Authority: 42 U.S.C. 7401–7671q.

Subpart X—Michigan

2. Section 52.1170 is amended by adding paragraph (c)(111) to read as follows:

§ 52.1170 Identification of Plan.

* * * * *

(c) * * *

(111) On March 18, 1999, the State of Michigan submitted a revision to the Michigan State Implementation Plan for carbon monoxide containing a section 175A maintenance plan for the Detroit area as part of Michigan's request to redesignate the area from nonattainment to attainment for carbon monoxide. Elements of the section 175A maintenance plan include a base year (1996 attainment year) emission inventory for CO, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2010, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the CO NAAQS (which must be confirmed by the State), Michigan will implement one or more appropriate contingency measure(s) which are in the contingency plan. The menu of contingency measures includes enforceable emission limitations for stationary sources, transportation control measures, or a vehicle inspection and maintenance program.

2. Subpart X is amended by adding § 52.1179 to read as follows:

§ 52.1179 Control strategy: Carbon monoxide.

Approval—On March 18, 1999, the Michigan Department of Environmental Quality submitted a request to redesignate the Detroit CO nonattainment area (consisting of portions of Wayne, Oakland, and Macomb Counties) to attainment for CO. As part of the redesignation request, the State submitted a maintenance plan as required by 175A of the Clean Air Act, as amended in 1990. Elements of the section 175A maintenance plan include a base year (1996 attainment year) emission inventory for CO, a demonstration of maintenance of the ozone NAAQS with projected emission inventories to the year 2010, a plan to verify continued attainment, a contingency plan, and an obligation to submit a subsequent maintenance plan revision in 8 years as required by the Clean Air Act. If the area records a violation of the CO NAAQS (which must be confirmed by the State), Michigan will implement one or more appropriate contingency measure(s) which are contained in the contingency plan. The menu of contingency measures includes enforceable emission limitations for stationary sources, transportation control measures, or a vehicle inspection and maintenance program. The redesignation request and maintenance plan meet the redesignation requirements in section 107(d)(3)(E) and 175A of the Act as amended in 1990, respectively.

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

2. In § 81.323 the table entitled ''Michigan-carbon monoxide'' is amended by revising the entry for the ''Detroit Area'' to read as:

§ 81.323 Michigan.

* * * * *

MICHIGAN—CARBON MONOXIDE

Designated areas	Designation		Classification	
	Date [1]	Type	Date [1]	Type
DETROIT AREA				
Areas included within the following (counter-clockwise):				
Lake St. Clair to 14 Mile Road to Kelly Road, N. to 15 Mile Road to Hayes Road, S. to 14 Mile Road to Clawson City Boundary, following N. Clawson City boundary to N. Royal Oak boundary to 13 Mile Road to Evergreen Road to southern Beverly Hills City boundary to southern Bingham Farms City boundary to southern Franklin Hills City boundary to Inkster Road, south to Pennsylvania Road extending east to the Detroit River. Macomb County (part).	August 30, 1999	Attainment.		
Oakland County (part)	August 30, 1999	Attainment.		
Wayne County (part)	August 30, 1999	Attainment.		
*	*	*	*	*

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 99–16372 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6369–9]

RIN 2060–AH47

National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins and Group IV Polymers and Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule: notice of stay.

SUMMARY: The EPA is taking direct final action to indefinitely stay the compliance dates for portions of the national emission standards for hazardous air pollutants (NESHAP) for Group I Polymers and Resins and Group IV Polymers and Resins. This direct final rule stays, indefinitely, the compliance dates for existing affected sources and new affected sources with an initial start up date on or after March 9, 1999, which are subject to the Group I Polymers and Resins and Group IV Polymers and Resins NESHAP

requirements for all emission points except equipment leaks. This stay will remain in effect until the date that the amendments to these rules (which were proposed on March 9, 1999) are promulgated, at which point the EPA will publish new compliance dates for these affected sources. The EPA is issuing this stay of the compliance dates for existing affected sources and for new affected sources with an initial start up date on or after March 9, 1999, because of the significant amendments to these NESHAP that were proposed on March 9, 1999. It is unlikely that those amendments will be promulgated before the compliance dates for existing affected sources subject to Group I and Group IV Polymers and Resins regulations (September 5, 1999, and September 12, 1999, respectively).

DATES: This direct final rule is effective on August 30, 1999 without further notice unless EPA receives adverse comments by July 30, 1999. Should EPA receive such comments, it will publish a timely withdrawal informing the public that this rule will not take effect.

ADDRESSES: Comments. Written comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A–92–44 (Group I Polymers and Resins) and/or Docket Number A–92–45 (Group IV Polymers and Resins), Room M–1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The EPA requests that a separate copy of each public comment be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**). Comments may also be submitted electronically by following the instructions provided in **SUPPLEMENTARY INFORMATION.**

Docket. Docket numbers A–92–44 and A–92–45, containing information relevant to this direct final rule, are available for public inspection between 8:00 a.m. and 5:30 p.m., Monday through Friday (except for Federal holidays) 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 docket is located at the above address in Room M–1500, Waterside Mall (ground floor). Alternatively, a docket index, as well as individual items contained within the docket, may be obtained by calling (202) 260–7548 or (202) 260–7549. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Robert E. Rosensteel, Organic Chemicals Group, Emission Standards Division (MD–13), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5608, electronic mail address rosensteel.bob@epa.gov.

SUPPLEMENTARY INFORMATION:

Plain Language

In compliance with President Clinton's June 1, 1998 Executive Memorandum on Plain Language in government writing, this notice is written using plain language. Thus, the use of ''we'' in this notice refers to EPA. The use of ''you'' refers to the reader, and may include industry; State, local, and tribal governments; environmental groups; and other interested individuals.

Regulated Entities

Entities potentially regulated by this direct final rule include:

Category	Examples of regulated entities
Industry	Butyl Rubber, Halobutyl Rubber, Epichlorohydrin Elastomer, Ethylene Propylene Rubber, Hypalon™, Neoprene, Nitrile Butadiene Rubber, Nitrile Butadiene Latex, Polybutadiene Rubber, Styrene-Butadiene Rubber or Latex, Acrylonitrile Butadiene Styrene Resin, Styrene Acrylonitrile Resin, Methyl Methacrylate Acrylonitrile Butadiene Styrene Resin, Methyl Methacrylate Butadiene Styrene Resin, Poly(ethylene terephthalate) Resin, Polystyrene Resin, and Nitrile Resin producers.

This table is not intended to be exhaustive, but rather provides a guide regarding entities likely to be affected by this action. To determine whether your facility is regulated by this direct final rule, you should carefully examine the applicability criteria in 40 CFR 63.480 and 63.1310. If you have any questions regarding the applicability of this direct final rule to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Electronic Access and Filing Addresses

You can get this notice, the promulgated texts, and other background information in Docket Numbers A–92–44 and A–92–45 by request from EPA's Air and Radiation Docket and Information Center (see **ADDRESSES**). You can also access materials through the EPA web site at: http://www.epa.gov/ttn/oarpg. For further information and general questions regarding the Technology Transfer Network (TTN), you can call Mr. Hersch Rorex (919) 541–5637 or Mr. Phil Dickerson (919) 541–4814.

If you send comments by electronic mail (e-mail) to ''a-and-r-docket@epamail.epa.gov,'' they should be in an ASCII file, and the file should not use special characters or encryption. We will also accept comments and data on diskette in WordPerfect 5.1 or 6.1 or ASCII file format. You may file comments on the proposed rule online at many Federal Depository Libraries. Identify all comments and data in electronic form by the docket numbers A–92–44 and/or A–92–45. Do not send any confidential business information through electronic mail.

The following outline is provided to aid you in reading the preamble to the direct final rule.

I. Why are we taking this action?
II. Who does this stay impact?
III. What are the administrative requirements for this direct final rule?

I. Why are we taking this action?

On September 5, 1996 and September 12, 1996, we promulgated NESHAP for Group I Polymers and Resins and Group IV Polymers and Resins as subparts U (Group I) and JJJ (Group IV) in 40 CFR part 63. These regulations require Group I Polymers and Resins existing affected sources, with certain exceptions (listed in § 63.481(d)), to be in compliance with the equipment leak provisions in § 63.502 by July 31, 1997. Likewise these regulations require Group IV Polymers and Resins existing affected sources, with certain exceptions (listed in § 63.1311(d)) to be in compliance with the equipment leak provisions in § 63.1331 by February 27, 2001. The Group I Polymers and Resins NESHAP also requires that existing affected sources comply with the nonequipment leak provisions in subpart U by September 5, 1999. Group IV existing affected sources subject to subpart JJJ are required to comply with the nonequipment leak provisions in subpart JJJ by September 12, 1999.

Under 40 CFR parts 63.481 and 63.1311, with the exception of new sources producing PET, new affected sources are required to comply with all provisions of the applicable rules upon initial start-up, or by September 5, 1996 or February 27, 1998 (respectively), whichever is later. New affected sources producing PET are required to be in compliance with all nonequipment leak provisions at initial start-up and with the equipment leak provisions by

February 27, 2001. Sections 63.481 and 63.1311 provide specific compliance dates for all emission points.

As a result of litigation proceedings and changes necessary due to amendments to the Hazardous Organics NESHAP (HON), which were promulgated on January 17, 1997 (62 FR 6722), significant amendments to these NESHAP were proposed on March 9, 1999 (64 FR 11560). Those amendments were necessary due to the fact that both subparts U and JJJ reference a substantial number of the HON requirements, and those requirements changed significantly in the January 17, 1997, promulgated amendments.

We are currently summarizing and evaluating comments on the March 9, 1999, proposed amendments. As noted above, for existing affected sources subject to subparts U and JJJ, the compliance dates for all equipment, except components subject to the equipment leak provisions, are in September 1999 (September 5, 1999, for subpart U and September 12, 1999, for subpart JJJ). While we are uncertain of the exact date that we will promulgate these amendments, we expect that it will be after the compliance dates noted above. We believe that requiring existing affected sources to come into compliance with a regulation that is soon-to-be-amended, to a considerable degree, presents a significant and unnecessary burden for affected sources and enforcement agencies. We also believe that new affected sources, starting up on or after March 9, 1999, should be treated the same way that new sources are treated that start up after the proposal of a regulation (i.e., they must comply at promulgation or start-up, whichever is later). We also believe that requiring these new sources to begin to comply with the provisions of a soon-to-be-amended regulation would result in a significant and unnecessary burden.

We are publishing this direct final rule without prior proposal because we view these amendments to be noncontroversial, and we anticipate no adverse comments on these amendments. This direct final rule is of a relatively short time frame (likely well under 1 year), and it would avoid imposing the significant burden of requiring owners and operators to comply with one version of a rule for a period of months only to impose different compliance provisions at promulgation of the amendments. We are publishing this rule as a direct final rule because we believe that the ''indefinite stay'' of these compliance dates should become effective as soon as possible, to allow owners or operators that have started up, or that plan to start up, a new affected source this spring or summer to focus on compliance with the final amended versions of the regulations. However, in the ''Proposed Rules'' section of today's **Federal Register**, we are publishing a separate document that will serve as a *proposal* to stay the subparts U and JJJ compliance dates for existing affected sources and to establish new compliance dates for new affected sources with an initial start up date on or after March 9, 1999, if adverse comments are filed on this direct final rule. This rule will be effective on August 30, 1999 without further notice unless we receive adverse comment by July 30, 1999. If a significant adverse comment applies to an amendment, paragraph, or section of this rule and that provision may be addressed separately from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of a significant adverse comment and withdraw those provisions that did receive adverse comment. For any provisions that are withdrawn, 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.

We do not anticipate that the amendments proposed on March 9, 1999, will alter the type or identity of sources subject to the regulation. However, the amendments do affect how owners or operators of those sources must comply with the requirements in subpart U or JJJ.

Without today's stay of the compliance dates, owners or operators of existing affected sources subject to subpart U or JJJ would have to comply by this September (September 1999) with the regulations as they were promulgated in 1996. New affected sources starting up in spring or summer of 1999 would have to comply with the September 1996 promulgated requirements, upon initial start up. Soon thereafter, we will promulgate amendments to 40 CFR part 63, subparts U and JJJ, which will likely contain different compliance demonstration requirements. Examples of potential situations that could arise if we did not take action to stay the compliance dates for these regulations are provided below.

The regulations promulgated in 1996 specify that compliance tests be conducted at ''maximum representative'' operating conditions. The owner or operator, who is required to select the maximum representative conditions for a performance test based on the 1996 version of the regulation, would conduct the test shortly after the September 1999 compliance date. We did not propose to change this requirement in our March 9, 1999 action, but we did propose provisions that clarify what are maximum representative operating conditions. If the conditions originally selected by the owner or operator, based on the 1996 regulations, did not meet the amended definition, the owner or operator may be required to conduct another performance test.

The regulations promulgated in 1996 require an owner or operator to base the group determination for batch process vents on the ''worst-case hazardous air pollutant (HAP) emitting product.'' For a Group 2 batch process vent, the regulations require that the owner or operator establish and comply with a ''batch cycle limitation,'' to ensure that the Group 2 vent does not become Group 1. The proposed amendments change the basis for the group determination for batch process vents to the ''highest-HAP recipe,'' and replace the batch cycle limitation with a ''batch mass input limitation.''

Without today's stay of the compliance dates, the following scenario could be encountered by owners and operators of batch process vents. Prior to the September 1999 compliance dates (existing affected sources) or initial start-up (new affected sources), an owner or operator would need to determine the group status for each batch process vent. This presumably means an owner or operator would need to ''model'' all formulations to see which formulation emits the most HAP, in order to make a group determination. However, that group determination will be irrelevant once we promulgate the amendments to subparts U and JJJ. Today's Direct Final Rule removes the burden that such a scenario would impose.

According to the September 1996 promulgated requirements for Group 2 batch process vents, the owner or operator needs to establish a batch cycle limitation and to begin tracking batch cycles. The owner or operator would also be required to record and report the group determination results and the batch cycle limitation.

Following promulgation of the proposed amendments, records of the ''new'' group determination (based on the highest-HAP recipe) would be required, a batch mass input limitation would need to be established, and tracking of the mass input to each unit operation would need to be conducted. Notwithstanding the owner or operator's

considerable prior efforts in establishing a group determination, the owner or operator would then be compelled to conduct and establish an entirely new group determination and to establish a batch mass input limitation.

The wastewater provisions provide another example of potential problems that should be resolved by today's Direct Final Rule. Subparts U and JJJ both directly reference the HON wastewater provisions, and provide a list of exceptions to the HON requirements. After the September 1996 promulgation of subparts U and JJJ, we proposed and promulgated significant amendments to the HON wastewater provisions. Therefore, some of the specific HON wastewater paragraphs which are cited in subparts U and JJJ have been moved, while some cited paragraphs no longer exist. Therefore, an owner or operator attempting to comply with the wastewater provisions in subpart U (§ 63.501) or subpart JJJ (§ 63.1330) as promulgated in September 1996 would be faced with this list of incorrect exceptions and citations. On March 9, 1999, we proposed to amend the wastewater exceptions and cross-references, in accordance with the promulgated HON amendments.

We do not believe that owners or operators of affected sources should be placed in situations like those described above. Further, you should not be compelled to comply with regulatory provisions that we have deemed to be defective and in need of revision. We also do not believe that it would be prudent for agencies enforcing this regulation to expend resources enforcing requirements that will be changing soon after the compliance date. Therefore, we believe that the most reasonable action is to stay the compliance dates indefinitely, until new compliance dates can be put forth in the promulgated amendments.

II. Who does this stay impact?

We are issuing a stay of the existing source compliance dates for the Group I (subpart U) and Group IV (subpart JJJ) Polymers and Resins NESHAP for all emission points, except for those components subject to the equipment leak provisions. Specifically, we are staying the provisions in 40 CFR 63.481(c) and (d)(6), and in 40 CFR 63.1311(c), by adding a note at the end of each of these paragraphs, explaining that these compliance dates are stayed indefinitely. In a similar manner, we are also staying the compliance dates for new affected sources with an initial start-up date on or after March 9, 1999, by adding a note at the end of 40 CFR 63.481(b) and 40 CFR 63.1311(b).

This stay will impact you if you are the owner or operator of an existing or new (on or after March 9, 1999) affected source subject to either the Group I or Group IV Polymers and Resins NESHAP. You will not be required to comply with the requirements for storage vessels, process vents, back-end process operations (subpart U only), heat exchange systems, or wastewater by September 5, 1999 or September 12, 1999, respectively. Also, you will not be required to comply with the associated monitoring, recordkeeping, or reporting provisions at that time. When the final amendments to the regulations are promulgated, we will publish the new compliance dates, providing you with a reasonable amount of time in which to comply with the amended regulations. We will use information submitted by commenters in response to our request for comments on this topic in the March 9, 1999, proposal of amendments (64 FR 11573) to determine what constitutes a ''reasonable amount of time'' before promulgating those amendments. We also plan to specify how and when any reports that are due prior to the compliance date (e.g., the Precompliance Report or the Emissions Averaging Plan) are to be submitted. This Direct Final Rule does not stay the compliance date in 40 CFR part 63, subpart JJJ for process contact cooling tower provisions at existing affected sources that produce PET using a continuous terephthalic acid high viscosity multiple end finisher process, because that compliance date was previously extended until February 27, 2001.

If you are the owner or operator of an existing source that is subject to either the Group I or Group IV Polymers and Resins NESHAP, you should already be in compliance with the equipment leak provisions associated with those NESHAP, unless you have received a compliance extension or are a producer of PET. This Direct Final Rule does not impact the compliance dates for those equipment leak provisions. You will need to continue to comply with those equipment leak provisions, along with all the associated monitoring, recordkeeping, and reporting requirements. For PET producers, the existing source compliance date for the equipment leak provisions is February 27, 2001.

At promulgation of the March 9, 1999 proposed amendments, we will also publish the compliance dates that apply to new affected sources subject to the Group I and Group IV Polymers and Resins NESHAP. We will amend §§ 63.481(b) and 63.1311(b) to specify the compliance date for new sources that have an initial start up date on or after March 9, 1999. The February 27, 2001, compliance date for the equipment leaks provisions for new affected sources producing PET will not be affected by the promulgation of the amendments to subparts U and JJJ.

Therefore, if you are the owner or operator of a new affected source that has an initial start-up date on or after March 9, 1999, but before the new compliance date which will be specified in the promulgated amendments, you will not be required to comply with any provisions of the rule upon initial start-up. Instead, you will be required to be in compliance with the requirements for new affected sources on the compliance date published in the promulgated amendments. If you will have an initial start-up date after the compliance date described in the promulgated amendments, then you will be required to comply with the requirements for new affected sources on the date of your initial start-up.

If you are the owner or operator of a new affected source that had an initial start up date prior to March 9, 1999, you should already be in compliance with all aspects of the applicable regulation (with the exception of owners or operators of PET sources, who are not yet required to be in compliance with the equipment leak provisions). This Direct Final Rule does not impact the provisions for new affected sources with an initial start-up prior to March 9, 1999. You will need to continue to comply with the September 1996 promulgated requirements, along with all the associated monitoring, recordkeeping, and reporting requirements. Further, you will need to come into compliance with the promulgated amendments on the compliance date published in the promulgated amendments for new affected sources.

III. What are the administrative requirements for this direct final rule?

A. Docket

The dockets are organized and complete files of all the information submitted to or otherwise considered by EPA in the development of the final standards. The principal purposes of the docket are to allow interested parties to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process; and to serve as the record in case of judicial review (except for interagency review materials (section 307(d)(7)(A)).

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), EPA must determine whether the regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Executive Order defines ''significant regulatory action'' as one that is likely to result in standards 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, productivity, competition, jobs, the environment, public health or safety, or 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 EPA has determined that this direct final rule does not meet any of the criteria enumerated above and therefore, does not constitute a ''significant regulatory action'' under the terms of Executive Order 12866.

C. Executive Order 13045

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that is determined to be ''economically significant'' as defined under Executive Order 12866, and 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.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Executive Order has the potential to influence the regulation. This direct final rule is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

D. Paperwork Reduction Act

For both the Group I and Group IV Polymers and Resins NESHAP, the information collection requirements (ICRs) were submitted to OMB under the Paperwork Reduction Act. At promulgation, OMB had already approved the ICR for the Group IV Polymers and Resins NESHAP and assigned OMB control number 2060–0351. Subsequently, OMB approved the ICR for the Group I Polymers and Resins NESHAP, and on July 15, 1997 (62 FR 37720) assigned OMB control number 2060–0356.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The EPA has amended 40 CFR 9.1 to indicate the ICRs contained in the Group I and IV Polymers and Resins NESHAP.

The amendments to the NESHAP contained in this direct final rule should have no impact on the information collection burden estimates made previously. Therefore, the ICRs have not been revised.

E. Regulatory Flexibility Act

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this direct final rule. The EPA has also determined that this direct final rule will not have a significant adverse economic impact on a substantial number of small businesses, as it only stays the compliance dates for certain sources and imposes no additional regulatory requirements on owners or operators of affected sources.

F. 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 direct final 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 direct final rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

G. Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub.L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that this direct final rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in aggregate, or the private sector in any 1 year, nor does this direct final rule significantly or uniquely impact small governments, because it contains no requirements that apply to such governments or impose obligations upon them. Thus, the requirements of the UMRA do not apply to this direct final rule.

H. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a

mandate upon a State, local, or tribal governments, 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 EPA complies by consulting, Executive Order 12875 requires EPA to provide to OMB 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 any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 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 direct final rule does not create a mandate on State, local, or tribal governments. This direct final rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this direct final rule.

I. Executive Order 13084

Under Executive Order 13084, 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 EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to OMB, 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, Executive Order 13084 requires EPA to develop an effective process permitting elected 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.''

This direct final rule does not significantly or uniquely affect the communities of Indian tribal governments. Further, the direct final rule, provided herein, does not significantly alter the control standards imposed by subpart U or subpart JJJ for any source, including any that may affect communities of the Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this direct final rule.

J. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (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., material specifications, test methods, sampling and analytical procedures, business practices, etc.) 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 EPA to provide Congress, through OMB, with explanations when an agency decides not to use available and applicable voluntary consensus standards.

This action does not involve the promulgation of any new technical standards. Therefore, NTTAA requirements are not applicable to today's direct final rule.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: June 24, 1999.

Carol M. Browner,

Administrator.

Title 40 of the Code of Federal Regulations, chapter I, part 63 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 U—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins

2. Amend § 63.481 by revising paragraphs (b), (c) and (d)(6), to read as follows:

§ 63.481 Compliance schedule and relationship to existing applicable rules.

* * * * *

(b) New affected sources that commence construction or reconstruction after June 12, 1995 shall be in compliance with this subpart upon initial start up or September 5, 1996, whichever is later, as provided in § 63.6(b) of subpart A.

[**Note:** The compliance date for new affected sources with an initial start-up date on or after March 9, 1999 is stayed indefinitely. The EPA will publish a document in the **Federal Register** establishing a new compliance date for new affected sources with an initial startup date on or after March 9, 1999.]

* * * * *

(c) Existing affected sources shall be in compliance with this subpart (except for § 63.502 for which compliance is covered by paragraph (d) of this section) no later than 3 years after September 5, 1996, as provided in § 63.6(c) of subpart A, unless an extension has been granted as specified in paragraph (e) of this section.

[**Note:** The compliance date of September 5, 1999 for existing affected sources, except for emission points addressed under § 63.502, which are covered by paragraph (d) of this section, is stayed indefinitely. The EPA will publish a document in the **Federal Register** establishing a new compliance date for existing affected sources.]

(d) * * *

(6) Compliance with the heat exchange system provisions of § 63.104, as required in § 63.502(f), shall occur no later than September 5, 1999.

[**Note:** The compliance date of September 5, 1999 for the heat exchange provisions at existing affected sources is stayed indefinitely. The EPA will publish a document in the **Federal Register** establishing a new compliance date for heat exchange provisions at existing affected sources.]

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Subpart JJJ—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

3. Amend § 63.1311 by revising paragraphs (b) and (c) to read as follows:

§ 63.1311 Compliance schedule and relationship to existing applicable rules.

* * * * *

(b) New affected sources that commence construction or reconstruction after March 29, 1995 shall be in compliance with this subpart upon initial start-up or February 27, 1998, whichever is later, as provided in § 63.6(b), except that new affected sources whose primary product, as determined using the procedures specified in § 63.1310(f), is poly(ethylene terephthalate) (PET) shall be in compliance with § 63.1331 upon initial start-up or February 27, 2001, whichever is later.

[**Note:** The compliance date for new affected sources with an initial start-up date on or after March 9, 1999 is stayed indefinitely. The EPA will publish a document in the **Federal Register** establishing a new compliance date for new affected sources with an initial start-up date on or after March 9, 1999.]

(c) Existing affected sources shall be in compliance with this subpart (except for § 63.1331 for which compliance is covered by paragraph (d) of this section) no later than September 12, 1999, as provided in § 63.6(c), unless an extension has been granted as specified in paragraph (e) of this section, except that the compliance date for the provisions contained in § 63.1329 is extended from September 12, 1999 to February 27, 2001, for existing affected sources whose primary product, as determined using the procedures specified in 63.1310(f), is PET using a continuous terephthalic acid high viscosity multiple end finisher process.

[**Note:** The compliance date of September 12, 1999 for existing affected sources, except for emission points addressed under § 63.1331, which are covered by paragraph (d) of this section, is stayed indefinitely. The EPA will publish a document in the **Federal Register** establishing a new compliance date for existing affected sources.]

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[FR Doc. 99–16635 Filed 6–29–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6369–6]

RIN 2060–AD06

Hazardous Air Pollutants: Regulations Governing Constructed or Reconstructed Major Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct Final rule.

SUMMARY: On December 27, 1996, the Agency published a rule in the **Federal Register** implementing certain provisions in section 112(g) of the Clean Air Act (Act). After the effective date of that rule, all owners or operators of major sources of hazardous air pollutants (HAP) that are constructed or reconstructed are required to install maximum achievable control technology (MACT) (unless specifically exempted), provided they are located in a State with an approved title V permit program. When no applicable Federal emission limitation has been promulgated under section 112(d) of the Act, the Act requires the permitting authority (generally a State or local agency responsible for the program) to determine a MACT emission limitation on a case-by-case basis. If the permitting authority has not yet established procedures for requiring MACT on constructed or reconstructed major sources by the required date, the rule provides that the EPA Regional Administrator will determine MACT emission limitations on a case-by-case basis for a period of up to one year. This action amends the rule governing constructed or reconstructed major sources—by providing a longer time period (up to 30 months) during which the EPA Regional Administrator may determine MACT emission limitations on a case-by-case basis—if the permitting authority has not yet established procedures for requiring MACT on constructed or reconstructed major sources. This action is needed in order to ensure that major sources can obtain MACT determinations required for construction or reconstruction in those jurisdictions where permitting authorities require extra time to establish procedures to implement the section 112(g) rule.

EFFECTIVE DATE: This final rule amendment will be effective on July 30, 1999 without further notice, unless EPA receives adverse comments on this rulemaking by July 12, 1999 or a request for a hearing concerning the accompanying proposed rule is received by EPA by July 7, 1999. If EPA receives timely adverse comment or a timely hearing request, EPA will publish a withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect and will proceed to promulgate a final rule based on the proposed rule.

ADDRESSES: *Comments.* Interested parties may submit comments on this rulemaking in writing (original and two copies, if possible) to Docket No. A–91–64 to the following address: Air and Radiation Docket and Information Center (6102), US Environmental Protection Agency, 401 M Street, S.W., Room 1500, Washington, D.C. 20460. The EPA requests that a separate copy of each public comment be sent to the contact person listed below (see **FOR FURTHER INFORMATION CONTACT**). Comments may also be submitted electronically by following the instructions provided in **SUPPLEMENTARY INFORMATION.** Public comments on this rulemaking will be accepted until July 12, 1999.

Docket. All information used in the development of this final action is contained in the preamble below. However, Docket No. A–91–64, containing the supporting information for the original Regulations Governing Constructed or Reconstructed Major Sources rule is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday at the Air and Radiation Docket and Information Center (6102), Room M–1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; telephone (202) 260–7548, fax (202) 260–4000. A reasonable fee may be charged for copying.

These documents can also be accessed through the EPA web site at: http://www.epa.gov/ttn/oarpg. For further information and general questions regarding the Technology Transfer Network (TTNWEB), call Mr. Hersch Rorex (919) 541–5637 or Mr. Phil Dickerson (919) 541–4814.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Kaufman, Information Transfer and Program Integration Division (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone (919)541–0102.

SUPPLEMENTARY INFORMATION: EPA is publishing this rule amendment without prior proposal because we consider this to be a noncontroversial amendment; and we do not expect to receive any adverse comment. However, in the ''Proposed Rules'' section of this **Federal Register** publication, we are publishing a separate document that will serve as the proposal for this amendment, in the event we receive adverse comment or a hearing request and this direct final rule is subsequently withdrawn. This final rule amendment will be effective on July 30, 1999 without further notice, unless we receive adverse comment on this rulemaking by July 12, 1999 or a request for a hearing concerning the accompanying proposed rule is received by EPA by July 7, 1999. If EPA receives timely adverse comment or a timely hearing request, we will publish a withdrawal in the **Federal Register**