contain nitrogen oxides (expressed as NO_2) in excess of the following emission limits:

* * * * *

(b) Except as provided under paragraphs (k) and (l) of this section, on and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that simultaneously combusts mixtures of coal, oil, or natural gas shall cause to be discharged into the atmosphere from that affected facility any gases that contain nitrogen oxides in excess of a limit determined by the use of the following formula:

* * * * *

(c) Except as provided under paragraph (l) of this section, on and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that simultaneously combusts coal or oil, or a mixture of these fuels with natural gas, and wood, municipal-type solid waste, or any other fuel shall cause to be discharged into the atmosphere any gases that contain nitrogen oxides in excess of the emission limit for the coal or oil, or mixtures of these fuels with natural gas combusted in the affected facility, as determined pursuant to paragraph (a) or (b) of this section, unless the affected facility has an annual capacity factor for coal or oil, or mixture of these fuels with natural gas of 10 percent (0.10) or less and is subject to a federally enforceable requirement that limits operation of the affected facility to an annual capacity factor of 10 percent (0.10) or less for coal, oil, or a mixture of these fuels with natural gas.

* * * * *

(e) Except as provided under paragraph (l) of this section, on and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility that simultaneously combusts coal, oil, or natural gas with byproduct/waste shall cause to be discharged into the atmosphere any gases that contain nitrogen oxides in excess of the emission limit determined by the following formula unless the affected facility has an annual capacity factor for coal, oil, and natural gas of 10 percent (0.10) or less and is subject to a federally enforceable requirement that limits operation of the affected facility to an annual capacity factor of 10 percent (0.10) or less:

* * * * *

(l) On and after the date on which the initial performance test is completed or is required to be completed under § 60.8 of this part, whichever date comes first, no owner or operator of an affected facility which commenced construction, modification, or reconstruction after July 9, 1997 shall cause to be discharged into the atmosphere from that affected facility any gases that contain nitrogen oxides (expressed as NO_2) in excess of the following limits:

(1) If the affected facility combusts coal, oil, or natural gas, or a mixture of these fuels, or with any other fuels: A limit of 86 ng/J_I (0.20 lb/million Btu) heat input unless the affected facility has an annual capacity factor for coal, oil, and natural gas of 10 percent (0.10) or less and is subject to a federally enforceable requirement that limits operation of the facility to an annual capacity factor of 10 percent (0.10) or less for coal, oil, and natural gas; or

(2) If the affected facility has a low heat release rate and combusts natural gas or distillate oil in excess of 30 percent of the heat input from the combustion of all fuels, a limit determined by use of the following formula:

$E_n = [(0.10 * H_{go})+(0.20 * H_r)]/(H_{go}+H_r)$

Where:

E_n is the NO_X emission limit, (lb/million Btu),

H_{go} is the heat input from combustion of natural gas or distillate oil, and

H_r is the heat input from combustion of any other fuel.

10. Section 60.48b is amended by revising paragraph (b) to read as follows:

§ 60.48b Emission monitoring for particulate matter and nitrogen oxides.

* * * * *

(b) Except as provided under paragraphs (g), (h), and (i) of this section, the owner or operator of an affected facility shall comply with either paragraphs (b)(1) or (b)(2) of this section.

(1) Install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system, for measuring nitrogen oxides emissions discharged to the atmosphere; or

(2) If the owner or operator has installed a nitrogen oxides emission rate continuous emission monitoring system (CEMS) to meet the requirements of part 75 of this chapter and is continuing to meet the ongoing requirements of part 75 of this chapter, that CEMS may be used to meet the requirements of this section, except that the owner or operator shall also meet the requirements of § 60.49b. Data reported to meet the requirements of § 60.49b shall not include data substituted using the missing data procedures in subpart D of part 75 of this chapter, nor shall the data have been bias adjusted according to the procedures of part 75 of this chapter.

* * * * *

11. Section 60.49b is amended by adding paragraph (v) to read as follows:

§ 60.49b Reporting and recordkeeping requirements.

* * * * *

(v) The owner or operator of an affected facility may submit electronic quarterly reports for SO_2 and/or NO_X and/or opacity in lieu of submitting the written reports required under paragraphs (h), (i), (j), (k) or (l) of this section. The format of each quarterly electronic report shall be coordinated with the permitting authority. The electronic report(s) shall be submitted no later than 30 days after the end of the calendar quarter and shall be accompanied by a certification statement from the owner or operator, indicating whether compliance with the applicable emission standards and minimum data requirements of this subpart was achieved during the reporting period. Before submitting reports in the electronic format, the owner or operator shall coordinate with the permitting authority to obtain their agreement to submit reports in this alternative format.

[FR Doc. 98–24733 Filed 9–15–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[FRL—6157–1]

RIN 2060–AH74

National Emission Standards for Hazardous Air Pollutants for Source Category: Pulp and Paper Production

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; interpretation and technical amendment.

SUMMARY: Under the authority of the Clean Air Act, the EPA has promulgated standards at 40 CFR part 63, subpart S (63 FR 18504, April 15, 1998) to reduce hazardous air pollutant (HAP) emissions from the pulp and paper production source category. This rule is known as

the Pulp and Paper national emission standards for hazardous air pollutants (NESHAP) and is the air component of the integrated air and water rules for the pulp and paper industry, commonly known as the Pulp and Paper Cluster Rules.

Today's action makes interpretive amendments to certain regulatory text in the NESHAP regarding the applicability of a 10 percent excess emissions allowance for condensate treatment systems. The EPA is making these amendments in response to inquiries received since publication of the final standards on April 15, 1998.

DATES: These amendments are effective September 16, 1998.

ADDRESSES: *Air Docket.* Docket A–92–40, containing the supporting information for the original NESHAP and this action, is available for public inspection and copying between 8 a.m. and 5:30 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (MC–6102), 401 M Street SW., Washington, DC 20460, or by calling (202) 260–7548. The docket is located at the above address in Room M–1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Shedd, Emissions Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541–5397. For questions on compliance and applicability determinations, contact Mr. Seth Heminway, Office of Enforcement and Compliance Assurance (2223A), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, telephone number (202) 564–7017.

SUPPLEMENTARY INFORMATION:

Regulated Entities

The entities potentially affected by this action include:

Category	Examples of regulated entities
Industry	Pulp mills and integrated mills (mills that manufacture pulp and paper/paperboard) that chemically pulp wood fiber using the kraft process.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be interested in the amendments to the regulation affected by this action. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria in 63, subparts A and S of Title 40 of the Code of Federal Regulations.

Informational Contacts

If you have questions regarding the applicability of this action to a particular situation, or questions about compliance approaches, permitting, enforcement and rule determinations, please contact the appropriate regional representative below:

Region I:

Greg Roscoe, Chief, Air Pesticides & Toxics Enforcement Office, Office of Environmental Stewardship, U.S. EPA, Region I, JFK Federal Building (SEA), Boston, MA 02203, (617) 565–3221 Technical Contact for Applicabilty Determination, Susan Lancey, (617) 565–3587, (617) 565–4940 Fax

Region II:

Mosey Ghaffari, Air Compliance Branch, U.S. EPA, Region II, 290 Broadway, New York, NY 10007–1866, (212) 637–3925, (212) 637–3998 Fax

Region III:

Makeba Morris, U.S. EPA, Region III, 3AT10, 841 Chestnut Building, Philadelphia, PA 19107, (215) 566–2187

Region IV:

Lee Page, U.S. EPA, Region IV, Atlanta Federal Center, 100 Alabama Street, Atlanta, GA 30303, (404) 562–9131

Region V:

Christina Prasinos (AE–17J), U.S. EPA, Region V, 77 West Jackson Street, Chicago, IL 60604–3590, (312) 886–6819 (312) 353–8289

Region VI:

Michelle Kelly, Air Enforcement Branch (6EN–AA), U.S. EPA, Region VI, Suite 1200, 1445 Ross Avenue, Dallas, TX 75202–2733 (214) 665–7580, (214) 665–7446 Fax

Region VII:

Gary Schlicht, Air Permits and Compliance Branch, U.S. EPA, Region VII, ARTD/APCO, 726 Minnesota Avenue, Kansas City, KS 66101, (913) 551–7097

Region VIII:

Tami Thomas-Burton, Air Toxics Coordinator, U.S. EPA, Region VIII, Suite 500, 999 18th Street, Denver, CO 80202–2466 (303) 312–6581, (303) 312–6064 Fax

Region IX:

Ken Bigos, U.S. EPA, Region IX, A–5, 75 Hawthorne Street, San Francisco, CA (415) 744–1240

Region X:

Andrea Wallenweber, Office of Air Quality, U.S. EPA, Region X, OAQ–107, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553–8760, (206) 553–0404 Fax

Technology Transfer Network

The Technology Transfer Network (TTN) is one of EPA's electronic bulletin boards. The TTN provides information and technology exchange in various areas of air pollution control. New air regulations are now being posted on the TTN through the world wide web at ''http://www.epa.gov/ttn.'' For more information on the TTN, call the HELP line at (919) 591–5384.

Outline

The information presented in this preamble is organized as follows:

I. Description of Amendments and Interpretations

In today's action, the EPA is amending § 63.446(g) to make clear the EPA's original intent regarding the applicability of the 10 percent excess emissions allowance to control devices used to treat kraft pulp mill condensates to comply with the requirements of § 63.446(e)(3) through (e)(5). The EPA made clear in the April 15, 1998 preamble at 63 FR 18529–30 that based on data submitted by the pulp and paper industry, EPA has concluded that some allowance for excess emissions is part of the maximum achievable control technology (MACT) floor level of control. EPA did not qualify this statement by saying that only particular technologies would require some type of allowance for excess emissions.

The EPA had previously shown (61 FR 9390–91, March 8, 1996) that the MACT floor level of control for pulping condensates at both bleached and unbleached kraft mills is treating the condensate streams to remove 92 percent of the HAP content (measured as methanol), or equivalently, to achieve an outlet concentration of less than 330 and 210 parts per million by weight (ppmw) measured as methanol or remove 9.2 and 5.9 pounds of methanol per air dried ton of pulp (10.2 and 6.6 pounds of methanol per oven dried ton of pulp (ODP) basis in the final rule) across the control device, respectively

for bleached and unbleached wastewater streams. The MACT floor control technology basis for these treatment options is steam stripping. Since steam stripping is the MACT floor control technology basis for the treatment requirements, the EPA also based the excess emissions allowance on steam stripping and determined that to be 10 percent. Therefore, the MACT floor-level of control is a combination of treatment requirements and an excess emissions allowance. The discussion in the March 8, 1996 supplemental notice at 61 FR 9390 further states that ''The rule would allow mills to: (1) Choose any wastewater treatment device as long as the device achieves one of the three parameters . . .'' (percent removal, ppmw outlet concentration, or mass per ODP removal).

The April 15, 1998 preamble and the March 8, 1996 supplemental notice clearly show that the EPA's intent was to provide mills flexibility in what control technology is used and what treatment option (set out at § 63.446(e)(3) through (e)(5)) is selected to comply with the MACT requirements for condensate treatment. Since the MACT requirements are a combination of treatment requirements and a downtime allowance, it is reasonable to interpret that any control device meeting the MACT requirements would be permissible—and this in fact is what EPA intended. However, the rule language is at variance with this preamble language because it limits the availability of the 10 percent excess emissions allowance to steam strippers complying only with the 92 percent methanol removal option. Since this rule language does not reflect EPA's intent (as shown in the preambles, as just discussed), EPA is correcting the rule language in today's notice.

The preamble to the final NESHAP at 63 FR 18529–30 describes excess emission allowances to include periods when the control device is inoperable and when the operating parameter values established during the initial performance test cannot be maintained at the appropriate level. The preamble further explains that the 10 percent excess emissions for condensate treatment includes periods of startup, shutdown, and malfunction allowances of the General Provisions to part 63. Since the MACT floor (both the treatment level and the excess emissions allowance) was based on steam stripping, the EPA discussed in the preamble likely problems that would necessitate an excess emissions allowance in the context of steam stripping operations. These were given as steam stripper downtime as a result of damage to the steam stripping system and loss of treatment efficiency resulting primarily from contamination of condensate with carryover of fiber or black liquor, steam supply downtime, and combustion control device downtime. (Control device downtime is a factor because the steam stripper should not be operated during periods when the stripper system vents cannot be routed to a control device). The EPA believes that these types of problems would necessitate this same downtime allowance, even with control devices other than steam strippers. An exception to this is where a mill elects to treat the condensate by discharging it below the liquid surface of a biological treatment system (see § 63.446(e)(2)) that is part of their wastewater treatment plant. These types of biological treatment systems are different than steam strippers and other control devices in terms of their excess emissions allowance needs for several reasons. First, steam strippers and most other control devices are typically located in or near the process, may be integrated into part of the process, and treat primarily, and usually exclusively, condensates. All of these factors make the control device vulnerable to downtime periods, even at the best operating mills. A similar concept of downtime does not translate to biological wastewater treatment systems, which accept wastewaters from all over the mill and must be up and running at all times to comply with National Pollutant Discharge Elimination System (NPDES) requirements under the Clean Water Act. Second, at steam strippers and other in-process type condensate control devices, periods when the operating parameter values (established during the initial performance test) cannot be maintained at the appropriate level count toward the 10 percent excess emissions allowance; however, for reasons set forth in the preamble at 63 FR 18523–24, biological wastewater treatment units are provided a unique set of parameter excursion provisions at § 63.453(p). Therefore, since the reasons for providing the 10 percent excess emissions allowance do not fit the biological wastewater treatment scenario and since the rule sets forth separate operating parameter excursion provisions for biological wastewater treatment, the EPA believes that it is reasonable to interpret the rule such that the 10 percent excess emissions allowance does not apply to biological wastewater treatment and is correcting the rule in today's action to reflect this interpretation.

Finally, since promulgation of the NESHAP, the EPA has become aware that there is some confusion over what is meant in the rule by the term ''biological treatment'' since the industry uses the term to refer to two different types of units. Today's action provides guidance but no rule changes to clarify how the rule applies to these two types of units. The issue has been raised by companies considering anaerobic biological treatment systems instead of steam strippers to comply with the condensate treatment requirements. The term, as used in the rule (see §§ 63.446(e)(2); 63.453(j) and (p); and 63.457(l)), refers to systems installed as part of the mill's wastewater treatment system primarily for purposes of complying with NPDES requirements under the Clean Water Act. The units are characteristically open to the atmosphere, require modeling in lieu of direct air emissions measurement during the initial performance test, and handle all of the mill's wastewater. These biological treatment systems are different than in-process type biological treatment systems, such as enclosed anaerobic treatment systems that can be directly measured for air emissions during the initial performance test and that would be installed primarily to treat condensate streams subject to the final pulp and paper NESHAP. This type of anaerobic system would be used instead of a steam stripper to comply with the treatment requirements at § 63.446(e)(3) through (e)(5) and thus, the excess emissions allowance at § 63.446(g) would apply, but (correspondingly) the operating parameter excursion provisions for biological wastewater treatment systems at § 63.453(p) would not apply. Also, it is important to note that since this anaerobic treatment system is serving the same function as a steam stripper (i.e. treatment of pulping condensates), it meets the rule definition of low volume high concentration system equipment and is thus subject to all of the pulping system requirements at § 63.443.

II. Administrative Requirements

A. Paperwork Reduction Act

The information requirements of the previously promulgated NESHAP were submitted for approval to the Office of Management and Budget (OMB) on April 27, 1998 under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection Request (ICR) document has been prepared by EPA (ICR No. 1657.03), and a copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division; U.S.

Environmental Protection Agency (2137); 401 M St., SW.; Washington, DC 20460 or by calling (202) 260–2740. The information requirements are not effective until OMB approves them.

Today's amendments to the NESHAP will have no impact on the information collection burden estimates made previously. The changes are interpretations of requirements and are not additional requirements. Consequently, the ICR has not been revised.

B. Executive Order 12866

Under Executive Order 12866, the EPA must determine whether the proposed regulatory action is ''significant'' and, therefore, subject to the OMB review and the requirements of the Executive Order. The Order defines ''significant'' regulatory action as one that is likely to lead to 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 in 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.

The NESHAP subpart S rule published on April 15, 1998, was considered significant under Executive Order 12866, and a regulatory impact analysis (RIA) was prepared. The amendments published today interpret the rule. The OMB has evaluated this action, and determined it to be nonsignificant; thus it did not require their review.

C. Regulatory Flexibility

Today's action is not subject to notice and comment rulemaking requirements and therefore is not subject to the Regulatory Flexibility Act. However, for the reasons discussed in the April 15, 1998 **Federal Register** (63 FR 18611–12), this rule does not have a significant impact on a substantial number of small entities. The changes to the rule in today's action do not add new control requirements to the April 15, 1998 rule.

D. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), the 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 the private sector, of $100 million or more. Under section 205, the 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 the 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 action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate or to the private sector. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

E. Executive Order 12875: Enhancing Intergovernmental Partnerships

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. If the mandate is unfunded, EPA must 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.''

While the final rule published on April 15, 1998 does not create mandates upon State, local, or tribal governments, EPA involved State and local governments in its development. Because the final regulation imposes costs to the private sector in excess of $100 million, the EPA pursued the preparation of an unfunded mandates statement and the other requirements of the Unfunded Mandates Reform Act. Because today's action interprets the requirements of the final rule, today's action does not create a mandate on State, local, or tribal governments. Today's action does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to today's action.

F. Applicability of Executive Order 13045

The Executive Order 13045 applies to any rule that EPA determines (1) economically significant as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the EPA 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 EPA.

Today's action is not subject to E.O. 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), because it does not involve decisions on environmental health risks or safety risks that may disproportionately affect children.

G. Executive Order 13084: 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. If the mandate is unfunded, EPA must 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 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 action does not significantly or uniquely affect the communities of Indian tribal governments. The final rule published on April 15, 1998 does not create mandates upon tribal governments. Because today's action interprets the requirements of the final rule, today's action does not create a mandate on tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this action.

H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) directs all Federal agencies to use voluntary consensus standards instead of government-unique standards in their regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., material specifications, test methods, sampling and analytical procedures, business practices, etc.) that are developed or adopted by one or more voluntary consensus standards bodies. Examples of organizations generally regarded as voluntary consensus standards bodies include the American Society for Testing and Materials (ASTM), the National Fire Protection Association (NFPA), and the Society of Automotive Engineers (SAE). The NTTAA requires Federal agencies like EPA to provide Congress, through OMB, with explanations when an agency decides not to use available and applicable voluntary consensus standards.

This action does not involve any new technical standards or the incorporation by reference of existing technical standards. Therefore, consideration of voluntary consensus standards is not relevant to this action.

I. Immediate Effective Date

The EPA is making today's action effective immediately. The EPA has determined that the rule changes being made in today's action are interpretive rules which are not subject to notice and comment requirements. In addition, the rule change is a type of technical correction, since it amends the rule to be consistent with EPA's intentions stated in the rule's preamble. Notice and opportunity for comment is not required for such technical corrections. The EPA has also determined that this rule may be made effective in less than 30 days because it is interpretive, and relieves restrictions. See 5 U.S.C. 553 (d)(1) and (2).

J. 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. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of September 16, 1998. 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).

III. Legal Authority

These regulations are amended under the authority of sections 112, 114, and 301 of the Clean Air Act, as amended (42 U.S.C. sections 7412, 7414, and 7601).

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Pulp mills, Cluster Rules.

Dated: September 6, 1998.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

For the reasons set out in the preamble, title 40, Chapter I of the Code of Federal Regulations is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

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

Subpart S—National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry

2. Section 63.446 is amended by revising paragraph (g) to read as follows:

§ 263.446 Standards for kraft pulping process condensates.

* * * * *

(g) For each control device (e.g. steam stripper system or other equipment serving the same function) used to treat pulping process condensates to comply with the requirements specified in paragraphs (e)(3) through (e)(5) of this section, periods of excess emissions reported under § 63.455 shall not be a violation of paragraphs (d), (e)(3) through (e)(5), and (f) of this section provided that the time of excess emissions (including periods of startup, shutdown, or malfunction) divided by the total process operating time in a semi-annual reporting period does not exceed 10 percent. The 10 percent excess emissions allowance does not apply to treatment of pulping process condensates according to paragraph (e)(2) of this section (e.g. the biological wastewater treatment system used to treat multiple (primarily non-condensate) wastewater streams to comply with the Clean Water Act).

* * * * *

[FR Doc. 98–24837 Filed 9–15–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 69 and 80

[FRL–6159–1]

State of Alaska Petition for Exemption From Diesel Fuel Sulfur Requirement

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On December 12, 1995, the Governor of Alaska petitioned EPA to permanently exempt the areas of Alaska served by the Federal Aid Highway System from the requirements of EPA's low-sulfur diesel fuel program for motor vehicles. On August 19, 1996, EPA extended the existing temporary exemption until October 1, 1998, and on April 28, 1998, EPA proposed to grant a permanent exemption (63 FR 23241). EPA has received significant public comments and new information concerning EPA's proposal and needs additional time to further evaluate the issues concerning a permanent exemption. Consequently, EPA is