

may be significantly or uniquely impacted by the rule.

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 pre-existing requirements under State or local law, and imposes no new Federal 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 General Accounting 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. 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 Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 6, 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 52

Environmental protection, Air pollution control, *Hydrocarbons, Carbon monoxide, Particulate matter*, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

**Note:** Incorporation by reference of the State Implementation Plan for the State of Arizona was approved by the Director of the Federal Register on July 1, 1982.

Dated: March 20, 1998.

**Felicia Marcus,**

*Regional Administrator, Region IX.*

40 CFR part 52 is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

#### Subpart D—Arizona

2. Section 52.120 by adding paragraph (c)(82)(i)(E) to read as follows:

#### § 52.120 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(82) \* \* \*

(i) \* \* \*

(E) Maricopa County.

(1) Ordinance P-7, Maricopa County Trip Reduction Ordinance, adopted May 26, 1994.

\* \* \* \* \*

[FR Doc. 98-11759 Filed 5-1-98; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[FRL-5980-9]

#### Technical Amendments to Approval and Promulgation of Implementation Plans; Minnesota; Correction of Effective Date Under Congressional Review Act (CRA)

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

**ACTION:** Direct final rule; correction of effective date under CRA.

**SUMMARY:** On July 22, 1997 (62 FR 39120), the Environmental Protection Agency published in the **Federal Register** a direct final rule approving a revision to the Minnesota State Implementation Plan (SIP) for the Saint Paul particulate matter (PM) nonattainment area located in Ramsey County, Minnesota, which established an effective date of September 22, 1997. This document corrects the effective date of the rule to May 4, 1998 to be consistent with sections 801 and 808 of the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801 and 808.

**EFFECTIVE DATE:** This rule is effective on May 4, 1998.

**FOR FURTHER INFORMATION CONTACT:** Tom Eagles, Office of Air at (202) 260-5585.

#### Supplementary Information:

##### I. Background

Section 801 of the CRA precludes a rule from taking effect until the agency promulgating the rule submits a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the General Accounting Office (GAO). EPA recently discovered that it had inadvertently failed to submit the above rule as required; thus, although the rule was promulgated on the date stated in the July 22, 1997, **Federal Register** document, by operation of law, the rule did not take effect on September 22, 1997, as stated therein. Now that EPA has discovered its error, the rule has been submitted to both Houses of Congress and the GAO. This document amends the effective date of the rule consistent with the provisions of the CRA.

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, an agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because EPA merely is correcting the effective date of the promulgated rule to be consistent with the congressional review requirements of the Congressional Review Act as a matter of law and has no discretion in this matter. Thus, notice and public procedure are unnecessary. The Agency finds that this constitutes good cause under 5 U.S.C. 553(b)(B). Moreover, since today's action does not create any new regulatory requirements and affected parties have known of the underlying rule since July 22, 1997, EPA finds that good cause exists to provide for an immediate effective date pursuant to 5 U.S.C. 553(d)(3) and 808(2).

##### II. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental

justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the July 22, 1997, **Federal Register** document.

Pursuant to 5 U.S.C. 801(a)(1)(A), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, 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 General Accounting Office; however, in accordance with 5 U.S.C. 808(2), this rule is effective on May 4, 1998. This rule is not a "major rule" as defined in 5 U.S.C. 804(2).

This final rule only amends the effective date of the underlying rule; it does not amend any substantive requirements contained in the rule. Accordingly, to the extent it is available, judicial review is limited to the amended effective date.

Dated: April 22, 1998.

**Carol Browner,**

*Administrator.*

[FR Doc. 98-11542 Filed 5-1-98; 8:45 am]

BILLING CODE 6560-50-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 60 and 63

[AD-FRL-6003-7]

RIN 2060-AH94

#### Standards of Performance for New Stationary Sources: General Provisions; National Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions

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

**ACTION:** Direct final rule.

**SUMMARY:** This action amends the General Control Device Requirements applicable to flares in 40 CFR Part 60 which were issued as a final rule on January 21, 1986, and the Control Device Requirements applicable to flares in 40 CFR Part 63 which were issued as a final rule on March 16, 1994. This action amends existing specifications to permit the use of hydrogen-fueled flares. For additional

information concerning comments, see the parallel proposal found in the Proposed Rules Section of this **Federal Register**.

**DATES:** This direct final rule is effective June 23, 1998 without further notice unless the Agency receives relevant adverse comments by June 3, 1998. Should the Agency receive such comments, it will publish a document withdrawing this rule. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of June 23, 1998.

**ADDRESSES: Comments.** Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket No. A-97-48 (see docket section below), Room M-1500, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460. The EPA requests that a separate copy also be sent to Mr. Robert Rosensteel (see **FOR FURTHER INFORMATION CONTACT** section for address). Comments 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 these amendments has been established under docket number A-97-48. 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 **ADDRESS** 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 Word Perfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number A-97-48. Electronic comments may be filed online at many Federal Depository Libraries.

##### **Electronic Availability**

This document is available in Docket No. A-97-48, 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) 541-5384, from 1:00 p.m. to 5:00 p.m., Monday through Friday, or access the TTN web site at: [www.epa.gov/ttn/oarpg/rules.html](http://www.epa.gov/ttn/oarpg/rules.html).

##### **Regulated Entities**

Entities affected by this direct final rule include:

Category	Examples of regulated entities
Industry ....	Synthetic Organic Chemical Manufacturing Industries; and Petroleum Refining Industries.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. This table lists the types of entities that the EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be affected. 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.

The information presented in this preamble is organized as follows:

- I. Background
  - A. Existing Flare Specifications
  - B. DuPont's Request for Specifications for Hydrogen-Fueled Flares
- II. DuPont Test Program For Hydrogen-Fueled Flares
  - A. Summary of Earlier Relevant Hydrogen-Fueled Flares Tests
  - B. Objectives of the DuPont Test Program
  - C. Design and Implementation of DuPont Test Program
  - D. Results of the Test Program
- III. Rationale
  - A. The Need for Specifications for Hydrogen-Fueled Flares
  - B. Use of DuPont Test Results as the Basis for Hydrogen-Fueled Flare Specifications