

such regulations would not have a significant economic effect upon a substantial number of small entities. Therefore, this rule will ensure that existing requirements previously published by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: October 9, 1998.

Brent Wahlquist,

Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 98-28123 Filed 10-19-98; 8:45 am]

BILLING CODE 4310-05-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. NJ32-183b; FRL-6174-6]

Approval and Promulgation of Implementation Plans; Reasonably Available Control Technology for Oxides of Nitrogen for Specific Sources in the State of New Jersey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve four (4) State Implementation Plan (SIP) revisions submitted by the State of New Jersey related to development of reasonably available control technologies for oxides of nitrogen from fifteen (15) sources in the State. In the Rules section of this **Federal Register**, EPA is approving the State's SIP revisions, as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule no further activity is contemplated in relation to this proposed rule. If EPA

receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this rulemaking. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before November 19, 1998.

ADDRESSES: All comments should be addressed to: Ronald Borsellino, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, New York, New York 10007-1866

Copies of the State submittals are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866

New Jersey Department of Environmental Protection, Office of Air Quality Management, Bureau of Air Quality Planning, 401 East State Street, CN418, Trenton, New Jersey 08625.

FOR FURTHER INFORMATION CONTACT: Ted Gardella or Richard Ruvo, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007-1866, (212) 637-4249.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: September 30, 1998.

William J. Muszynski,

Acting Regional Administrator, Region 2.

[FR Doc. 98-27925 Filed 10-19-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 68

[FRL-6177-5]

Request for Delegation of the Accidental Release Prevention Requirements: Risk Management Programs Under Clean Air Act Section 112(r)(7): State of Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The purpose of this proposal is to announce that on June 19, 1998,

the State of Florida, Department of Community Affairs (DCA), Division of Emergency Management (DEM), requested section 112(r) program delegation for all applicable Florida sources, except those with propane as their only regulated substance. Because no adverse comments are expected, EPA is concurrently issuing a direct final rule in the rules section of this **Federal Register**. If no adverse comments are received by November 19, 1998, the direct final rule will serve as formal delegation of the section 112(r) program for all applicable sources, except those with propane as their only regulated substance.

DATES: Comments must be received on or before November 19, 1998.

ADDRESSES: Comments on this action should be addressed concurrently to: Michelle P. Thornton, U.S.

Environmental Protection Agency, Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303-3104, patmon.michelle@epamail.epa.gov

Eve Rainey, Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2140, eve.rainey@dca.state.fl.us

Copies of Florida's section 112(r) delegation request letter and accompanying documentation are available for public review during the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the addresses listed above. If you would like to review these documents, please make an appointment with the appropriate office at least 24 hours before visiting day.

FOR FURTHER INFORMATION CONTACT: Michelle P. Thornton, U.S.

Environmental Protection Agency, Region 4, Air, Pesticides and Toxics Management Division, Air and Radiation Technology Branch, 30303-3104 (telephone 404 562-9121), patmon.michelle@epamail.epa.gov or Eve Rainey, Florida Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2140, (telephone 850 413-9914) eve.rainey@dca.state.fl.us

SUPPLEMENTARY INFORMATION: If no adverse comments are received by November 19, 1998, no further activity in relation to this proposed rule is necessary and the direct final rule in the final rules section of this **Federal Register** will automatically go into effect on December 21, 1998. Should the Agency receive such comments, it will review and publish the comments in a subsequent document. If no relevant adverse comments on any provision of this rule are timely filed, then the entire direct final rule will become effective on

December 21, 1998, and the State of Florida DCA/DEM will receive full delegation of authority to implement and enforce the requirements of the section 112(r) program for all applicable sources in its jurisdiction, except sources with propane as their only regulated substance.

On June 20, 1996, EPA published risk management program regulations, mandated under the accidental release prevention provisions of the Clean Air Act (CAA). These regulations require owners and operators of stationary sources subject to the regulations to submit risk management plans (RMPs) by June 21, 1999, to a central location specified by EPA. The plans will be available to State and local governments and the public. These regulations will encourage sources to reduce the probability of accidentally releasing substances that have the potential to cause harm to public health and the environment and will stimulate dialogue between industry and the public to improve accident prevention and emergency response practices.

After a thorough review of Florida's delegation request and its pertinent laws, rules, and regulations, the Region proposes to find that such a delegation is appropriate in that Florida has satisfied the criteria of 40 CFR sections 63.91 and 63.95, and has adequate and effective authorities, resources, and procedures in place for implementation and enforcement of non-major and major sources subject to the section 112(r) RMP Federal standards. If, approved, the State has the primary authority and responsibility to carry out all elements of the section 112(r) program for all sources, except propane, covered in the State, including on-site inspections, recordkeeping reviews, audits and enforcement. For a detailed explanation of the delegation authority as well as Florida's implementation plan, see the information provided in the direct final rule in the rules section of this **Federal Register**.

Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct

compliance costs incurred by those governments. 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 written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. The State of Florida has voluntarily requested delegation of this program. The state will be relying on its own resources to implement the Florida Accidental Prevention and Risk Management Planning Act as described in the summary section of this notice. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. 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, representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. The State of Florida has voluntarily requested delegation of this program. The state will be implementing and enforcing its own requirements, which have been reviewed and approved by EPA.

Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

D. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, the EPA must consider the paperwork burden imposed by any information collection request in a proposed or final rule. This rule will not impose any new information collection requirements.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA, Public Law 96-354, September 19, 1980) requires Federal agencies to give special consideration to the impact of regulation on small businesses. The RFA specifies that a regulatory flexibility analysis must be prepared if a screening analysis indicates a regulation will have significant impact on a substantial number of small entities. This rule will not have a significant economic impact on a substantial number of small entities.

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 requires that the Agency prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in estimated costs of \$100 million or more in one year to either State, local, or tribal governments in the aggregate, or to the private sector.

Under section 205, EPA must select the most cost effective and least burdensome alternative that achieves the objective of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing, educating and advising any small governments that may be significantly impacted by the rule. EPA has estimated that this rule 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. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements.

G. 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 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 EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

H. Executive Order 13045

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

This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

Dated: September 9, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 98-27927 Filed 10-19-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6177-2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent for deletion of the Lodi Municipal Well Superfund site from the National Priorities List.

SUMMARY: The United States Environmental Protection Agency (EPA) Region II Office announces its intent to delete the Lodi Municipal Well Site (Site) from the National Priorities List and requests public comment on this action. The National Priorities List

constitutes Appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. section 9601 *et seq.* EPA and the State of New Jersey have determined that all appropriate response actions under CERCLA have been implemented at the Site to protect human health and the environment.

DATES: The EPA will accept comments concerning its proposal for deletion on or before November 19, 1998.

ADDRESSES: Comments may be mailed to: Mr. Jeff Catanzarita, Remedial Project Manager, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 290 Broadway, 19th Floor, New York, NY 10007-1866.

Comprehensive information on the Site is contained in the Administrative Record and is available for viewing, by appointment only, at: U.S. EPA Records Center, 290 Broadway—18th Floor, New York, New York 10007-1866, Hours: 9:00 am to 5:00 pm—Monday through Friday, Contact: Superfund Records Center, (212) 637-4308.

Information on the site is also available for viewing at the Information Repository which is located at: Lodi Memorial Library, One Memorial Drive, Lodi, New Jersey 07644, (973) 365-4044.

FOR FURTHER INFORMATION CONTACT: Jeff Catanzarita, Remedial Project Manager, (212) 637-4409.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. National Priorities List Deletion Criteria
- III. Deletion Procedures
- IV. Basis for Intended Site Deletion

I. Introduction

The United States Environmental Protection Agency (EPA) Region II announces its intent to delete the Lodi Municipal Well Site (Site) located in Lodi, Bergen County, New Jersey from the National Priorities List and requests public comment on this action. The National Priorities List constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended.

The Lodi Municipal Well, also known as the Home Place Well, is located in

the Borough of Lodi, Bergen County, New Jersey. The Borough which is approximately 3.5 square miles in size, is located east of the Passaic River, west of the Hackensack River, and south of New Jersey State Route 4. Interstate 80 forms the northeast boundary of the Borough.

The Site was placed on the National Priorities List primarily due to radiological contamination. To find the source of the radiation EPA conducted an extensive field investigation, which indicated the radiological contamination is naturally occurring at the Site. Based upon these results, on September 27, 1993, EPA selected no further action for the groundwater in a Record of Decision.

EPA is not authorized under CERCLA to respond to such naturally occurring conditions. Section 104(a)(3) of CERCLA prevents a removal or remedial action in response to a release of a naturally occurring substance in its unaltered form from a location where it is naturally occurring.

EPA and New Jersey Department of Environmental Protection (NJDEP) propose to delete the Site because all appropriate CERCLA response activities have been implemented.

The National Priorities List is a list maintained by EPA of sites that EPA has determined present a significant risk to human health or the environment. Sites on the National Priorities List may be the subject of remedial actions financed by the Hazardous Substance Superfund (Fund). Pursuant to 40 CFR 300.425(e) of the NCP, any site or portion of a site deleted from the National Priorities List remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA will accept comments concerning its intent for deletion for thirty (30) days after publication of this document in the **Federal Register** and a newspaper of record.

II. National Priorities List Deletion Criteria

Section 300.425(e)(1)(i)-(iii) of the NCP provides that sites may be deleted from the National Priorities List where no further response is appropriate. In making this determination, EPA in consultation with the State of New Jersey shall consider whether any of the following criteria have been met:

- (i) Responsible or other parties have implemented all appropriate response actions required; or
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented and no further cleanup by responsible parties is appropriate; or