

TABLE 6.—VHAP OF POTENTIAL CONCERN—Continued

CAS No.	Chemical name	EPA de minimis, tons/yr*
85449 .....	Phthalic anhydride .....	5.0
463581 .....	Carbonyl sulfide .....	5.0
132649 .....	Dibenzofurans .....	5.0
100027 .....	4-Nitrophenol .....	5.0
540841 .....	2,2,4-Trimethylpentane .....	5.0
111422 .....	Diethanolamine .....	5.0
822060 .....	Hexamethylene-1,6-diisocyanate .....	5.0
	Glycol ethers <sup>a</sup> .....	5.0
	Polycyclic organic matter <sup>b</sup> .....	0.01

\* These values are based on the de minimis levels provided in the proposed rulemaking pursuant to section 112(g) of the Act using a 70-year lifetime exposure duration for all VHAP. Default assumptions and the de minimis values based on inhalation reference doses (RfC) are not changed by this adjustment.

<sup>a</sup> Except for ethylene glycol butyl ether, ethylene glycol ethyl ether (2-ethoxy ethanol), ethylene glycol hexyl ether, ethylene glycol methyl ether (2-methoxyethanol), ethylene glycol phenyl ether, ethylene glycol propyl ether, ethylene glycol mono-2-ethylhexyl ether, diethylene glycol butyl ether, diethylene glycol ethyl ether, diethylene glycol methyl ether, diethylene glycol hexyl ether, diethylene glycol phenyl ether, diethylene glycol propyl ether, triethylene glycol butyl ether, triethylene glycol ethyl ether, triethylene glycol methyl ether, triethylene glycol propyl ether, ethylene glycol butyl ether acetate, ethylene glycol ethyl ether acetate, and diethylene glycol ethyl ether acetate.

<sup>b</sup> Except for benzo(b)fluoranthene, benzo(a)anthracene, benzo(a)pyrene, 7,12-dimethylbenz(a)anthracene, benz(c)acridine, chrysene, dibenz(ah) anthracene, 1,2,7,8-dibenzopyrene, indeno(1,2,3-cd)pyrene, but including dioxins and furans.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[AD-FRL-6210-5]

RIN 2060-AH74

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**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 taking direct final action amending the interim NESHAP for chloroform emissions from mills which have enrolled in the Voluntary Advanced Technology Incentives Program (VATIP) to include, as a compliance alternative, meeting the baseline Best Available Technology (BAT) requirements for 2,3,7,8-tetrachloro-dibenzo-p-dioxin (TCDD) and adsorbable organic halides (AOX). This standard could apply instead of the present, exclusive requirement of no increase in application rate of chlorine or hypochlorite above a specified baseline.

**DATES: Effective Date.** These amendments will be effective without further notice on February 26, 1999, unless the EPA receives adverse comments by January 27, 1999. Should the Agency receive such comments, the EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES: Comments.** Interested parties having adverse comments on this action may submit these comments in writing (in duplicate, if possible) to

Docket No. A-92-40 at the following address: Air and Radiation Docket and Information Center (MC-6102), U.S. Environmental Protection Agency, 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 this direct final rulemaking 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. Steven 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](mailto: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 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.

*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 Amendments

In today's action, the EPA is amending certain regulatory text in the NESHAP regarding the interim standard for chloroform emissions from bleaching systems at mills that have enrolled in the Voluntary Advanced Technology Incentives Program (VATIP). The EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. However, in the **PROPOSED RULES** section of today's **Federal Register**, we are publishing a separate document that will serve as the proposal to this action if adverse comments are filed. This rule will be effective on February 26, 1999 without further notice unless we receive adverse comment by January 27, 1999. If the EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

Under the authority of the Clean Air Act (CAA), as amended, the EPA has promulgated standards (63 FR 18504, April 15, 1998) to reduce HAP emissions from the pulp and paper production source category. This rule is known as the Pulp and Paper 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. Both the air and effluent standards work together to reduce pollutant releases to air and water. There are close connections throughout the rule between the CAA NESHAP for air emissions and the Clean Water Act (CWA) effluent limitations guidelines for aqueous discharges.

An instance where this connection is particularly close is the standards for bleaching systems. Reducing chlorine used to bleach pulp will reduce HAP emissions from the bleach plant equipment vents and the wastewater treatment system, and will also reduce pollutants discharged in the water. The maximum achievable control technology (MACT) standard for bleaching system chloroform emissions requires mills to achieve the BAT requirements for dioxin, furan, chloroform, 12 chlorinated phenolic compounds, and AOX, in order to ensure that the removals represented by the MACT technology are attained. See 40 CFR 63.445(d)(1)(ii); 63 FR 18527 and 18551. This is because the control technologies upon which the BAT effluent limitations guidelines are based are identical to the control technologies used to comply with MACT; therefore, compliance with BAT will control air emissions to the MACT level of control. *Id.*

The CWA rules also create a voluntary incentive program—the Voluntary Advanced Technology Incentives Program—to encourage mills to install systems to achieve pollutant reductions at levels surpassing BAT requirements. The MACT standards, in a number of instances, establish alternatives to encourage mills to make this election. Of direct relevance here, the MACT standards for chloroform emissions from bleaching systems are structured to accommodate mills that have made the binding election to participate in the incentives program. Thus, MACT for chloroform emissions from participating fiber lines at such mills' bleaching systems is established in two parts. Under the incentives program, mills must achieve, among other requirements, the ultimate VATIP limitations for the tier they select by the dates prescribed in the rule, as well as enforceable interim milestones imposed

by the permit writer. See 40 CFR 430.24(b) (2), (3), and (4). For example, by April 16, 2004, all VATIP mills must achieve interim BAT limitations equivalent to the baseline BAT limitations. See 40 CFR 430.24(b)(3). As explained above, achievement of those limitations equals MACT. See 63 FR 18528 and § 63.440(d)(ii)(A). There is also an interim MACT standard which takes effect on April 15, 2001 (and is in effect until the ultimate MACT standard takes effect on April 15, 2004): VATIP fiber lines are not allowed to increase their application rates of chlorine or hypochlorite above the average rates determined for the 3-month period prior to June 15, 1998 (so called "anti-backsliding" provision). See § 63.440(d)(3)(ii)(B) at 63 FR 18617. It is this last provision that is affected by the present rule.

This amendment creates a third alternative to the interim MACT standards in § 63.440(d)(3) for chloroform emissions from bleach plants at VATIP facilities. Specifically, the amendment provides an alternative to the current exclusive requirement of no increase in chlorine or hypochlorite application rate. Under the alternative, mills participating in the incentives program would be required to comply with the baseline BAT provisions for two of the regulated pollutant parameters, specifically the chlorinated dioxin regulated under the rules (namely, 2,3,7,8-tetrachloro-dibenzo-p-dioxin, or TCDD) and AOX. The CWA requirements would be expressed as permit conditions imposed as a form of best professional judgment milestones required by 40 CFR 430.24(b)(2). (If the permitting authority determines that the mill can achieve the baseline limitations for TCDD and AOX sooner than April 15, 2001, then it may impose a more expeditious deadline.) Section 430.24(e) requires compliance with the baseline BAT limit for TCDD to be demonstrated at the bleach plant itself, and requires that TCDD be below the analytical minimum level of 10 parts per quadrillion. Compliance with the baseline AOX limitation is measured at end-of-pipe, and must reflect the end-of-pipe AOX contribution from pulp production bleached in the participating fiber line.

Control of TCDD and (to a lesser degree) AOX in bleaching plant effluent will likewise assure that chloroform air emissions are incidentally controlled during the transition period prior to April 15, 2004. This is because, first, control of TCDD and AOX will likewise control formation of other chlorinated compounds given the similarities of formation mechanisms of chlorinated

organic compounds. Second, as the EPA noted when promulgating the Cluster Rules, control of chlorinated chemicals to BAT levels will almost certainly mean that mills will be applying some type of MACT technology such as process substitution. See 63 FR 18528. This conclusion holds true for control of TCDD (and AOX) to BAT levels. The Agency thus expects that to achieve the TCDD limit, there will have to be at least reduced usage, if not elimination, of hypochlorite usage, and very careful control and minimized use of elemental chlorine, or use of chlorine dioxide, or other alternative bleaching chemicals. This process substitution will in turn control chloroform formation and hence potential emission. See 63 FR 18527.

Thus, today's amendment is consistent with the basis for the existing bleaching system MACT standards for chloroform emissions: MACT and BAT to control bleaching system emissions are the same. By applying BAT-types of technologies to TCDD and AOX, therefore, will also achieve interim control of chloroform emissions. Although elemental chlorine usage could increase under this alternative, the EPA does not expect that it will increase significantly, since other chlorinated constituents in water discharges similarly would increase and the TCDD or AOX limits could be exceeded.

In addition, and importantly, this amendment achieves BAT level of control for TCDD and AOX, and interim control of chloroform emissions during the transition period leading to the ultimate VATIP limits. As explained earlier, mills participating in the incentives program are not required to achieve the baseline BAT level control for TCDD or AOX until April 15, 2004. Mills wishing to use the alternative in today's rule would have to meet baseline BAT limitations for TCDD and AOX no later than April 15, 2001. Chloroform emissions will necessarily be limited incidentally at the same time. The EPA believes that this more rapid compliance with BAT for TCDD and AOX, make this an appropriate alternative from an environmental standpoint. Although bleaching systems at such mills could increase chlorine or hypochlorite usage (until April 15, 2004 when the final MACT standard takes effect), the EPA believes the alternative is appropriate in light of the earlier compliance with BAT limits for TCDD and AOX, as well as the interim incidental control of chloroform emissions these limits will provide.

Finally, the EPA believes that this amendment is justified to encourage plants to participate in the incentives

program. As noted throughout the rulemaking, this program has the potential to lead to significant and long-term decreases in pollutant discharges beyond the significant reductions required by BAT. See 63 FR 18514. One company which has stated that it otherwise would elect to participate in the program has identified the anti-backsliding provision in the MACT rules as an impediment to doing so because the provision may foreclose desirable business opportunities. The company has already achieved control surpassing baseline BAT on a portion of its production so that the company is in a good position to comply with the conditions established in this rule, as well as the Tier I VATIP provisions. Since the EPA views today's amendment as environmentally desirable in the long term in any case, and also wishes to encourage maximum participation in the incentives program in order to achieve further reductions in pollutant discharges, the Agency believes amending the rules to encourage the VATIP election further supports today's amendment. The EPA emphasizes that today's amendment is generally applicable so that any mill meeting the conditions specified can take advantage of the new MACT compliance alternative.

## 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 § 307(d)(7)(A).

### B. 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 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 amendments establish no new information collection requirements. Consequently, the ICR has not been revised.

#### *C. Executive Order 12866: "Significant Regulatory Action" Determination*

Under Executive Order 12866, the EPA must determine whether the 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 EPA accordingly prepared a regulatory impact analysis (RIA). Today's amendments provide an additional means of complying with one of the rule's requirements. The OMB has evaluated this action and determined it to be nonsignificant; thus, it did not require OMB review.

#### *D. 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 amendments would not result in increased impacts to small entities and

the changes to the rule in today's action do not add new control requirements to the April 15, 1998 rule. The amendments in fact create a compliance alternative and to that degree lessen the impact of the April 15, 1998 rule.

#### *E. 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 today's action 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. The action in fact somewhat lessens the impacts of the rule, as explained above. Therefore, the requirements of the Unfunded Mandates Act do not apply to today's action.

#### *F. 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 EPA consults with those governments. If the EPA complies by consulting, Executive Order 12875 requires EPA to provide to the 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 amends the existing rule to establish more compliance flexibility to achieve MACT, today's action does not impose any mandate upon State, local, or tribal governments.

#### *G. Applicability of 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 risks or safety risks that may disproportionately affect children.

#### *H. 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 amends the rule to establish another means of complying with MACT standards, 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.

#### *I. 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 the 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.

#### *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. The 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, Administrative practice and procedure, Air pollution control, Intergovernmental relations.

Dated: December 18, 1998.

**Carol M. Browner,**

*Administrator.*

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. Amend § 63.440 by revising paragraphs (d)(3)(ii) introductory text and (d)(3)(ii)(B), as follows:

##### **§ 63.440 Applicability.**

\* \* \* \* \*

(d) \* \* \*

(3) \* \* \*

(ii) Comply with paragraphs (d)(3)(ii)(A), (d)(3)(ii)(B), and (d)(3)(ii)(C) of this section.

\* \* \* \* \*

(B) The owner or operator of a bleaching system shall comply with the requirements specified in either paragraph (d)(3)(ii)(B)(1) or (d)(3)(ii)(B)(2) of this section.

(1) Not increase the application rate of chlorine or hypochlorite in kilograms (kg) of bleaching agent per megagram of ODP, in the bleaching system above the average daily rates used over the three months prior to June 15, 1998 until the requirements of paragraph (d)(3)(ii)(A) of this section are met and record application rates as specified in § 63.454(c).

(2) Comply with enforceable effluent limitations guidelines for 2,3,7,8-tetrachloro-dibenzo-p-dioxin and adsorbable organic halides at least as

stringent as the baseline BAT levels set out in 40 CFR 430.24(a)(1) as expeditiously as possible, but in no event later than April 16, 2001.

\* \* \* \* \*

[FR Doc. 98-34306 Filed 12-24-98; 8:45 am]

BILLING CODE 6560-50-P

### **FEDERAL COMMUNICATIONS COMMISSION**

#### **47 CFR Part 73**

[MM Docket No. 95-49, RM-8558]

#### **Radio Broadcasting Services; Llano and Marble Falls, TX**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final Rule; petition for reconsideration.

**SUMMARY:** This document denies the joint petition for reconsideration filed by Roy E. Henderson and Tichenor License Corporation and affirms our action in the *Report and Order*, 62 FR 31008 (June 6, 1997), which substituted Channel 285C3 for Channel 284C3 at Llano, Texas, reallocated Channel 285C3 to Marble Falls, Texas, and modified the license of Station KBAE(FM), Llano, to specify operation on Channel 285C3 at Marble Falls. In reaching this result, the document explains that the staff properly dismissed the petitioners' counterproposal as violating Section 1.420(i) of the Commission's Rules. With this action this proceeding is terminated.

**EFFECTIVE DATE:** December 28, 1998.

**FOR FURTHER INFORMATION CONTACT:** Arthur D. Scrutchins, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Memorandum Opinion and Order, MM Docket No. 95-49, adopted December 14, 1998, and released December 18, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M St., N.W., Washington D.C. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, N.W. Washington D.C. 20036.

#### **List of Subjects in 47 CFR Part 73**

Radio Broadcasting.