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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 281

[FRL 6427-3]

North Carolina; Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of tentative determination on application of State of North Carolina for final approval, public hearing and public comment period—correction.

SUMMARY: The State of North Carolina has applied for approval of its underground storage tank program for petroleum and hazardous substances under subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) reviewed the North Carolina application and has made the tentative decision that the North Carolina underground storage tank program for petroleum and hazardous substances satisfies all of the requirements necessary to qualify for approval. The *Federal Register* document announcing EPA's tentative decision and requesting public comment was published in August 10, 1999 (64 FR 43336-43338). In that *Federal Register* document the date for EPA to determine if there is sufficient interest to hold a public hearing, and for the public to contact EPA to find out if a public hearing would be held, was incorrectly listed. The correct information should read: EPA will determine by September 10, 1999, whether there is sufficient interest to hold the public hearing. Anyone who wishes to learn whether or not the public hearing on the State's application has been canceled should telephone the contact listed under the heading **FOR FURTHER FURTHER INFORMATION CONTACT.**

DATES: Written comments on the North Carolina program approval application, as well as requests to present oral testimony, must be received by the close of business September 9, 1999. A public hearing is scheduled for September 13, 1999, unless insufficient public interest is expressed in holding a hearing. EPA reserves the right to cancel the public hearing if sufficient public interest is not communicated to EPA in writing by September 9, 1999. EPA will determine by September 10, 1999, whether there is significant interest to hold the public hearing. The State of North Carolina

will participate in the public hearing held by EPA on this subject.

ADDRESSES: Written comments should be sent to Mr. John K. Mason, Chief of Underground Storage Tank Section, U.S. EPA Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303, telephone (404) 562-9277. Copies of the North Carolina approval application are available for inspection and copying during the hours of 9:00 am to 5:00 pm at the following addresses: North Carolina Department of Environment and Natural Resources, Underground Storage Tank Section, 2728 Capital Boulevard, Parker-Lincoln Building, Raleigh, North Carolina 27604, Phone: (919) 733-8486; U.S. EPA Docket Clerk, Office of Underground Storage Tanks, 1235 Jefferson Davis Highway-1st Floor, Arlington, Virginia 22202, Phone: (703) 603-9231; and, U.S. EPA Region 4, Underground Storage Tank Section, Atlanta Federal Center, 15th Floor, 61 Forsyth Street, SW, Atlanta, Georgia 30303, Phone: (404) 562-9277.

Unless insufficient public interest is expressed, EPA will hold a public hearing on the State of North Carolina's application for program approval on September 13, 1999, at 7:00 pm at the North Carolina Department of Environment and Natural Resources Archedale Building, Ground Floor Hearing Room, 512 North Salisbury Street, Raleigh, North Carolina 27604-1148. Anyone who wishes to learn whether or not the public hearing on the State's application has been cancelled should telephone the following contacts on or after September 10, 1999: Mr. John K. Mason, Chief, Underground Storage Tank Section, US EPA Region 4, 61 Forsyth Street, SW, Atlanta, Georgia 30303, Phone: (404) 562-9277; or Mr. Burrie Boshoff, Chief, Underground Storage Tank Section, North Carolina Department of Environment and Natural Resources, Post Office Box 29578, Raleigh, North Carolina 27626-0578, Phone: (919) 733-8486.

FOR FURTHER INFORMATION CONTACT: Mr. John K. Mason, Chief, Underground Storage Tank Section, U.S. EPA Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303, phone: (404) 562-9277.

List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous materials, State program approval, Underground storage tanks.

Authority: This document is issued under the authority of section 9004 of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: August 13, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

42 CFR Part 84

National Institute for Occupational Safety and Health; Approval of Respiratory Devices Used to Protect Workers in Hazardous Environments

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

ACTION: Notice of priorities for rulemaking.

SUMMARY: NIOSH is announcing a change in priority order and projected dates for publication of proposed rule amendments (modules) for respiratory devices used to protect workers in hazardous environments. The priority order of the planned modules is provided to help the respirator community plan for potential changes. **FOR FURTHER INFORMATION CONTACT:** Roland Berry Ann, NIOSH, 1095 Willowdale Road, Morgantown, West Virginia 26505-2888, telephone (304) 285-5907.

Availability and access of copies: Additional copies of this notice can be obtained by calling the NIOSH toll-free information number (1-800-35-NIOSH, option 5, 9 a.m.-4 p.m. ET); the electronic bulletin board of the Government Printing Office, (202) 512-1387; and the NIOSH Home Page on the World-Wide Web (<http://www.cdc.gov/niosh/homepage.html>).

SUPPLEMENTARY INFORMATION: NIOSH is currently in the process of developing modules to be proposed in the priority order below:

1. Administrative/Quality Assurance Module

Areas for potential modification in this module are: Upgrade of Quality Assurance requirements; Ability to use private sector quality auditors and private sector testing laboratories in the approval program; Revised approval label requirements; Validated approval fit tests; Updated and restructured fee schedule; and Fee retention in the Respirator program.

2. Self Contained Self Rescuer (SCSR)

Areas for potential modification in this module are: Metabolic simulator performance tests; Environmental tests (shock, vibration, temperature); Hypoxia tests; Reliability assessment; and Minimum performance requirements.

3. Powered Air Purifying Respirator (PAPR)

Areas for potential modification in this module are: Establishment of N, R, and P series filters; Use of active low flow or low pressure warning devices; Addition of new duration ratings; and Development of new types, such as pressure-demand PAPRs.

I. Background

On May 16, 1996, NIOSH published a document in the *Federal Register* (61 FR 24740) to request public comments on what the agency's priorities should be in the area of respirator certification. NIOSH sought public comments on issues of privatization and fees related to possible changes in its administration of respirator approval, and comments on establishing priorities for future rulemaking. NIOSH held three public meetings in June 1996 to discuss these issues. All comments provided in response to the notice were considered in developing rulemaking priorities.

NIOSH published a Notice for priority rulemaking in the *Federal Register* on October 17, 1997 (62 FR 53998) based on the comments received in response to its May 16, 1996 request. That Notice listed four technical and three

Administrative/Quality Assurance topic areas for priority rulemaking. In establishing the priorities for rulemaking, NIOSH acknowledged that those priorities may change to respond to emerging hazards and developing technologies or unforeseen delays encountered with research efforts. As established with that Notice, the NIOSH Docket remains open for additional public input on priority needs and module content.

Since that time, NIOSH has reconsidered those priorities due to recent serious field problems with deployed Self Contained Self Rescuers (SCSRs). Investigation of the problems with these respirators has revealed reliability issues resulting in product recalls and withdrawal of one product approval. NIOSH considers these recent experiences and the resultant concerns raised about the use of SCSRs to represent an emerging hazard requiring immediate attention. As a result, NIOSH has reevaluated its previously-published regulatory priority assessment to include an SCSR module as a priority. The Institute has formed a committee to review SCSR issues to be addressed in a module. Except for the addition of the SCSR module as the highest priority in the technical area, the originally prioritized topic areas remain unchanged.

To aid stakeholders in the respirator community in planning for possible regulatory changes, the schedule below provides general guidance for anticipating regulatory announcements.

PROJECTED 42 CFR PART 84 MODULE SCHEDULES

Module	Publication of NPRM	Publication of final rule
Administrative/QA ..	10/2000	06/2002
SCSR	12/2001	06/2003
PAPR	12/2001	09/2003

II. Continued Comments

As stated previously, the NIOSH docket remains open for receipt of additional comments and information on content for the modules announced in this notice. Comments for the need to re-prioritize other module topics also are welcome. NIOSH will periodically review the information in the docket to assist in determining if a priority reassessment is needed. Comments should be mailed to the NIOSH Docket Office, Robert A. Taft Laboratories, M/ S C34, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephone (513) 533-8450, fax (513) 533-8285. Comments may also be submitted by e-mail to: NIOCIDOCKET@CDC.GOV. E-mail attachments should be formatted as WordPerfect 4.2, 5.0, 5.1/5.2, 6.0/7.0/8.0, or ASCII files.

Dated: August 18, 1999.

Bryan Hardin,

Acting Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

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