

Dated: June 23, 1997.

Approved:

**R.R. Pixa,**

*Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).*

[FR Doc. 97-18505 Filed 7-14-97; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 9 and 63

[AD-FRL-5858-1]

RIN 2060-AD-56; and RIN 2060-AE-37

#### OMB Approval Number Under the Paperwork Reduction Act; National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins; National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; correcting amendments.

**SUMMARY:** This action corrects errors and clarifies regulatory text in the "National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins," (40 CFR part 63, subpart U) which was issued as a final rule on September 5, 1996, and in the "National Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins," (40 CFR part 63, subpart JJJ) which was issued as a final rule on September 12, 1996.

In addition, in compliance with the Paperwork Reduction Act (PRA), this document announces that the Information Collection Requirements (ICR) contained in the "National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins," final rule (61 FR 46906), which were not previously approved under the Office of Management and Budget (OMB), have been approved by OMB under control number 2060-0356. The ICRs in the affected sections of the regulation are effective July 15, 1997. This action also amends the OMB approval table to list the OMB control number issued under the PRA for the affected sections.

**DATES:** The correcting amendments are effective July 15, 1997.

The information collection requirements contained in the final rule published on September 5, 1996 (61 FR 46906) are effective July 15, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Rosensteel, Organic Chemicals

Group, Emission Standards Division (MD-13), U. S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5608.

**SUPPLEMENTARY INFORMATION:** On September 5, 1996 (61 FR 46906), the Environmental Protection Agency (EPA) promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for Group I Polymers and Resins. On September 12, 1996 (61 FR 48208), the EPA promulgated NESHAP for Group IV Polymers and Resins. These regulations were promulgated as subpart U and subpart JJJ of 40 CFR part 63. This document contains corrections and clarifications related to a cross-referencing error and oversight in the promulgated regulations.

In addition, this action amends the table of currently approved ICR control numbers issued by OMB. Today's amendment updates the table to list those information requirements promulgated under the National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins, which appeared in the **Federal Register** on September 5, 1996 (61 FR 46906). The affected regulations are codified at 40 CFR part 63, subpart U. The EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfies the requirements of the Paperwork Reduction Act and OMB's implementing regulations at 5 CFR part 1320.

This ICR was previously subject to public notice and comment prior to OMB approval, and today's amendment simply adds this ICR to the list of currently approved ICR control numbers. As a result, the EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act to amend this table without prior notice and comment.

#### I. Description of Clarifying Changes

Both the National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins (40 CFR part 63, subpart U) and the National Emission Standards for Hazardous Air Pollutants: Group IV Polymers and Resins (40 CFR part 63, subpart JJJ) require that affected sources follow the equipment leak provisions found in the Hazardous Organics NESHAP, or HON (40 CFR part

63, subpart H). As promulgated on September 5, 1996 and September 12, 1996, respectively, neither subpart U (61 FR 46906) nor subpart JJJ (61 FR 48208) is clear about what the requirements are for equipment leaks at affected sources that are subject to the requirements of §§ 63.163 and 63.168 of subpart H (for pumps in light liquid service, valves in gas/vapor service and valves in light liquid service), as required under § 63.502 of subpart U and § 63.1331 of subpart JJJ.

Specifically, § 63.163 (a) and (b) of subpart H provide different "phases" (I, II, and III) of implementation of the requirements for pumps in light liquid service. Leak definitions become increasingly stringent over the course of the three phases. Similarly, § 63.168 (a) and (b) of subpart H have phased implementation of leak definitions for valves in gas/vapor or light liquid service. The EPA intended that the phased implementation of the leak definitions in 40 CFR part 63, subpart H apply to affected sources under both subparts U and JJJ. However, due to the structure of paragraphs § 63.163(a)(1) and § 63.168(a)(1), it is not clear that the three phases of implementation of these requirements also apply to subpart U and subpart JJJ affected sources. Because of this potential confusion, the EPA has found it necessary to amend § 63.502 and § 63.1331 to clarify that subparts U and JJJ are subject to § 63.163(a)(1)(i) and § 63.168(a)(1)(i). For this reason, an explanatory paragraph was added to both §§ 63.502 and 63.1331, describing how subpart U and JJJ affected sources should interpret § 63.163(a)(1)(i) and § 63.168(a)(1)(i), for the purposes of this subpart. A similar edit was necessary regarding § 63.174(c)(2)(iii), and this change is also included in the new explanatory paragraph.

Today's final rule also amends § 63.485(o) of subpart U, to clarify the EPA's intention at promulgation to exempt halogenated front-end process vents from the requirement to control hydrogen halides and halogens from the outlet of combustion devices at existing affected sources that produce butyl rubber, halobutyl rubber, or ethylene-propylene rubber. As promulgated, the rule exempts these halogenated vents from § 63.113(c) of subpart (G), which contains the requirement that the outlet of combustion devices that are controlling Group 1 halogenated vent streams be routed to a scrubber or other control device. However, § 63.113(a)(1)(ii) of subpart G prohibits the control of halogenated vent streams with a flare. Since § 63.485(o) did not address § 63.113(a)(1)(ii) of subpart G, there could be confusion as to whether

a flare could be used to control halogenated Group 1 vent streams at affected sources producing one of the three types of rubber listed above. Therefore, this amendment simply adds an additional reference within § 63.485(o), to clarify that front-end continuous process vents at affected sources producing butyl rubber, halobutyl rubber, or ethylene-propylene rubber are exempt from the requirements of § 63.113(a)(1)(ii) of subpart G.

The intent of §§ 63.502 and 63.1331 to incorporate all but a few specified portions of subpart H has not changed since promulgation; these edits are merely for the sake of clarification. The amendment to § 63.485(o) is also merely a clarification, and the intent of that paragraph has not changed since promulgation. As a result, the EPA finds that it is unnecessary to provide prior notice and opportunity to comment on these clarifying amendments.

## II. Administrative Requirements

### A. Paperwork Reduction Act

For the both the Group I and 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. At promulgation, OMB had already approved the information collection requirements for the Group IV Polymers and Resins NESHAP and assigned those standards the 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.

An Information Collection Request (ICR) document for the Group I Polymers and Resins I NESHAP was prepared by the EPA (ICR No. 1746.01) but, at promulgation, that ICR had not yet been approved by OMB. However, since promulgation the OMB has approved the ICR, and today's action amends the table of currently approved ICR control numbers issued by OMB and updates the table to accurately display those information requirements not previously approved. The information collection requirements that are made effective by this notice under OMB control number 2060-0356 were contained in Information Collection

Request number 1746.01. A copy may be obtained from Sandy Farmer, OPPE Regulatory Information Division (2137), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, or by calling (202) 260-2740.

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

### B. Executive Order 12866 Review

Under Executive Order (E.O.) 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 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.

These amendments to those NESHAP clarify the applicability of the equipment leak provisions in those rules. These amendments do not add any additional control requirements. Therefore, this final rule and correcting amendments were classified "non-significant" under Executive Order 12866 and were not required to be reviewed by OMB.

### C. Regulatory Flexibility

The EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. The EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities. See the September 5, 1996 **Federal Register** (61 FR 46906) and the September 12, 1996 **Federal Register** (61 FR 48208) for the basis for this determination.

### 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 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 this 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, nor does it significantly or uniquely impact small governments, because this action contains no requirements that apply to such governments or impose obligations upon them. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

### E. Submission to Congress and the General Accounting Office

Under 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 final rule in the **Federal Register**. This is not a "major rule" as defined by the Small Business Regulatory Enforcement Fairness Act.

### List of Subjects

#### 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

#### 40 CFR Part 63

Environmental protection, Reporting and recordkeeping requirements.

Dated: July 8, 1997.

**Mary D. Nichols,**  
Assistant Administrator for Air and Radiation.

For the reasons set out in the preamble, parts 9 and 63 of title 40, chapter I of the Code of Federal Regulations are amended as follows:

### PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

**Authority:** 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. Section 9.1 is amended by adding in numerical order the new entries to the table under the indicated heading to read as follows:

**§ 9.1 OMB approvals under the Paperwork Reduction Act.**

40 CFR citation	OMB control no.
* * * * *	* * * * *
National Emission Standards for Hazardous Air Pollutants for Source Categories <sup>3</sup>	
* * * * *	* * * * *
63.480–63.506 .....	2060–0356
* * * * *	* * * * *

<sup>3</sup>The ICRs referenced in this section of the table encompass the applicable general provisions contained in 40 CFR part 63, subpart A, which are not independent information collection requirements.

\* \* \* \* \*

**PART 63—[AMENDED]**

3. The authority citation for part 63 continues to read as follows:

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

**Subpart U—[Amended]**

4. Section 63.485 is amended by revising paragraph (o) introductory text to read as follows:

**§ 63.485 Continuous front-end process vent provisions.**

\* \* \* \* \*

(o) Group 1 halogenated continuous front-end process vents at affected existing sources producing butyl rubber, halobutyl rubber, or ethylene propylene rubber are exempt from the requirements to control hydrogen halides and halogens from the outlet of combustion devices contained in § 63.113(c) of subpart G and are exempt from the prohibition against flaring halogenated vent streams, which is contained in § 63.113(a)(1)(ii) of subpart G, if the conditions in paragraphs (o)(1) and (o)(2) of this section are met. Affected new sources are not exempt from these provisions.

\* \* \* \* \*

5. Section 63.502 is amended by revising paragraph (a) and by adding paragraph (j) to read as follows:

**§ 63.502 Equipment leak provisions.**

(a) The owner or operator of each affected source shall comply with the requirements of subpart H of this part for all equipment in organic HAP service, with the exceptions noted in paragraphs (b) through (j) of this section.

\* \* \* \* \*

(j) The owner or operator of each affected source shall substitute the phrase “the provisions of subparts F, I, or U of this part” for both the phrases “the provisions of subparts F or I of this part” and the phrase “the provisions of subpart F or I of this part” throughout §§ 63.163 and 63.168, for the purposes of this subpart. In addition, the owner or operator of each affected source shall substitute the phrase “subparts F, I, and U” for the phrase “subparts F and I” in § 63.174(c)(2)(iii), for the purposes of this subpart.

**Subpart JJJ—[Amended]**

6. Section 63.1331 is amended by revising paragraph (a) introductory text and adding paragraph (a)(10) to read as follows:

**§ 63.1331 Equipment leak provisions.**

(a) Except as provided in paragraphs (b) and (c) of this section, the owner or operator of each affected source shall comply with the requirements of subpart H of this part, with the differences noted in paragraphs (a)(1) through (a)(10) of this section.

\* \* \* \* \*

(10) The owner or operator of each affected source shall substitute the phrase “the provisions of subparts F, I, or JJJ of this part” for both the phrases “the provisions of subparts F or I of this part” and the phrase “the provisions of subpart F or I of this part” throughout §§ 63.163 and 63.168, for the purposes of this subpart. In addition, the owner or operator of each affected source shall substitute the phrase “subparts F, I, and JJJ” for the phrase “subparts F and I” in § 63.174(c)(2)(iii), for the purposes of this subpart.

\* \* \* \* \*

[FR Doc. 97–18566 Filed 7–14–97; 8:45 am]

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[DE030–1008a; FRL–5856–1]

**Approval and Promulgation of Air Quality Implementation Plans; Delaware—General Conformity Rule**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware. This revision consists of Delaware’s regulation for General Conformity which sets forth policy, criteria, and procedures for demonstrating and assuring conformity of non-transportation related federal projects to all applicable implementation plans. The intended effect of this action is to approve Delaware’s General Conformity regulation as a SIP revision.

**DATES:** This action is effective September 15, 1997 unless notice is received on or before September 14, 1997 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Comments may be mailed to David L. Arnold, Chief, Ozone/CO & Mobile Sources Section, Mailcode 3AT21, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460; Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

**FOR FURTHER INFORMATION CONTACT:** Rose Quinto, (215) 566–2182, at the EPA Region III office or via e-mail at quinto.rose@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

**SUPPLEMENTARY INFORMATION:** On October 2, 1996, the Delaware Department of Natural Resources & Environmental Control (DNREC) submitted a formal revision to its State Implementation Plan (SIP) to EPA for