

further action will be taken on the proposed rule.

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

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, the 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, the 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.

State plan approvals under section 111 of the Act do not create any new requirements, but simply approve requirements that the state is already imposing. Therefore, because the Federal-state plan approval does not impose any new requirements, I certify that it does not have a significant impact on small entities affected. Moreover, due to the nature of the Federal-state relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Act forbids the EPA to base its actions concerning state plans on such grounds. See *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, 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 private sector, of \$100 million or more. Under section 205, the EPA must select the most cost-effective and least burdensome alternative that achieves

the objectives of the rule and is consistent with statutory requirements. Section 203 requires the EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The EPA has determined that the approval action promulgated 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. This Federal action approves preexisting requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

D. Submission to Congress and the Comptroller General Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 22, 1998. 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 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Methane, Municipal solid waste landfills, Nonmethane organic compounds, Reporting and recordkeeping requirements.

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

Dated: April 9, 1998.

Dennis Grams,

Regional Administrator, Region VII.

Part 62, Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 continues to read as follows:

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

Subpart Q—Iowa

2. Subpart Q is amended by adding an undesignated center heading and § 62.3913 to read as follows:

Air Emissions From Existing Municipal Solid Waste Landfills

§ 62.3913 Identification of plan.

(a) *Identification of plan.* Iowa plan for control of landfill gas emissions from existing municipal solid waste landfills and associated state regulations submitted on December 22, 1997.

(b) *Identification of sources.* The plan applies to all existing municipal solid waste landfills for which construction, reconstruction, or modification was commenced before May 30, 1991, that accepted waste at any time since November 8, 1987, or that have additional capacity available for future waste deposition, and have design capacities greater than 2.5 million megagrams and nonmethane organic emissions greater than 50 megagrams per year, as described in 40 CFR part 60, subpart Cc.

(c) *Effective date.* The effective date of the plan for municipal solid waste landfills is June 22, 1998.

[FR Doc. 98-10853 Filed 4-22-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 88

[FRL-5994-5]

RIN 2060-AH56

Clean Fuel Fleet Program

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule; delay of implementation date.

SUMMARY: The provisions of subpart C of Title II of the Clean Air Act require states with certain ozone and carbon monoxide (CO) nonattainment areas to revise their State Implementation Plans (SIP) to incorporate a Clean Fuel Fleet

Program. Under this program, specified percentages of new vehicles acquired by covered fleet operators in certain ozone and CO nonattainment areas must meet EPA's clean-fuel vehicle (CFV) emissions standards. Today's action delays by one model year, the requirement that a covered area's State Implementation Plan implement a Clean Fuel Fleet Program (CFFP) fleet operator purchase requirement. As a result, EPA may approve a CFFP SIP revision which provides that covered fleet operators must include a certain percentage of CFVs in their fleet vehicle purchases each year beginning with model year 1999. This action is intended to ensure successful implementation of the CFFP, and to ensure that an adequate supply of appropriate vehicles is available for fleet operators to purchase and use once the program is underway, so that compliance with the mandatory purchase requirements will be possible and economically feasible for covered fleet operators.

DATES: This rule will become effective on June 8, 1998 unless the Agency receives relevant adverse comment by May 26, 1998. Should the Agency receive such comments, it will publish notification withdrawing this rule.

ADDRESSES: Interested parties may submit written comments in response to this rule (in duplicate if possible) to Public Docket No. A-97-53. It is requested that a duplicate copy may be submitted to Sally Newstead at the address in the **FOR FURTHER INFORMATION CONTACT** section below. The docket is located at the Air Docket, Room M-1500 (6102), Waterside Mall SW, Washington, DC 20460. The docket may be inspected between 8:00 a.m. and 5:30 p.m. on weekdays, excluding holidays. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: Sally Newstead, Office of Mobile Sources, National Vehicle and Fuel Emissions Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan 48105. Telephone (734) 668-4474.

SUPPLEMENTARY INFORMATION:

Statutory Authority

The statutory authority for this action is provided by sections 246 and 301 of the Clean Air Act.

Background

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document

that will serve as the proposal for this action should relevant adverse comments be filed. This rule will be effective June 8, 1998 without further notice unless the Agency receives relevant adverse comments by May 26, 1998. If EPA receives such comments, EPA will publish a document withdrawing this final rule and informing the public that the rule did not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on the proposed rule.

The Clean Air Act, as amended in 1990 ("CAA" or "the Act"), requires certain states to adopt and submit to EPA a State Implementation Plan (SIP) containing a CFFP for nonattainment areas with 1980 populations greater than 250,000 that are classified as serious or worse for ozone, or with a design value of at least 16.0 ppm for carbon monoxide (CO). The nonattainment areas currently covered by the requirement to adopt and submit a CFFP are Atlanta, Washington DC metropolitan area, Chicago-Gary-Lake Counties, Milwaukee-Racine, Baton Rouge, and Denver-Boulder.¹

Section 246 of the CAA provides that a states' SIP submission must require fleet operators with 10 or more vehicles that are centrally fueled or capable of being centrally fueled, to include a specified percentage of clean-fuel vehicles (CFVs) in their new vehicle purchases each year. In addition, states CFFP SIP submissions must comply with other specifications in Section 246, including the requirement that covered fleet operators must operate their CFVs in covered nonattainment areas on a clean alternative fuel, defined as a fuel on which the vehicle meets EPA's CFV standards when using such fuel. EPA promulgated emissions standards for CFVs in September 1994. See 40 CFR Part 88. EPA estimates that demand for CFVs by covered fleets in model year² 1998 would be approximately 47,000

¹ States with covered nonattainment areas may opt out of the CFFP with an adequate substitute program. See CAA Section 182(c)(4)(B). Eleven states have opted out of the CFFP pursuant to this provision. Areas reclassified for ozone, that have a 1980 population of at least 250,000, must also submit a SIP revision with a CFFP within one year of such reclassification. See CAA Section 246(a)(3).

² A "model year" for purposes of fleet operators' compliance with CFFP purchase requirements, and as used in this notice, is not the same as "model year" as defined for purposes of motor vehicle production. The definition of "model year" for the CFFP means September 1 of the preceding year through August 31 of the named year. Therefore, model year 1998 for the CFFP runs from September 1, 1997 through August 31, 1998. See 40 CFR 88.302-94.

light duty vehicles and 12,000 heavy duty vehicles.

Start Date for CFFP Purchase Requirement

Section 246(c) of the CAA provides that the specified percentage of new light duty vehicle purchases by covered fleet operators that must be CFVs in a given model year shall be 30% in model year 1998, 50% in model year 1999, and 70% in model year 2000 and later years, if certain categories of new vehicles (light duty trucks (LDTs) below 6000 lbs gross vehicle weight rating (GVWR) and light duty vehicles (LDVs)) certified to the Phase II CFV exhaust emissions standards are offered for sale in California.³ In March 1993, EPA stated its expectation that the vehicles specified in Section 246(c) would be offered for sale in California by model year 1997, and therefore states' SIP submissions should provide for implementation of the CFFP purchase requirement beginning in model year 1998. EPA also stated its intent to delay this implementation date if it later determined that the requisite vehicles would not be offered for sale in California in model year 1997. See 58 FR 11888 (March 1, 1993).

EPA cannot mandate that vehicle manufacturers produce CFVs for fleets to purchase to meet the CFFP requirements—Congress intended that the creation of a market for CFVs would provide an incentive for vehicle manufacturers to produce and sell such vehicles outside California, ultimately resulting in broader market penetration. The specification in section 246 (c) that certain vehicles meeting CFV exhaust emissions standards must be available for sale in California for implementation of the CFFP purchase requirement to begin in model year 1998 was intended to provide a minimum level of reasonable assurance that complying vehicle technology was available and being produced.⁴ Without some such evidence of vehicle availability, fleet operators cannot realistically be expected to comply with the CFFP purchase requirements. However, Section 246 is not clear on the issue of how many of the vehicles specified in Section 246(c) must be offered for sale in California before triggering

³ The Phase II CFV exhaust emissions standards are found in CAA Section 243(a)(2) and 243(b)(2), and include standards for non-methane organic gases (NMOG), CO, oxides of nitrogen (NO_x), particulate matter (PM), and formaldehyde that are identical to California's Low Emission Vehicle (LEV) exhaust emissions standards.

⁴ See *A Legislative History of the Clean Air Act Amendments of 1990*, Volume 1 at 903.

implementation of the CFFP purchase requirements.

In today's action, EPA is delaying the start date that the SIP must contain for implementation of the CFFP purchase requirements from model year 1998 to model year 1999, and intends to approve state SIP submissions with CFFPs that start in model year 1999. EPA has received information from various stakeholders, including states, covered fleet operators, and vehicle manufacturers on this issue, and has concluded that a delay until model year 1999 will result in a successful, effective fleet program that advances the penetration of CFVs and clean alternative fuels into the national market, and is consistent with the provisions of Section 246(c) and with Congress' intent in adopting the CFFP provisions of the Act.

The legislative history of the 1990 amendments to the CAA indicates that, in adopting the CFFP, Congress made a clear choice between two alternatives: requiring auto manufacturers to produce and sell CFVs, or creating a market for CFVs and for clean alternative fuels by requiring fleet operators to purchase such vehicles and operate on such fuels. In choosing the latter option, Congress attempted to minimize the burden on fleet operators by requiring some

evidence of vehicle availability in California as a precondition to implementation of the purchase requirement before model year 2001. However, the Act does not provide a clear indication of Congressional intent regarding the number of vehicles in each weight category specified in Section 246(c) that must be offered for sale in California to trigger the fleet operators' purchase requirement. Because the CAA is silent on this particular issue, and in the absence of a clear indication of Congressional intent, it is appropriate for EPA to reasonably exercise its discretion in a way that furthers the goals of the CFFP provisions, and determine whether a sufficient number of requisite vehicle models are offered for sale in California to require that other states SIPs implement the CFFP in MY1998.

Auto manufacturers have certified a number of vehicle models to the LEV standards in California on California reformulated gasoline, and EPA expects these vehicles could be certified as federal CFVs. However, because of the Act's requirement that fleet operators operate CFVs on clean alternative fuels, as defined in Section 241(b), fleet operators who purchase such CFVs to meet CFFP purchase requirements may have to operate these vehicles on

California reformulated gasoline, which is generally not available outside California. EPA cannot conclude at this time that federal reformulated gasoline or federal conventional gasoline qualify as clean alternative fuels for CFVs certified to LEV standards on California reformulated gasoline, due to potential emissions differences resulting from differences in fuel composition between California reformulated gasoline and federal fuels. EPA expects that manufacturers could certify LEVs that have been certified to California LEV standards on California reformulated gasoline as federal CFVs on federal fuels—if manufacturers did so, fleet operators could purchase such vehicles to meet CFFP purchase requirements, and operate them on federal fuels in covered nonattainment areas without violating the fuel use requirement of the CFFP. Certain new light duty trucks (LDTs) below 6000 pounds GVWR and new light duty vehicles (LDVs) certified to LEV exhaust emissions standards are currently being offered for sale in California. However, only a limited number of LDTs below 6000 lbs. GVWR were certified to California's LEV standards and offered for sale in California in MY1997 as indicated in the following chart.

LIST OF CERTIFIED CA LEVs OFFERED FOR SALE IN CALIFORNIA IN MY97
[As of April 1997]

Manufacturer	Certification number	Models	Type	Standard	Fuel
Ford	FORD-LDV-97-01-00	Escort, Escort Wagon	LDV	LEV	CA RFG.
	FORD-LDV-97-38-00	Sable, Sable Wagon, Taurus, Taurus Wagon.	LDV	LEV	CA RFG.
General Motors	GM-LDT-97-29-00	Astro AWD (C&P)* Passenger	LDT	LEV	CA RFG.
	GM-LDT-97-40-00	Safari AWD (P), Astro AWD (C&P)	LDT	LEV	CA RFG.
Honda	HONDA-LDV-97-19-00	Civic, del Sol	LDV	LEV	CA RFG.
	HONDA-LDV-97-20-00	Civic	LDV	LEV	CA RFG.
	HONDA-LDV-97-21-00	Civic, del Sol	LDV	LEV	CA RFG.
	HONDA-LDV-97-22-00	Civic	LDV	LEV	CA RFG.
Nissan	NISSN-LDV-97-06-00	Sentra/200SX	LDV	LEV	CA RFG.
Suzuki	SUZUK-LDV-97-05-00	Metro	LDV	LEV	CA RFG.
	SUZUK-LDV-97-06-00	Metro, Swift	LDV	LEV	CA RFG.
Toyota	TOYOT-LDV-97-11-00	Camry	LDV	LEV	CA RFG.
	TOYOT-LDV-97-12-00	Camry	LDV	LEV	CA RFG.

* P=Passenger, C=Cargo.

In order to meet the MY98 purchase requirements, fleet operators must have placed vehicle orders in April, 1997; however, the supply of federally certified CFVs at this time was limited. Based on the limited numbers of light duty vehicles and trucks offered for sale

in California in MY1997, and particularly the limited number of LDTs <6000 pounds GVWR, EPA believes that a short delay of the required implementation date of the CFFP for one model year is reasonable to avoid the potential for serious disruption of

the initial implementation of this program from an inadequate supply of vehicles. Given the list of current federally certified CFVs, the available choices for passenger cars, pick-up trucks, vans and sport utility vehicles is limited to the following:

LIST OF CERTIFIED CFVs OFFERED FOR SALE IN MY97
[As of April 30, 1997]

Manufacturer	Certification number	Models	Type	Standard	Fuel
Light Duty					
IMPCO Tech	IMPCO-LDCNGT-97-01	Sierra C Pickup	LDT	LEV	CNG.
Chrysler	CHRYSLER-LDCLT-97-01-00	Caravan(2WD), Voyager(2WD)	LDCLT	ILEV+ULEV	CNG.
	CHRYZ-ZEV-97-01	Caravan(2WD), Voyager(2WD)	LDT	ZEV	Electricity.
Ford	FORD-LDCNGV-97-01	Crown Victoria	LDV	ILEV+ULEV	CNG.
	FORD-LDCNGT-97-01	F250(2WD)	LDT	ILEV+ULEV	CNG.
	FORD-LDCNGT-97-02	E250(2WD), E350(2WD)	LDT	ILEV+ULEV	CNG.
General Motors	GM-ZEV-97-01	EV1	LDV	ILEV+ZEV	Electricity.
	GN-ZEV-LDT-97-01	S10 Pickup	LDT	ILEV+ZEV	Electricity.
Honda	HN-ZEV-97-01	EV Plus	LDV	ILEV+ZEV	Electricity.

Manufacturer	Certification number	Models	Standard	Fuel
Heavy Duty				
Cummins	CUMMINS-NGE (MHDD)-97-18	B5.9-195G	LEV	CNG.
	CUMMINS-NGE (MHDD)-97-19	B5.9-195F	LEV	CNG.
	CUMMINS-NGE (MHDD)-97-22	C8.3-250G	LEV	CNG.
	CUMMINS-NGE (MHDE)-97-01	B5.9-195G	ULEV	CNG.
Detroit Diesel	DDC-NGE (LHDDE)-97-01	Series 30G	LEV	CNG.

SIP Revisions

In light of this action, states with adopted CFFP SIPs may revise their SIPs to provide for a model year 1999 start date for the CFFP purchase requirements. Fleet operators may still earn credits for early purchase of CFVs that meet all applicable requirements, including the requirement that fleet operators operate their CFVs on clean alternative fuels when in the covered nonattainment area. The EPA believes this action will provide states and fleet owners the necessary flexibility in those areas that are unable to meet the CFF purchase requirements cited in the CAAA.

Administrative Requirements

A. Administrative Designation

Under Executive Order 12866, (58 FR 51735 (October 4, 1993)) the Agency 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 Order defines "significant regulatory action" as one that is likely to result in 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, 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 budget impact of entitlement, 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.

Pursuant to the terms of Executive Order 12866, EPA believes that this final action is not a significant regulatory action and therefore not subject to OMB review. Approvals of SIP submittals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. This action simply revises regulations governing the requirements states' CFFP SIP submissions must meet. It serves to delay states' required implementation of CFFP purchase requirements. Therefore, it has been determined that this action does not constitute a "major" regulation.

B. Reporting and Recordkeeping Requirement

There are no information requirements in this direct final rule which require the approval of the Office of Management and Budget under the Paperwork Reduction Act 44 U.S.C. 3501 *et seq.*

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 significant economic impact on a substantial number of small entities. This is based on the fact that this action does not impose any new requirements, but simply delays the applicable start date of the CFFP purchase requirements that must be included in certain state's SIPs, pursuant to the CAA. Thus, the impact created by the proposed action does not increase the preexisting burden of the existing rules which this proposal seeks to amend.

D. Submission to Congress

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. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

E. Unfunded Mandates Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule where the estimated costs to State, local, or tribal governments, or to the private sector, will be \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objective of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly impacted by the rule. To the extent that the rules being adopted in this action would impose any mandate at all as defined in section 101 of the Unfunded Mandates Act upon the state, local, or tribal governments, or the private sector, as explained above, this rule is not estimated to impose costs in excess of \$100 million. EPA has determined that today's action simply delays the purchase requirements under state CFFPs and does not impose additional costs or regulatory burdens. In fact, the one-year delay of implementation of the purchase requirements is expected to reduce costs of compliance and ease regulatory burdens.

List of Subjects in 40 CFR Part 88

Environmental protection, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: April 3, 1998.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, 40 CFR part 88 is amended as follows:

PART 88—[AMENDED]

1. The authority citation for part 88 continues to read as follows:

Authority: 42 U.S.C. 7410, 7418, 7581, 7582, 7583, 7584, 7586, 7588, 7589, 7601(a).

2. Section 88.308.94 is amended by designating the existing text as paragraph (a) and by adding paragraph (b) to read as follows:

§ 88.308.94 Programmatic requirements for clean-fuel fleet vehicles.

* * * * *

(b) *Program start date.* The SIP revision shall provide that the clean fuel vehicle purchase requirements begin to apply no later than model year 1999.

[FR Doc. 98-10151 Filed 4-22-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 132

[FRL-5999-8]

Amendment of the Provisions To Eliminate and Phase-Out Mixing Zones for Bioaccumulative Chemicals of Concern and Amendment to Procedure 8.D. of Appendix F (Pollutant Minimization Program) for the Final Water Quality Guidance for the Great Lakes System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; partial amendments.

SUMMARY: As a result of the decision in *American Iron and Steel Institute, et al. v. EPA (AISI)*, 115 F.3d 979 (D.C. Cir. 1997), EPA today is amending the final Water Quality Guidance for the Great Lake System (Guidance) (40 CFR part 132) by removing the provisions to eliminate and phase-out mixing zones for bioaccumulative chemicals of concern (BCCs). Also in response to the AISI decision, EPA is today amending the Guidance by revising Procedure 8.D. of Appendix F to remove language in the Pollutant Minimization Program (PMP) provisions that might imply authorization for imposing water quality-based effluent limits (WQBELs) on internal waste streams or for requiring specific control measures to meet WQBELs.

EFFECTIVE DATE: April 23, 1998.

ADDRESSES: The public docket for this and earlier rulemakings concerning the Water Quality Guidance for the Great Lakes System, including the proposal, public comments in response to the proposal, other major supporting documents, and the index to the docket are available for inspection and copying at U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604 by appointment only. Appointments may be made by calling Mary Jackson-Willis (telephone 312-886-3717).

FOR FURTHER INFORMATION CONTACT: Mark Morris (4301), U.S. EPA, 401 M Street, SW, Washington, D.C. 20460 (202-260-0312).

SUPPLEMENTARY INFORMATION:

I. Discussion

A. Potentially Affected Entities

Citizens concerned with water quality in the Great Lakes System may be interested in this rulemaking. Also, entities potentially affected by today's action are those discharging pollutants to waters of the United States in the Great Lakes System. Categories and

entities which may ultimately be affected include:

Category	Examples of potentially affected entities
Industry	Industries discharging to waters in the Great Lakes System as defined in 40 CFR 132.2.
Municipalities	Publicly-owned treatment works discharging to waters of the Great Lakes System as defined in 40 CFR 132.2.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this final rule. This table lists the types of entities that EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. To determine whether your facility may be affected by this final rule, you should carefully examine the definition of "Great Lakes System" in 40 CFR 132.2 and examine 40 CFR 132.2 which describes the part 132 regulations. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

B. Today's Rule

The final Guidance included ambient water quality criteria setting maximum ambient concentrations for pollutants to be met in all waters of the Great Lakes Basin and implementation procedures used to develop WQBELs for facilities discharging these pollutants. States and Tribes were required to adopt regulations consistent with EPA's Guidance criteria and implementation procedures by March 23, 1997. Once the criteria and implementation procedures take effect, permits for discharges of the pollutants they cover must include WQBELs needed to attain the criteria if the discharge has or may have the reasonable potential to cause or contribute to an exceedance of the water quality standard.

On June 6, 1997, the U.S. Court of Appeals for the District of Columbia Circuit issued its decision upholding, with three minor exceptions, the Great Lakes Water Quality Guidance which EPA promulgated on March 23, 1995. *American Iron and Steel Institute, et al. v. EPA (AISI)*, 115 F.3d 979 (D.C. Cir. 1997). The Court vacated three provisions of the Guidance. The Court vacated the criteria for polychlorinated biphenyls (PCBs), and the provisions of the Guidance "insofar as it would eliminate mixing zones for bioaccumulative chemicals of concern (BCCs) and impose water quality-based