

.23(4)(a)2, (4)(b)3, (5)(a-b), (8); 335-3-6-.24(1)(a), (2); 335-3-6-.27(4); 335-3-6-.28(3), (4), (5)(a), (5)(f), (6), (7)(c-d); 335-3-6-.29(3)(a), (3)(a)3, 3(e), (4), (5), (6)(c-d); 335-3-6-.30(2)(d), (3), (4), (4)(c), (5)(a), (5)(c-d), (7); 335-3-6-.32(1)(a), (1)(a)7(b-c), (2)(a), (2)(a)2(b-c), (3)(a), (3)(a)2(b-c), (4)(a), (4)(a)3(b-d), (6)(a), (6)(b-c), (7)(a), (7)(b-c), (8)(a), (8)(b-c), (9)(a), (10)(a), (10)(b), (10)(c-d), (11)(a), (11)(b), (11)(c), (11)(d-e), (12)(a), (12)(b-d); 335-3-6-.33(3)(a-b), (4), (5), (6), (6)(b)3; 335-3-6-.34(5)(b-c); 335-3-6-.36(1)(a), (1)(b), (2)(a), (2)(a)4-6, (2)(c), (3)(a), (3)(b), (4)(a), (4)(c-e), (5), (6)(a)1-2, (6)(b); 335-3-6-.37(1)(c)3, (3)(a), (3)(b)1-2, (5)(a), (6)(a), (7)(a), (7)(c), (7)(d), (8)(a), (10)(a), (11)(a), (11)(d), (12)(a), (13)(a), (13)(a)11-16, (13)(a)20-22, (13)(b)1-2, (13)(c)1, (13)(c)3, (13)(c)3(i-iv), (13)(d)4-5; 335-3-6-.39(4)(b); 335-3-6-.40; 335-3-6-.41(3)(a), (4)(a-b), (5)(a)2, (5)(b), (6); 335-3-6-.43(4), (6)(f-g); 335-3-6-.44(4)(a)2-3, (4)(b)3, (5)(a-c), (8); 335-3-6-.45(4)(a), (4)(a)1(I-III), (4)(a)3, (4)(b-c), (4)(d); 335-3-6-.46; 335-3-6-.47(1), (3)(a-c), (4)(d), (5)(a-b), (10)(a)7, (11)(c); 335-3-6-.48(1), (3); 335-3-6-.49(1), (5)(a); 335-3-6-.50(1); 335-3-6-.53(13); 335-3-8-.02(1); 335-3-9-.01(3); 335-3-12-.02(2); 335-3-13-.02(3); 335-3-13.03(3); 335-3-13-.04(3); 335-3-13-.05(3); 335-3-13-.06(3); 335-3-14-.01(1)(b-c), (1)(e), (1)(g), (1)(k), (1)(k)1-5, (6)(a), (6)(b), (6)(b)1, (6)(b)3, (6)(c), (7)(a)2, (7)(c-d); 335-3-14-.02(1)(a), (4)(b-c), (4)(e)1, (4)(e)4, (5)(a-c); 335-3-14-.03(1)(g)1-3, (1)(h)2(V), (2)(a), (2)(a)4(V), (2)(a)6(i-ii), (2)(a)7, (2)(a)7(i-ii), (2)(a)7(I), (2)(a)7(II)(iii), (2)(b-c), (2)(f-g); 335-3-14-.04(2), (2)(a)1(i-iii), (2)(b)1, (2)(c)2(i), (2)(c)4, (2)(c)6(i-ii), (2)(f), (2)(i), (2)(i)1, (2)(m)1, (2)(m)1(i), (2)(n)2, (2)(u)1, (2)(u)4, (2)(w)3, (6)5(b), (8)(a-d), (8)(e-f), (8)(g-h), (8)(h)3, (8)(k), (8)(l), (11)(a), (12)(a)6-8, (12)(c), (13)(a), (15)(c), (15)(f-h), (17)(c), (18)(a), (18)(b)2-3, (18)(c), (18)(d), (19)(a), (19)(c); 335-3-14-.05(2)(c)1(ii), (2)(l), (3), (3)(c), (4)(c), (4)(c)2, (4)(d), (5-6), (6)(c), (7)(a), (9)(c)2, (9)(d), (11), (12)(a), (13)(b)7; 335-3-15-.01(b), (d-f), (h); 335-3-15-.02(3-4), (7)(c), (8)(f), (8)(h)2, (8)(h)4(i), (8)(h)4(iv), (9)(a)4(iv)1-3, (9)(a)4(iv)(V), (9)(a)6(i-ii), (9)(a)7, (9)(a)7(i-ii), (9)(a)7(ii)(I), (9)(a)7(iii), (9)(b-c), (9)(f-g); 335-3-15-.04(1)(a-d), (1)(e), (1)(g-h), (2)(a)3(c), (4)(a-b); and 335-3-15-.05(a) were adopted on October 15, 1996.

(ii) *Other material.* None.

[FR Doc. 97-14851 Filed 6-5-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD-FRL-5836-6]

RIN 2060-AE37

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; extension of compliance.

SUMMARY: This action provides a temporary extension of the compliance dates specified in 40 CFR 63.1311(b) and (d) for poly(ethylene terephthalate) (PET) affected sources and announces the reconsideration of the equipment leak provisions contained in 40 CFR 63.1331 as these provisions pertain to PET affected sources. The EPA is providing this temporary extension only as necessary to complete reconsideration and any necessary revision to the rule. The EPA is providing this temporary extension pursuant to Clean Air Act section 301(a)(1).

DATES: The direct final rule will be effective July 27, 1997. However, if significant adverse comments on any portion of the direct final rule are received by July 7, 1997 then the EPA will publish a timely withdrawal of the direct final rule, and all public comments received will be addressed in a subsequent final rule. For additional information concerning comments, see the parallel proposal notice found in the Proposed Rules Section of this **Federal Register**.

ADDRESSES: *Comments.* Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-92-45 (see docket section below), Room M-1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460. The EPA requests that a separate copy also be sent to the contact person listed under **FOR FURTHER INFORMATION CONTACT**. Comments and data may also be submitted electronically by following the instructions provided in the **SUPPLEMENTARY INFORMATION** section. No Confidential Business Information (CBI) should be submitted through electronic mail.

Docket. The official record for this rulemaking has been established under docket number A-92-45 (including comments and data submitted electronically as described below). A

public version of this record, including printed, paper versions of electronic comments and data, which does not include any information claimed as CBI, is available for inspection between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays. The official rulemaking record is located at the address in the **ADDRESSES** section. 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 Rosensteel, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5608.

SUPPLEMENTARY INFORMATION:

Electronic Filing

Electronic comments and data can be sent directly to EPA at: a-and-r-docket@epamail.epa.gov. Electronic comments and data must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on diskette in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number A-92-45. Electronic comments may be filed online at many Federal Depository Libraries.

Electronic Availability

This document is available in docket number A-92-45 or by request from the EPA's Air and Radiation Docket and Information Center (see **ADDRESSES**), and is available for downloading from the Technology Transfer Network (TTN), the EPA's electronic bulletin board system. The TTN provides information and technology exchange in various areas of emissions control. The service is free, except for the cost of a telephone call. Dial (919) 541-5742 for up to a 14,000 baud per second modem. For further information, contact the TTN HELP line at (919) 541-5348, from 1:00 p.m. to 5:00 p.m., Monday through Friday, or access the TTN web site at: <http://ttnwww.rtpnc.epa.gov>.

Regulated entities

Regulated categories and entities include:

Category	Examples of regulated entities
Industry	Facilities that produce PET.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities regulated by the NESHAP addressed in this direct final rule. If you have questions regarding the applicability of the NESHAP addressed in this direct final rule to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

The information presented in this preamble is organized as follows:

- I. Background and Rationale
- II. Authority for Temporary Extension of the Compliance Date and Reconsideration
- III. Impacts
- IV. Administrative Requirements

I. Background and Rationale

On September 12, 1996, the EPA promulgated 40 CFR part 63, subpart JJJ—Group IV Polymers and Resins NESHAP (61 FR 48208). 40 CFR 63.1331 establishes standards for equipment leaks based on the equipment leaks provisions from the Hazardous Organic NESHAP, 40 CFR part 63, subpart H. The final rule required existing sources to comply with 40 CFR 63.1331 beginning March 12, 1997 (see 40 CFR 63.1311(d)). On January 14, 1997, EPA extended the compliance date for 40 CFR 63.1331 from March 12, 1997 to July 31, 1997.

A petition has been submitted to the EPA by two PET manufacturers requesting reconsideration of the technical basis for estimates of emissions, emission reductions, and costs for equipment leaks emission control at PET affected sources. The petition summarizes new information claimed by the petitioners to “confirm the petitioners’ comments made during the public comment period questioning the validity of EPA’s predictions of the costs and cost-effectiveness of the leak detection and repair program.” This new information, which the EPA did not have prior to promulgation of the final rule, includes data related to emissions and costs and has led the EPA to accept the petitioner’s request to reconsider the equipment leak provisions of the rule applicable to PET affected sources. A second petition was subsequently filed by a third PET manufacturer requesting the same relief. For these reasons, the EPA is providing a temporary extension of the compliance date associated with the provisions of 40 CFR 63.1331 that regulate equipment leaks for PET affected sources until such time as the EPA is able to fully evaluate the petition for reconsideration and take any curative regulatory action necessary. This temporary extension applies to affected sources in the following

regulated subcategories: (1) PET using a batch dimethyl terephthalate process; (2) PET using a continuous dimethyl terephthalate process; (3) PET using a batch terephthalic acid process; and (4) PET using a continuous terephthalic acid process. It does not affect any other provisions of the rule or any other source categories or subcategories.

By this action the EPA is providing, pursuant to Clean Air Act section 301(a)(1), a temporary extension of the compliance dates specified in 40 CFR 63.1311(b) and (d), only as necessary to complete reconsideration and potential revision of the rule. The EPA intends to complete its reconsideration of the rule and, following the notice and comment procedures of Clean Air Act section 307(d), take appropriate action as expeditiously as practical. The EPA does not believe this temporary extension will, as a practical matter, impact the overall effectiveness of the rule. The EPA will seek to ensure that the affected parties are not unduly prejudiced by the EPA’s reconsideration. The compliance date will only be extended until the effective date of the EPA’s final action following reconsideration of the rule. In no event will the extension last beyond September 12, 1999 which is the latest compliance date permitted by section 112 of the Clean Air Act (in the absence of a one year extension).

II. Authority for Temporary Extension of the Compliance Date and Reconsideration

The temporary extension of the compliance dates specified in 40 CFR 63.1311 (b) and (d) for PET affected sources is being undertaken pursuant to Clean Air Act section 301(a)(1). Reconsideration is being undertaken pursuant to Clean Air Act section 307(d)(7)(B). Reconsideration is appropriate if the grounds for an objection arose after the period for public comment and if the objection is of central relevance to the outcome of the rule.

The grounds for reconsideration of this rule arose after the public comment period. The emissions and cost data which serve as the basis for the summary of data provided by the petitioners became available after the close of the comment period on the rule. Therefore, the EPA is temporarily extending the compliance date specified in 40 CFR 63.1311 (b) and (d) for PET affected sources in order to allow time to reconsider the provisions of 40 CFR 63.1331 as these provisions pertain to PET affected sources.

III. Impacts

The extension on the compliance date for equipment leaks at PET affected sources will not affect the eventual annual estimated emissions reduction or the control cost for the rule.

IV. Administrative Requirements

A. Paperwork Reduction Act

For the Group IV Polymers and Resins NESHAP, the information collection requirements were submitted to the Office of Management and Budget (OMB) under the *Paperwork Reduction Act*. The OMB approved the information collection requirements and assigned OMB control number 2060-0351. 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 the EPA’s regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The EPA has amended 40 CFR part 9, section 9.1, to indicate the information collection requirements contained in the Group IV Polymers and Resins NESHAP.

This action has no impact on the information collection burden estimates made previously. Therefore, the ICR has not been revised.

B. Executive Order 12866 Review

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 Executive Order defines “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, productivity, competition, jobs, the environment, 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 direct final rule will provide a temporary extension of the compliance dates specified in 40 CFR 63.1311 (b) and (d) for PET affected sources. The direct final rule does not add any additional control requirements.

Therefore, this direct final rule was classified "non-significant" under Executive Order 12866 and was not required to be reviewed by OMB.

C. Regulatory Flexibility

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. EPA has also determined that this rule will not have a significant impact on a substantial number of small entities because the temporary compliance extension would not impose any economic burden on any regulated entities.

D. Unfunded Mandates

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 least costly, most cost-effective, or 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 this direct final rule does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

E. Submission to Congress and the General Accounting Office

Under Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA submitted 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 General Accounting Office prior to publication of this direct final rule in the **Federal Register**. This is not a "major rule" as defined by Subtitle E.

List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous

substances, Reporting and recordkeeping requirements.

Dated: May 30, 1997.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, part 63 of Chapter I of title 40 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 JJJ—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.

2. Section 63.1311 is amended by revising paragraphs (b) and (d) introductory text and by adding paragraph (d)(6) 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 September 12, 1996, 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 PET shall be in compliance with § 63.1331 upon initial start-up or September 12, 1999, whichever is later.

* * * * *

(d) Except as provided for in paragraphs (d)(1) through (d)(6) of this section, existing affected sources shall be in compliance with § 63.1331 no later than July 31, 1997 unless a request for a compliance extension is granted pursuant to Section 112(i)(3)(B) of the Act, as discussed in § 63.182(a)(6).

* * * * *

(6) Notwithstanding paragraphs (d)(1) through (d)(4) of this section, existing affected sources whose primary product, as determined using the procedures specified in § 63.1310(f), is PET shall be in compliance with § 63.1331 no later than September 12, 1999.

* * * * *

[FR Doc. 97-14860 Filed 6-5-97; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

Approval of Section 112(I) Program of Delegation; Indiana

[IN74-2; FRL5833-3]

AGENCY: Environmental Protection Agency.

ACTION: Final rule; removal.

SUMMARY: On April 1, 1997 (62 FR 15404), the Environmental Protection Agency (EPA) approved a delegation of the Federal air toxics program contained within title 40 of the Code of Federal Regulations parts 61 and 63 to the Indiana Department of Environmental Management (IDEM) through a direct final rule procedure. The USEPA is removing this final rule due to the adverse comment received on this action. In a subsequent final rule EPA will summarize and respond to the comments received and announce final rulemaking action on this requested program delegation.

DATES: The direct final rule published at 62 FR 15404 is removed effective June 6, 1997.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 5, Regulation Development Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Sam Portanova, Permits and Grants Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 886-3189.

List of Subjects in 40 CFR Part 63

Environmental protection, Administration practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations.

Dated: June 20, 1997.

Gail Ginsberg,

Acting Regional Administrator.

[FR Doc. 97-14580 Filed 6-5-97; 8:45 am]

BILLING CODE 6560-50-P