

PART 579—CHILD LABOR VIOLATIONS—CIVIL MONEY PENALTIES

4. The authority citation for part 579 is proposed to be revised to read as follows:

Authority: 29 U.S.C. 203, 211, 212, 216; Reorg. Plan No. 6 of 1950, 64 Stat. 1263, 5 U.S.C. App.; secs. 25, 29, 88 Stat. 72, 76; Secretary of Labor's Order No. 1371, 36 FR 8755; Sec. 3103, Pub. L. 101-508; Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note), as amended by Pub. L. 104-134, section 31001(s), 110 Stat. 1321-358, 1321-373.

5. The section heading of § 579.1 is proposed to be revised, paragraph (b) of § 579.1 is proposed to redesignated as paragraph (c) of that section, and a new paragraph (b) is proposed to be added, to read as follows:

§ 579.1 What does this regulation cover?

(a) * * *

(b) The Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410), as amended by the Debt Collection Improvement Act of 1996 (Pub. L. 104-134, section 31001(s)), requires that Federal agencies periodically adjust their civil money penalties for inflation according to a specified cost-of-living formula. This law requires each agency to make an initial inflationary adjustment for all covered civil money penalties, and to make further inflationary adjustments at least once every four years thereafter. Any increase in the civil money penalty amount will apply only to violations that occur after the date the increase takes effect.

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6. The section heading and paragraph (a) of § 579.5 are proposed to be revised to read as follows:

§ 579.5 How is the amount of the penalty determined?

(a) The administrative determination of the amount of the civil penalty, of not to exceed \$10,000 for each employee who was the subject of a violation of section 12 or section 13(c)(5) of the Act relating to child labor or of any regulation issued under that section, will be based on the available evidence of the violation or violations and will take into consideration the size of the business of the person charged and the gravity of the violation as provided in paragraphs (b) through (d) of this

section; *Provided*, however, that for any violation occurring on or after the effective date of the final rule the civil money penalty amount will increase to not to exceed \$11,000 for each employee who was the subject of a violation.

* * * * *

§ 579.9 [Removed]

7. Section 579.9 is proposed to be removed.

[FR Doc. 98-34243 Filed 12-24-98; 8:45 am]
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-6210-4]

RIN 2060-AH74

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule and notice of public hearing.

SUMMARY: Under the authority of the Clean Air Act, as amended, the EPA has promulgated standards (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. The rule applies to pulp and paper production processes included under the Standard Industrial Classification (SIC) code 26.

In this action, the EPA is proposing to amend certain regulatory text in the NESHAP regarding the Voluntary Advanced Technology Incentives Program. The EPA views the amendments to be noncontroversial and anticipates no adverse comments. Consequently, the EPA also is publishing these amendments to the NESHAP as a direct final rule in the RULES AND REGULATIONS section of today's **Federal Register** publication. If

no significant, adverse comments regarding the proposed amendments are received by the date specified in this document, then the EPA will take no further action with respect to this proposal and the amendments to the NESHAP will become effective on the date provided in the direct final rule.

DATES: Comments. The EPA will accept comments regarding these proposed amendments on or before January 27, 1999. Additionally, a public hearing regarding the proposed amendments will be held if anyone requesting to speak contacts the EPA by January 19, 1999. If a hearing is requested, the hearing will be held on January 27, 1999 beginning at 10:00 a.m., and the record on the hearing will remain open for 30 days after the hearing date to provide an opportunity for submittal of rebuttal and additional information. For more information about submittal of comments and the public hearing, see the **SUPPLEMENTARY INFORMATION** section in the notice.

ADDRESSES: Comments. Written comments (in duplicate, if possible) should be submitted to Docket No. A-92-40 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. The EPA requests that a separate copy of the comments also be sent to the contact person listed below.

Today's document and other materials related to these proposed amendments are available for review in the docket. Copies of this information may be obtained by request from the Air Docket by calling (202) 260-7548. A reasonable fee may be charged for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Mr. Steve Silverman, Office of General Counsel, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, telephone number (202) 260-7716. For technical information regarding the NESHAP, contact Mr. Stephen Shedd, Emissions Standards Division, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541-5397 or e-mail at shedd.steve@epa.gov.

SUPPLEMENTARY INFORMATION: *Regulated entities.* Entities potentially regulated by this action include:

Category	SIC code	Examples of regulated entities
Industry	26	Pulp mills and integrated mills (mills that manufacture pulp and paper/paperboard) that chemically pulp wood fiber.

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

Information 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 and 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 Applicability 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, 1650 Arch Street, Philadelphia, PA 19103, (215) 814-2187.

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

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

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 94105, (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 a network of the EPA's electronic bulletin boards. The TTN provides information and technology exchange in various areas of air pollution control. Information regarding the basis and purpose of this rule and other relevant documents can be found on the pulp and paper page of the EPA's Unified Air Toxics website (UATW) at "www.epa.gov/ttn/uatw/pulp/pulppg.html". For more information on the TTN, call the HELP line at (919) 541-5384.

Public hearing. If a public hearing is requested by the required date (see DATES section in this notice), the public hearing will be held at the EPA Office of Administration Auditorium, Research Triangle Park, NC. Persons interested in presenting oral testimony or inquiring as to whether a hearing is to be held should contact Ms. JoLynn Collins, Waste and Chemical Processes Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, NC, 27711, telephone number (919) 541-5671.

Docket. Docket A-92-40 contains the supporting information for the original NESHAP and this action. Today's notice and other materials related to this proposal are available for review in the docket. The docket is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday except for Federal holidays at the Air and Radiation Docket and Information Center (MC-6102), U.S. Environmental Protection Agency, 401 M Street, SW, Room M-1500, Washington, DC 20460. Copies of docket information also may be obtained by request from the Air Docket by calling (202) 260-7548. A reasonable fee may be charged for copying docket materials.

I. Description of Proposed Amendments

The EPA is proposing to amend the interim NESHAP for chloroform emissions from mills which have enrolled in the Voluntary Advanced Technology Incentives Program (VATIP). In the RULES AND REGULATIONS section of today's **Federal Register**, we are promulgating this same amendment as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comment. The EPA has explained the reasons for making this amendment in the preamble to the direct final rule, and does not believe it necessary to repeat

that discussion here. If EPA receives adverse comment, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must therefore do so at this time.

II. Administrative Requirements

A. Docket

The docket is an organized and complete file of all the information considered by the EPA in the development of this rulemaking. The docket is a dynamic file, because material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated standards and their preambles, the contents of the docket, except for certain interagency documents, will serve as the record in case of judicial review. See CAA section 307(d)(7)(A).

B. Public Hearing

A public hearing will be held, if requested, to discuss the proposed amendments in accordance with section 307(d)(5) of the Act. If a public hearing is held, the EPA will ask clarifying questions during the oral presentations but will not respond to the presentations or comments. To provide an opportunity for all who may wish to speak, oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement (see DATES and ADDRESSES). Written statements and supporting information will be considered with equivalent weight as any oral statement and supporting information subsequently presented at a public hearing, if held.

C. 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 the 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 Street, SW; Washington, DC 20460 or by calling (202) 260-2740.

The information requirements are not effective until OMB approves them.

Today's proposed amendments to the NESHAP will have no impact on the information collection burden estimates made previously. The changes add a compliance alternative to a particular standard and therefore does not mandate any new requirements. Consequently, the ICR has not been revised.

D. Executive Order 12866: "Significant Regulatory Action" Determination

Under Executive Order 12866, the EPA must determine whether the proposed regulatory action is "significant" and, therefore, subject to OMB review and the requirements of the Executive Order. The order defines a "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, 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 proposed today provide an additional means of achieving an interim MACT standard for chloroform emissions from bleaching systems at certain mills. The OMB has evaluated this action and determined it to be nonsignificant; thus, it did not require OMB review.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) 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. The EPA determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this action. These proposed amendments would not

result in increased impacts to small entities and the proposed changes to the rule in today's action do not mandate new control requirements to the April 15, 1998 rule.

F. 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 proposed 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 today's action.

G. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under Executive Order 12875, the 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 the EPA consults with those governments. If the EPA complies by consulting, Executive Order 12875 requires the EPA to provide to OMB a description of the extent of the 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 the 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, the EPA involved State and local governments in its development. Because today's action, would add a degree of flexibility to the current rule by creating a different means of achieving an interim MACT standard for chloroform emissions from bleaching systems at certain mills, today's action does not create a mandate upon State, local, or tribal governments.

H. Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks

Executive Order 13045 applies to any rule that the EPA determines (1) is 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 Executive Order 13045 because it does not involve decisions on environmental health or safety risks that may disproportionately affect children.

I. Executive Order 13084: Consultation and Coordination with Indian Tribal Governments

Under Executive Order 13084, the 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 the EPA consults with those governments. If the EPA complies by consulting, Executive Order 13084 requires the EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of the 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 the 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 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.

J. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act (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., materials specifications, test methods, sampling procedures, business practices) 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 the EPA to provide Congress, through OMB, with explanations when an agency decides not to use available and applicable voluntary consensus standards.

The proposed amendments do 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.

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, Administrative practice and procedure, Air pollution control, Intergovernmental relations.

Dated: December 18, 1998.

Carol M. Browner,

Administrator.

[FR Doc. 98-34307 Filed 12-24-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 262, 264, 265, and 270

[FRL-6210-8]

Project XL Rulemaking for New York State Public Utilities; Hazardous Waste Management System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Extension of Comment Period for Project XL Draft Final Project Agreement and Proposed Rule

SUMMARY: On December 7, 1998, EPA published a request for comments on a proposed rule and draft final project agreement (FPA) for the Project XL Rulemaking for New York State Public Utilities [FRL-6197-7, 63 FR 67561-67571]. The original comment period was thirty (30) days from the date of publication. EPA has received a request to extend the comment period. EPA is today granting a twenty-one (21) day extension from January 6, 1999, to January 27, 1999, for comments on the proposed rule and FPA for New York State's XL project.

DATES: The period for submission of comments ends on January 27, 1999.

ADDRESSES: Written comments and requests for a hearing should be mailed to the RCRA Information Center Docket Clerk (5305G), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Please send an original and two copies of all comments, and refer to Docket Number F-98-NYSP-FFFFF. A copy should also be sent to Mr. Philip Flax at U.S. Environmental Protection Agency, Region 2, 290 Broadway, New York, NY 10007-1866.

Viewing Docket Materials: A docket containing public comments and supporting materials is available for public inspection and copying at the RCRA Information Center (RIC), located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The RIC is open from 9:00 am to 4:00 pm Monday through Friday, excluding federal holidays. The public is encouraged to phone in advance to review docket materials. Appointments can be scheduled by phoning the Docket Office at (703) 603-9230. Refer to RCRA docket number F-98-NYSP-FFFFF. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost 15 cents per page.

A duplicate copy of the docket is available for inspection and copying at U.S. EPA, Region 2, 290 Broadway, New

York, NY 10007-1866 during normal business hours. Persons wishing to view the duplicate docket at the New York location are encouraged to contact Mr. Philip Flax in advance, by telephoning (212) 637-4143. Information is also available on the world wide web at <http://www.epa.gov/ProjectXL>.

FOR FURTHER INFORMATION CONTACT: Mr. Philip Flax, U.S. EPA, Region 2, 290 Broadway, New York, NY 10007-1866, (212) 637-4143.

Dated: December 21, 1998.

Lisa Lund,

Deputy Associate Administrator for Reinvention.

[FR Doc. 98-34295 Filed 12-24-98; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 45

[USCG-1998-4623]

RIN 2115-AF38

Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking; extension of comment period.

SUMMARY: The Coast Guard is extending the comment period for the notice of proposed rulemaking on Limited Service Domestic Voyage Load Lines for River Barges on Lake Michigan to March 4, 1999, to allow additional time for public comment.

DATES: Comments must reach the Docket Management Facility on or before March 4, 1999.

ADDRESSES: You may mail comments to the Docket Management Facility, (USCG-1998-4623), U.S. Department of Transportation, room PL-401, 400 Seventh Street SW., Washington DC 20590-0001, or deliver them to room PL-401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202-366-9329.

The Docket Management Facility maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at room PL-401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You