(2) For portable aggregate processing plants, the notification of the actual date of initial startup shall include both the home office and the current address or location of the portable plant.

(j) The requirements of this section remain in force until and unless the Agency, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such States. In that event, affected facilities within the State will be relieved of the obligation to comply with the reporting requirements of this section, provided that they comply with requirements established by the State.

[FR Doc. 97–14856 Filed 6–6–97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–5836–8]

National Emission Standards for Hazardous Air Pollutants; Final Standards for Hazardous Air Pollutant Emissions From Wood Furniture Manufacturing Operations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On December 7, 1995 (60 FR 62930), the EPA promulgated National Emission Standards for Hazardous Air Pollutants; Final Standards for Hazardous Air Pollutant Emissions from Wood Furniture Manufacturing Operations under section 112 of the Clean Air Act (CAA), 42 U.S.C. 7412. The national emission standards for hazardous air pollutants (NESHAP) requires existing and new major sources to control emissions using maximum achievable control technology (MACT) to control hazardous air pollutants. This action revises the definition of wood furniture component in the NESHAP to exclude foam seat cushions not made at a wood furniture manufacturing facility from this definition. The revisions clarify the applicability of the final rule to eliminate potential overlapping requirements with other NESHAP.

DATES: The direct final rule will be effective August 8, 1997 unless significant adverse comments are received by July 9, 1997. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Interested parties may submit written comments (in duplicate, if possible) on the proposed changes to the NESHAP to: Air and Radiation Docket and Information Center (6102), Attention, Docket No. A–93–10, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. If a public hearing is held, it will be held at the EPA's Office of Administration Auditorium, Research Triangle Park, North Carolina.

FOR FURTHER INFORMATION CONTACT: For information concerning the standards and the proposed changes, contact Mr. Paul Almodóvar, Coatings and Consumer Products Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711; telephone (919) 541–0283. For information regarding the applicability of this action to a particular entity, contact Mr. Robert Marshall, Manufacturing Branch, Office of Compliance, (2223A), U.S. EPA, 401 M Street, SW, Washington, DC 20460; telephone (202) 564–7021.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are owners or operators of facilities that are engaged, either in part or in whole, in wood furniture manufacturing operations and that are major sources as defined in 40 CFR Part 63, subpart A, section 63.2. Regulated categories include:

Category	Examples of regulated entities
Industry	Facilities which are manor sources of hazardous air pollutants and manufacture wood furniture or wood furniture components.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities that EPA is now aware potentially could be regulated by this action. Other types of entities not listed in the table also could be regulated. To determine whether your facility [company, business, organization, etc.] is regulated by this action, you should carefully examine the applicability criteria in section 63.800 of the NESHAP for Wood Furniture Manufacturing Operations that was promulgated in the **Federal Register** on December 7, 1995 (60 FR 62930) and codified at 40 CFR part 63, subpart JJ. If you have questions regarding the applicability of this action to a particular entity, consult Mr. Robert Marshall at the address listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Any significant and timely adverse comments received on any portion of this direct final rule will be addressed in a subsequent final rule based on the proposed rule contained in the Proposed Rules Section of this **Federal Register** that is identical to this direct final rule. If no significant and timely adverse comments are received on this direct final rule, then the direct final rule will become effective August 8, 1997 and no further action will be taken on the parallel proposal published today.

The information presented below is organized as follows:

I. Background
II. Summary of and Rationale for Rule Changes
III. Administrative Requirements
A. Docket
B. Paperwork Reduction Act
C. Executive Order 12866
D. Regulatory Flexibility Act
E. Regulatory Review
F. Unfunded Mandates Act
G. Submission to Congress and the General Accounting Office

I. Background

On December 7, 1995 (60 FR 62930), the EPA promulgated the NESHAP for Wood Furniture Manufacturing Operations. These standards were codified as subpart JJ in 40 CFR part 63. These standards established emission limits for, among other things, coating and gluing of wood furniture and wood furniture components. Wood furniture components were defined to include ''seat cushions,'' some of which are made of foam and are manufactured and glued to the wood furniture at the wood furniture manufacturing facility. Others are manufactured off-site at a foam fabrication facility, and provided to the wood furniture manufacturing facility to include with the final wood furniture product.

This action clarifies the applicability of the final rule by revising the definition of ''wood furniture component'' to exclude from this definition, seat cushions manufactured and fabricated at a facility that does not engage in any other wood furniture or wood furniture component manufacturing operations. The manufacture of these foam seat cushions will be subject to a different NESHAP as discussed in more detail below.

II. Summary of and Rationale for Rule Changes

The EPA has revised the definition of ''wood furniture component'' in the Wood Furniture Manufacturing NESHAP to exclude foam seat cushions not made at a wood furniture manufacturing facility from this

definition. The following is the revised definition for wood furniture component:

Wood furniture component means any part that is used in the manufacture of wood furniture. Examples include, but are not limited to, drawer sides, cabinet doors, seat cushions, and laminated tops. However, foam seat cushions manufactured and fabricated at a facility that does not engage in any other wood furniture or wood furniture component manufacturing operation are excluded from this definition.

The EPA is currently developing a separate NESHAP for foam fabricators which will cover facilities that manufacture foam seat cushions at foam fabricating plants for a variety of industries, including wood furniture manufacturers. To avoid duplicative requirements for such facilities, these foam seat cushions are no longer covered by this subpart. This will ensure that these facilities would not be subject to one set of requirements for seat cushions sold to the wood furniture industry and a different set of requirements for seat cushions sold to other industries. However, wood furniture manufacturing facilities that manufacture their foam seat cushions on-site or perform other upholstery operations still will be subject to the emission limits for the application of contact adhesives included in this subpart.

III. Administrative Requirements

A. Docket

Docket A–93–10 is an organized and complete file of all of the information submitted to, or otherwise considered by, the EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public to readily identify and locate documents to enable them to participate effectively in the rulemaking process. The contents of the docket serves as the record in case of judicial review (except for interagency review materials) (§ 307(d)(7)(A) of the CAA, 42 U.S.C. 7607(d)(7)(A)).

B. Paperwork Reduction Act

There are no additional information collection requirements contained in these amendments to the final rule. Therefore, approval under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, is not required.

C. Executive Order 12866

Under Executive Order 12866, the EPA is required to determine whether a regulation is ''significant'' and therefore subject to Office of Management and Budget review and the requirements of this Executive Order to prepare a regulatory impact analysis. The Executive 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 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.

Pursuant to the terms of Executive Order 12866, it has been determined that this action is not a ''significant regulatory action'' within the meaning of the Executive Order.

D. Regulatory Flexibility Act

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis for this final rule. EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities. This notice makes clarifying amendments to the Wood Furniture Manufacturing Operations NESHAP, including applicability and definitions. These amendments will not place any additional requirements on any entity affected by this rule, including small entities. Therefore, these amendments will not have a significant impact on a substantial number of small entities.

E. Regulatory Review

In accordance with sections 112(d)(6) and 112(f)(2) of the CAA, 42 U.S.C. 7412(d)(6) and 7412(f)(2), this regulation will be reviewed within 8 years of the date of promulgation. This review may include an assessment of such factors as evaluation of the residual health risk, any overlap with other programs, the existence of alternative methods of control, enforceability, improvements in emission control technology and health data, and recordkeeping and reporting requirements.

F. Unfunded Mandates Act

The economic impact analysis performed for the original rule showed that the economic impacts from implementation of the promulgated standards would not be ''significant'' as defined in Executive Order 12866. No changes are being made in these amendments that would increase the economic impacts. The EPA prepared the following statement of the impact of the original rule in response to the requirements of the Unfunded Mandates Reform Act.

There are no Federal funds available to assist State, local, and Tribal governments in meeting these costs. There are important benefits from volatile organic compounds and hazardous air pollutant emission reductions because these compounds have significant adverse impacts on human health and welfare and on the environment. The rule does not have any disproportionate budgetary effects on any particular region of the nation, State, local, or Tribal government, or urban, rural, or other type of community. On the contrary, the rule will result in only a minimal increase in the average product rates (less than 1 percent). Moreover, the rule will not have a material effect on the national economy.

Throughout the regulatory negotiation process prior to issuing the final rule on December 7, 1995, the EPA provided numerous opportunities for consultations with interested parties (e.g., public comment period; opportunity for a public hearing [none was requested]; meetings with industry, trade associations, State and local air pollution control agency representatives, environmental groups, State, local, and Tribal governments, and concerned citizens). Although small governments are not significantly or uniquely affected by this rule, these procedures, as well as additional public conferences and meetings, gave small governments an opportunity to give meaningful and timely input and obtain information, education, and advice on compliance.

Prior to the promulgation of the rule in 1995, the EPA considered several regulatory options. The final rule represents the least costly and least burdensome alternatives currently available for achieving the objectives of section 112 of the CAA. All of the regulatory options selected are based on pollution prevention measures. Finally, after careful consideration of the costs, the environmental impacts, and the comments, the EPA decided that the MACT floor was the appropriate level of control for this regulation.

G. Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) of the Administrative Procedures Act (APA), as added by 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 the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. §804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, air pollution control, Hazardous substances, Reporting and recordkeeping requirements, Wood furniture manufacturing.

Dated: May 30, 1997.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, Title 40, Chapter I of the Code of Federal Regulations is amended as follows:

PART 63—[AMENDED]

1. The authority citation for Part 63 continues to read as follows:

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

Subpart JJ—National Emissions Standards for Wood Furniture Manufacturing Operations

2. § 63.801 is amended by revising the definition for ''wood furniture component'' to read as follows:

§ 63.801 Definitions.

* * * * *

Wood furniture component means any part that is used in the manufacture of wood furniture. Examples include, but are not limited to, drawer sides, cabinet doors, seat cushions, and laminated tops. However, foam seat cushions manufactured and fabricated at a facility that does not engage in any other wood furniture or wood furniture component manufacturing operation are excluded from this definition.

* * * * *

[FR Doc. 97–14988 Filed 6–6–97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[Docket No. RSPA–97–2133 (HM–225)]

Petitions for Reconsideration of Interim Final Rule: Cargo Tank Motor Vehicles in Liquefied Compressed Gas Service

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Deferral of decision on petitions for reconsideration of interim final rule; notice of meeting.

SUMMARY: RSPA is deferring action on a decision with respect to two petitions for reconsideration of the interim final rule issued in RSPA Docket HM–225 on February 19, 1997, regarding cargo tank motor vehicles in liquefied compressed gas service, until the agency issues a final rule in that docket. Specifically, the petitions for reconsideration raise issues identical to those raised by commenters to the interim final rule. RSPA is deferring action on the petitions for reconsideration in order to avoid prejudging issues that are more appropriate for resolution in the final rule. RSPA will address the issues raised by petitioners and commenters in a final rule, which it intends to issue prior to August 15, 1997, the expiration date of the interim final rule.

RSPA is also holding a public meeting on June 23, 1997, in Washington, DC, at the request of several interested parties, to discuss the interim final rule requirements and long-term solutions to the cargo tank emergency discharge control system issue.

DATES: The public meeting will be held on June 23, 1997, from 9 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the U.S. Department of Transportation (Room 2230, Nassif Building), 400 7th Street, S.W., Washington, D.C. 20590–0001.

FOR FURTHER INFORMATION CONTACT: Nancy E. Machado, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, S.W., Washington D.C. 20590–0001, telephone 202–366–4400.

SUPPLEMENTARY INFORMATION: On February 19, 1997, RSPA published an emergency interim final rule (IFR) in RSPA Docket HM–225 (62 FR 7638, Feb. 19, 1997). The IFR amended the Hazardous Materials Regulations (HMR), 49 CFR parts 171–180, to specify the conditions under which certain cargo tank motor vehicles may continue to be used on an interim basis, even if not equipped with emergency discharge control systems required by the HMR. The IFR specifically addresses MC 330, MC 331 and certain non-specification cargo tank motor vehicles used to deliver propane and other liquefied compressed gases.

The IFR was issued after the discovery of a safety deficiency affecting many of the cargo tank motor vehicles at issue and RSPA's denial of two emergency petitions for exemption from the HMR's emergency discharge control requirements. The IFR was intended as an alternative means of compliance with the HMR requirements. The intended effect of the IFR was to ensure, on an interim basis, an acceptable level of safety for delivery of liquefied compressed gases while a permanent solution to the problem was developed and implemented.

In the IFR, RSPA gave notice of a public meeting and two public workshops scheduled to gather information and allow comment on the IFR requirements. In the IFR, RSPA also solicited comments and data on the costs and effectiveness of alternative means of achieving a level of safety for the long term comparable to that provided by the current HMR requirements. Also, RSPA solicited comments on the costs and benefits of the interim measures adopted under the IFR. During the comment period, which closed on April 21, 1997, RSPA received over 40 comments from industry.

Also, on March 21, 1997, RSPA received a petition for reconsideration of the IFR from the National Propane Gas Association, on behalf of its members, and a petition for reconsideration jointly filed by Ferrellgas, L.P., Suburban Propane, L.P., AmeriGas Propane, L.P., Agway Petroleum Corporation and Cornerstone Propane Partners, L.P. Petitioners specifically request that RSPA reconsider the additional attendance requirement, which they believe effectively mandates that two or more attendants travel to and be present during the unloading of propane gas from a cargo tank motor vehicle. They assert that the high cost of compliance with the additional requirement is not supported by the safety record for