays and on-line at <http://dms.dot.gov>. If you want notification of receipt of comments please include a self-addressed, stamped postcard.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78). This statement is also available at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah M. Freund, Vehicle and Roadside Operations Division (MC-PSV), Office of Bus and Truck Standards and Operations, (202) 366-4009, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: On November 29, 2002, the FMCSA published a notice that it is studying the feasibility of using the Reg Neg process to develop a rulemaking action concerning the maintenance of

intermodal container chassis and trailers.

On January 13, 2003, counsel for the AAR filed a request for an extension of the comment period to allow additional time for filing comments after a planned January 22 meeting of the Intermodal Association of North America (IANA) and the Ocean Carrier Equipment Management Association (OCEMA).

The IANA/OCEMA working group has been engaged in developing a private-sector solution to the assignment of responsibility for maintaining intermodal chassis and trailers. The outcome of the IANA/OCEMA discussions could well influence the FMCSA's decision to proceed with a negotiated rulemaking activity. Although IANA and OCEMA do not invite the FMCSA to its meetings, the agency believes that its working group is making important progress, and that additional meetings taking place in early 2003 may produce a private-sector solution acceptable to IANA, OCEMA, AAR, and other parties involved in the provision and maintenance of intermodal equipment.

On January 30, 2003, the AAR requested the agency refrain from instituting a negotiated rulemaking proceeding until after April 1, 2003, to provide the working group additional time to determine if a private-sector solution can be developed.

Based on this information, the FMCSA grants the AAR's request to extend the comment period. The FMCSA is extending the comment period an additional 45 days, until April 10, 2003. This extension will also allow the agency's contracted convenor to gather additional information and

provide a more comprehensive report to assist the agency in deciding whether it should institute a negotiated rulemaking proceeding.

The FMCSA will continue to provide any comments it receives in reaction to the November 29, 2002, notice to the convenor and will file the comments in docket FMCSA-98-3656. If you want to submit comments to this notice directly to the docket, use the addresses above under the heading **ADDRESSES**.

All comments received before the close of business on the comment closing date shown above will be considered and will be available for examination in the FMCSA Docket at the above address. Comments received after the comment closing date will be filed in the FMCSA Docket identified above and will be considered to the extent practicable, but the FMCSA may issue a convenor's report anytime after the close of the comment period. In addition to late comments, the FMCSA will also continue to file in the docket relevant information that becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

If you would like to file a request for an additional extension of time to comment in accordance with 49 CFR 389.19, please submit it to the address in § 389.31.

Issued on: February 13, 2003.

Pamela M. Pelcovits,

Acting Associate Administrator for Policy and Program Development.

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