

§ 371.4 Organization and management.

The DPMO is hereby established as a DoD Field Activity under the authority, direction, and control of the Assistant Secretary of Defense for Regional Security Affairs (ASD(RSA)). The DPMO shall consist of a Director and such subordinate elements as the Director establishes, within the resources authorized by the Secretary of Defense.

§ 371.5 Responsibilities and functions.

(a) The Director, Defense Prisoner of War/Missing in Action Office shall:

- (1) Organize, direct, and manage the DPMO and all assigned resources.
 - (2) Advise and assist the Under Secretary of Defense for Policy (USD(P)) and the ASD(RSA) within assigned mission, responsibilities, and functions.
 - (3) Support the USD(P) and the ASD(RSA) in the execution of their responsibilities to develop, coordinate, and oversee the implementation of POW/MIA policy.
 - (4) Serve as the DoD focal point for POW/MIA matters.
 - (5) Provide DoD participation in the conduct of negotiations with officials of foreign governments in efforts to achieve the fullest possible accounting of missing American service members.
 - (6) Assemble and analyze information on U.S. military and civilian personnel who are, or were, prisoners of war or missing in action.
 - (7) Maintain data bases on U.S. military and civilian personnel who are, or were, prisoners of war or missing in action.
 - (8) Declassify DoD documents for disclosure and release in accordance with section 1082 of Public Law 102-190 and Executive Order 12812, 57 FR 32879, 3 CFR, 1992 Comp., p. 311.
 - (9) Maintain open channels of communication on POW/MIA matters between the Department of Defense and the Congress, POW/MIA families, and veteran organizations, through periodic consultations and other appropriate measures.
 - (10) Provide appropriate representation to established POW/MIA-related interagency fora.
 - (11) Provide a statement of intelligence collection requirements to the Defense Intelligence Agency, for which the DPMO identifies a need.
 - (12) Perform such other functions as the ASD(RSA) may prescribe.
- (b) The Assistant Secretary of Defense for Regional Security Affairs shall:
- (1) Exercise authority, direction, and control over the DPMO.
 - (2) Recommend policies and resources for the administration of the DPMO to the Under Secretary of Defense for Policy.

§ 371.6 Relationships.

- (a) In the performance of assigned responsibilities and functions, the Director, DPMO, shall:
- (1) Report directly to the ASD(RSA).
 - (2) Coordinate and exchange information with other OSD officials, heads of the DoD Components, and other Federal officials having collateral or related functions.
 - (3) Use existing facilities and services of the Department of Defense and other Federal Agencies, when practicable, to avoid duplication and to achieve maximum efficiency and economy.
- (b) Other OSD officials and heads of the DoD Components shall coordinate with the Director, DPMO, on all matters related to the responsibilities and functions of the DPMO.

§ 371.7 Authorities.

- The Director, DPMO, is hereby delegated authority to:
- (a) Obtain reports, information, advice, and assistance, consistent with the policies and criteria of DoD Directive 8910.1,¹ as deemed necessary.
 - (b) Communicate directly with the heads of the DoD Components. Communications to the Commanders of Unified and Specified Combatant Commands shall be transmitted through the Chairman of the Joint Chiefs of Staff.
 - (c) Communicate with other Government officials, representatives of the legislative branch, members of the public, and representatives of foreign governments, as appropriate, in carrying out assigned functions.

§ 371.8 Administration.

- (a) The DPMO shall be authorized such personnel, facilities, funds, and other resources as the Secretary of Defense deems necessary.
- (b) The Military Departments shall assign military personnel to the DPMO in accordance with approved authorizations and established procedures for assignment to joint duty.
- (c) Administrative support required for the DPMO shall be provided by the Director, Washington Headquarters Services.

Dated: September 10, 1993.
Patricia L. Toppings,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
 [FR Doc. 93-22523 Filed 9-14-93; 8:45 am]
BILLING CODE 9999-94-M

¹ Copies may be obtained, at cost, from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 52

[WV13-1-5870; A-1-FRL-4726-7]

Approval and Promulgation of Air Quality Implementation Plans; West Virginia Small Business Stationary Source Technical and Environmental Compliance Assistance Program

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: EPA is approving a state implementation plan (SIP) revision submitted by the State of West Virginia for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM). This SIP revision was submitted by the State to satisfy the Federal mandate, found in section 507 of the Clean Air Act (CAA), to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the CAA. The rationale for the approval is set forth in this document; additional information is available at the address indicated in the ADDRESSES section. This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This action will become effective November 15, 1993, unless notice is received on or before October 15, 1993, that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments may be mailed to Thomas J. Maslany, Director, Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and West Virginia Department of Environmental Protection, Office of Air Quality, 1558 Washington Street, East, Charleston, West Virginia 25311.

FOR FURTHER INFORMATION CONTACT: Jennifer Moss at (215) 597-2923.

SUPPLEMENTARY INFORMATION:**I. Background**

Implementation of the provisions of the CAA will require regulation of many small businesses so that areas may attain and maintain the National ambient air quality standards (NAAQS) and reduce the emission of air toxics. Small businesses frequently lack the technical expertise and financial resources necessary to evaluate such regulations and to determine the appropriate mechanisms for compliance. In anticipation of the impact of these requirements on small businesses, the CAA requires that states adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), and submit this PROGRAM as a revision to the federally approved SIP. In addition, the CAA directs EPA to oversee these small business assistance programs and report to Congress on their implementation. The requirements for establishing a PROGRAM are set out in section 507 of title V of the CAA. In February 1992, EPA issued *Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments*, in order to delineate the Federal and state roles in meeting the new statutory provisions and as a tool to provide further guidance to the states on submitting acceptable SIP revisions.

On January 13, 1993, the State of West Virginia submitted a SIP revision to EPA in order to satisfy the requirements of section 507. In order to gain full approval, a state submittal must provide for each of the following PROGRAM elements:

- (1) The establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses;
- (2) The establishment of a state Small Business Ombudsman to represent the interests of small business stationary sources in connection with the implementation of the CAA; and
- (3) The creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP and state Small Business Ombudsman.

II. Analysis**1. Small Business Assistance Program**

Section 16-20-19 of the Code of West Virginia authorizes the Secretary of the Department of Commerce, Labor and Environmental Resources (DCLER) to establish a Small Business Stationary Source Technical and Environmental Compliance Assistance Program which

meets the requirements of title V of the CAA. In developing West Virginia's PROGRAM submittal, the Secretary of DCLER has delegated the authority to implement the provisions of West Virginia's SBAP to the Division of Environmental Protection's Office of Air Quality (OAQ).

Section 507(a) of the CAA sets forth seven requirements that states must meet to have an approvable SBAP. Six requirements will be discussed in this section of this notice, while the seventh requirement, establishment of a state Small Business Ombudsman, will be discussed in the next section. The first requirement is to establish adequate mechanisms for developing, collecting and coordinating information concerning compliance methods and technologies for small business stationary sources, and programs to encourage lawful cooperation among such sources and other persons to further compliance with the CAA. The second requirement is to establish adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products and methods of operation that help reduce air pollution. Under its authority to implement the SBAP, the OAQ will meet these requirements by serving as a clearinghouse for information related to compliance methods and control technologies, pollution prevention and accidental release prevention and detection. Information on pollution prevention/accidental release will focus on the requirements under the accidental release provisions of title III of the CAA, the Emergency Planning and Community Right-to-Know Act of 1986, the Occupational Safety and Health Administration (OSHA) process safety standards, etc. Relevant clearinghouse material will be translated into layman's terms and organized into information packets. The OAQ will maintain a directory of additional information resources, such as U.S. EPA's Control Technology Center (CTC), Emissions Measurement Technical Information Center (EMTIC) and Pollution Prevention Clearinghouse (PPIC) and other state, regional and private resources. The OAQ will work closely with other State agencies, particularly the West Virginia Small Business Development Center (SBDC) and establish memoranda of understanding as necessary to optimize information exchange and program effectiveness. Information dissemination

shall take two forms. *Proactive* or "outreach" mechanisms will utilize industry groups, trade associations, the West Virginia SBDC, and additional avenues as needed to disseminate information to eligible small business stationary sources. Under its delegated authority to implement the SBAP, the OAQ will also disseminate information in a *reactive* manner by designating a contact person who will be responsible for answering questions directly or referring them to appropriate agency experts. The contact person will also be responsible for distributing information packets on request and helping sources access information resources housed in the directory.

The third requirement is to develop a compliance and technical assistance program for small business stationary sources which assists small businesses in determining applicable requirements and in receiving permits under the CAA in a timely and efficient manner. Pursuant to its authority to implement the SBAP, the OAQ will develop fact sheets which will detail new and existing regulatory requirements on a source category basis. The fact sheets will be disseminated in a timely manner by the proactive and reactive mechanisms described in the preceding paragraph. Specific questions about permitting eligibility, responsibilities and procedures will be directed to appropriate experts in the Permitting Branch of the OAQ.

The fourth requirement is to develop adequate mechanisms to assure that small business stationary sources receive notice of their rights under the CAA in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final regulation or standards issued under the CAA. The fifth requirement is to develop adequate mechanisms for informing small business stationary sources of their obligations under the CAA, including mechanisms for referring such sources to qualified auditors or, at the option of the state, for providing audits of the operations of such sources to determine compliance with the CAA. Under its delegated authority to implement the SBAP, the OAQ will maintain a database of all small business stationary sources subject to Federal and/or state requirements. The OAQ will collect source information from the SBDC, commerce data, permitting and emission inventory lists. Database sources will be notified, in a timely manner by the proactive mechanisms described above, about rights and obligations under the CAA, related West

Virginia statutes and associated air quality regulations. In addition, the OAQ will be responsible for developing and maintaining a list of qualified auditors for small business stationary sources to contact. The list will include qualified OAQ personnel who will perform simple complimentary audits on request as well as other environmental consultants who will charge for their activities.

The sixth requirement is to develop procedures for consideration of requests from a small business stationary source for modification of: (A) Any work practice or technological method of compliance, or (B) the schedule of milestones for implementing such work practices or compliance methods preceding any applicable compliance date. Under its delegated authority to implement the SBAP, the OAQ will meet this requirement by developing, in consultation with the state Small Business Ombudsman, formal procedures in accordance with section 507(a)(7) of the CAA to receive, review and process requests for work practice, compliance method or milestone modifications by no later than November 15, 1994. The Ombudsman will serve as a facilitator for these requests.

2. Ombudsman

Section 507(a)(3) of the CAA requires the designation of a state office to serve as the Ombudsman for small business stationary sources in connection with the implementation of the CAA. West Virginia's Secretary of DCLER will designate an office within the DCLER to serve as Ombudsman for small business concerns as they relate to the implementation of the CAA. It is anticipated that the Ombudsman will be located in the Economic Development Office. The DCLER will provide written notification to EPA confirming the designation and location of the Ombudsman's office by March 30, 1994. The Ombudsman will be readily accessible to small businesses and, on their behalf, be authorized to provide reports to and communicate with state air pollution control authorities and the Secretary of DCLER. The Ombudsman will also participate in many aspects of SBAP implementation such as assisting small businesses in locating sources of funds to comply with environmental regulations. Provisions in the PROGRAM submittal indicate that the Ombudsman's office will be adequately staffed and funded to fulfill its function in relation to the program.

3. Compliance Advisory Panel

Section 507(e) of the CAA requires the state to establish a Compliance Advisory Panel (CAP) that must include two members selected by the Governor who are not owners or representatives of owners of small business stationary sources; four members selected by the state legislature who are owners, or represent owners, of small businesses; and one member selected by the head of the agency in charge of the air pollution permit program. Section 16-20-19 of the Code of West Virginia authorizes the establishment of a Compliance Advisory Panel in accordance with the method of selection described above and in section 507(e)(2) for a bicameral legislature. Panel members will be appointed no later than July 1, 1994.

In addition to establishing the minimum membership of the CAP the CAA delineates four responsibilities of the panel:

(A) To render advisory opinions concerning the effectiveness of the SBAP, difficulties encountered and the degree and severity of enforcement actions;

(B) To review and assure that information for small business stationary sources is easily understandable;

(C) To periodically report to EPA concerning the SBAP's adherence to the principles of the Paperwork Reduction Act, the Equal Access to Justice Act, and the Regulatory Flexibility Act. (Section 507(e)(1)(B) requires the CAP to report on the compliance of the SBAP with these three statutes. However, since state agencies are not required to comply with them, EPA believes that the State PROGRAM must merely require the CAP to report on whether the SBAP is adhering to the general principles of these Federal Statutes.); and

(D) To develop and disseminate the reports and advisory opinions made through the SBAP. A description of the duties and authorities delegated to West Virginia's Compliance Advisory Panel indicates that it will be responsible for all four of the activities listed above.

4. Eligibility

Section 507(c)(1) of the CAA defines the term "small business stationary source" as a stationary source that:

(A) Is owned or operated by a person who employs 100 or fewer individuals,

(B) Is a small business concern as defined in the Small Business Act;

(C) Is not a major stationary source;

(D) Does not emit 50 tons per year (tpy) or more of any regulated pollutant; and

(E) Emits less than 75 tpy of all regulated pollutants.

Except for source categories which the EPA Administrator or the State of West Virginia determines, in accordance with sections 507(c)(3)(A) and (B), to have sufficient financial and technical capabilities to meet the requirements of the CAA without PROGRAM assistance, all small business stationary sources located in West Virginia will be eligible to receive assistance under the PROGRAM. West Virginia's PROGRAM criteria for defining a "small business stationary source" is equivalent to the criteria listed in section 507(c)(1) of the CAA. The State of West Virginia has not provided for the extension of eligibility for assistance under the PROGRAM beyond the requirements of sections 507(c)(1)(C)-(E). However, the State may provide "unofficial" PROGRAM assistance to any source that requests help if resources are available.

III. Summary of SIP Revision

The State of West Virginia has submitted a SIP revision implementing each of the required PROGRAM elements required by section 507 of the CAA. As previously stated, the authority to implement the SBAP has been delegated to the OAQ. Program implementation will begin no later than November 15, 1994. The Secretary of West Virginia's DCLER will designate an office within DCLER to serve as Ombudsman for small business concerns as they relate to the SBAP by no later than March 30, 1994. Section 16-20-19 of the code of West Virginia authorizes the creation of a Compliance Advisory Panel to periodically review the effectiveness of the SBAP. All panel members will be appointed by no later than July 1, 1994. In this action, EPA is approving the SIP revision submitted by the State of West Virginia. Accordingly, § 52.2560 is added to 40 CFR part 52, subpart XX-West Virginia to reflect EPA's approval action and the fact that it is considered part of the West Virginia SIP.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this Federal Register notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by simultaneously publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of

the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on November 15, 1993.

IV. Final Action

EPA is approving West Virginia's plan for the establishment of a Small Business Stationary Source Technical and Environmental Compliance Assistance Program. Accordingly, § 52.2560 is added to 40 CFR part 52, subpart XX-West Virginia to reflect EPA's approval action. The Agency has reviewed this request for revision of the federally-approved state implementation plan for conformance with the CAA including sections 507 and 110(a)(2)(E).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

By this action, EPA is approving a state program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The program being approved does not impose any new regulatory burden on small businesses; it is a program under which small businesses may elect to take advantage of assistance provided by the state. Therefore, because EPA's approval of this program does not impose any new regulatory requirements on small businesses, the Administrator certifies that it does not have a significant economic impact on any small entities affected.

This action has been classified as a Table 2 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and Table 3 SIP

revisions from the requirements of section 3 of Executive Order 12291 for a period of two years. EPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, approving West Virginia's Small Business Stationary Source Technical and Environmental Compliance Assistance Program, must be filed in the United States Court of Appeals for the appropriate circuit by [insert date 60 days from date of publication]. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Small business assistance program.

Dated: August 23, 1993.

W. T. Wisniewski,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart XX—West Virginia

2. Section 52.2560 is added to read as follows:

§ 52.2560 Small business technical and environmental compliance assistance program.

On January 13, 1993 the Secretary of the West Virginia Department of Commerce, Labor and Environmental Resources submitted a plan for the establishment and implementation of a Small Business Technical and Environmental Compliance Assistance Program as a state implementation plan revision (SIP), as required by title V of the Clean Air Act. EPA approved the Small Business Technical and Environmental Compliance Assistance Program on September 15, 1993, and made it part of the West Virginia SIP. As with all components of the SIP, West

Virginia must implement the program as submitted and approved by EPA.

[FR Doc. 93-22062 Filed 9-14-93; 8:45 am]

BILLING CODE 6560-60-F

40 CFR Part 52

[IL 7-2-5992; FRL-4702-3]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: U.S. Environmental Protection Agency (U.S. EPA).

ACTION: Final rule.

SUMMARY: U.S. EPA is approving a request by the State of Illinois to revise its Illinois State Implementation Plan (SIP) for Total Suspended Particulate (TSP) matter. The requested revision constitutes a relaxation of existing requirements as they pertain to particulate emissions from continuous automatic stoking animal pathological waste incinerators. Included with this revision request is a demonstration that the emission relaxations will not interfere with attainment and maintenance of the PM-10 (particulate matter with a nominal diameter of 10 micrometers or less) National Ambient Air Quality Standards (NAAQS) or of any other applicable requirement of the Clean Air Act (Act). U.S. EPA's action is based upon a revision request which was submitted by the State under the requirements of part D of the Act.

EFFECTIVE DATE: This action is effective on November 15, 1993 unless notice is received by October 15, 1993 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments should be addressed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR-18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

A copy of this revision to the Illinois SIP is available for inspection at: Jerry Kurtzweg (ANR-443), U.S.

Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Regulation Development Branch, Regulation Development Section (AR-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-6036.

SUPPLEMENTARY INFORMATION: U.S. EPA revised the particulate matter standard on July 1, 1987 (52 FR 24634), and replaced the TSP ambient air quality