

3. Under the first column on page 26048, the Appendix B—Endnotes, remove footnote 11 and renumber footnotes 12–22 as 11–21.

## 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. Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute [see discussion under “Supplementary Information”], it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to Sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in Sections 203 and 204 of UMRA. This rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. For all of these regulatory assessment provisions, EPA notes that today’s notice only corrects unintended errors and omissions in an earlier rulemaking.

This action does not involve technical standards; thus, the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by Section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). EPA’s compliance

with these statutes and Executive Orders for the underlying rule is discussed in the May 4, 2000 **Federal Register** notice.

The Congressional Review Act (CRA) (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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. (5 U.S.C. 808(2)). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of June 30, 2000. EPA will submit a report containing this rule and other required information to the U.S. Senate, U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

### List of Subjects

#### 40 CFR Part 9

Reporting and recordkeeping requirements.

#### 40 CFR Part 141

Environmental protection, Chemicals, Indian-lands, Intergovernmental relations, Radiation protection, Reporting and recordkeeping requirements, Water supply.

Dated: June 21, 2000.

**J. Charles Fox,**

*Assistant Administrator, Office of Water.*

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**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 9, 141, and 142

[FRL–6726–3]

### OMB Approval Numbers for the Primacy Rule Under the Paperwork Reduction Act and Clarification of OMB Approval for the Consumer Confidence Report Rule

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** EPA is confirming that the Office of Management and Budget approved information collection requirements for the final rule *National Primary Drinking Water Regulations: Consumer Confidence Report* (Consumer Confidence Report Rule) (August 19, 1998) and the final rule *Revisions to State Primacy Requirements to Implement Safe Drinking Water Act Amendments* (Primacy Rule) (April 28, 1998).

**EFFECTIVE DATES:** The amendment to 40 CFR 9.1 is effective June 30, 2000. 40 CFR part 141 subpart O, and 40 CFR 142.16(f) became effective on September 20, 1998, when OMB approved the information collection requirements for the Consumer Confidence Report Rule. 40 CFR 142.11(a)(6) became effective on September 21, 1998, when OMB approved the information collection requirements for the Primacy Rule.

**FOR FURTHER INFORMATION CONTACT:** For information related to the Consumer Confidence Report Rule, contact Rob Allison, Information Management Branch; Office of Ground Water and Drinking Water; EPA (4606), Ariel Rios Building, 1200 Pennsylvania Ave, NW, Washington, DC 20460; telephone 202–260–9836 or allison.rob@epa.gov. For information related to the Primacy Rule, contact Jennifer Melch; Regulatory Implementation Branch; Office of Ground Water and Drinking Water; EPA (4606), Ariel Rios Building, 1200 Pennsylvania Ave, NW, Washington, DC 20460; telephone (202) 260–7035, or melch.jennifer@epa.gov.

### SUPPLEMENTARY INFORMATION:

#### I. What Does This Correction Do?

This document announces the effective dates of certain Code of Federal Regulations sections which contain information collection requirements. These information collection requirements can be found at in 40 CFR part 141, subpart O, and part 142, § 142.16(f) for the Consumer Confidence Report Rule (63 FR 44511), and in 40 CFR part 142, § 142.11(a)(6) for the Primacy Rule (63 FR 23362).

Under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information that is subject to approval under the PRA, unless it displays a currently valid OMB control number. The OMB control numbers for EPA’s regulations are listed in 40 CFR part 9.

OMB approved the information collection requirements contained in the Consumer Confidence Report Rule on September 20, 1998, and approved the information collection requirements contained in the Primacy Rule on September 21, 1998.

In the December 28, 1998 **Federal Register** (63 FR 71375), EPA announced approval for the information collection requirements contained in the Consumer Confidence Report Rule and that OMB control number 2040-0201 had been assigned to these collections activities. The document amended 40 CFR part 9 to add this OMB control number to the comprehensive listing of OMB control numbers for EPA's regulations that appears in § 9.1.

Because there was no formal linkage between the December 28, 1998 notice and 40 CFR parts 141 and 142 for the Consumer Confidence Report Rule, the OFR did not make the connection to the information collection requirements contained in these sections. As a result, OFR added the following Effective Date Note to 40 CFR part 141 Subpart O: "This section contains information collection requirements and will not become effective until approval has been given by the Office of Management and Budget."

This document creates that formal linkage and instructs the OFR to remove the Effective Date Note.

Today's rule also amends the table of currently approved information collection request (ICR) control numbers issued by OMB to include those information requirements promulgated under the Primacy Rule which appeared in the **Federal Register** on April 28, 1998 (63 FR 23362). The affected regulations are codified at 40 Code of Federal Regulations (CFR) part 142. 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. 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 satisfy the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

## II. Why Is This Correction Issued as a Final Rule?

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, the 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 both the ICRs for the Consumer Confidence Report Rule and the Primacy Rule were previously subject to public notice and comment prior to OMB approval. Today's actions correct the CFR to properly reflect OMB's approval of the information collection requirements contained in 40 CFR part 141, subpart O, and part 142 and to amend the table in 40 CFR part 9 to include OMB approval numbers. Thus, notice and public procedure are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B). For the same reasons, EPA is making the provisions of this rule effective upon promulgation, as authorized under the APA (see section 553(d)(3)).

## III. Do Any of the Regulatory Requirements Apply to This Action?

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. Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute (see section II above), it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also

does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) EPA's compliance with these statutes and Executive Orders for the underlying rules are discussed in the April 28, 1998 and August 19, 1998 **Federal Register** notices.

## IV. Will EPA Submit This Final Rule to Congress and the Comptroller General?

Yes. 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. Section 808 allows the issuing agency to make a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date for the removal of the Effective Date Notes of June 30, 2000. 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 is not a "major rule" as defined by 5 U.S.C. 804(2).

## List of Subjects

### 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Parts 141 and 142

Environmental protection, Reporting and recordkeeping requirements, Water supply.

Dated: June 21, 2000.

J. Charles Fox,

Assistant Administrator for Water.

For the reasons set out in the preamble, 40 CFR part 9 is amended as follows:

1. The authority citation of 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. In § 9.1, the table is amended by removing “142.10–142.13” and adding the new entries in numerical order under the indicated heading to read as follows:

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

40 CFR citation	OMB control No.
* * * * *	
<b>National Primary Drinking Water Regulations Implementation</b>	
* * * * *	
142.10 .....	2040–0090
142.11(a)(1)–(a)(5) .....	2040–0090
142.11(a)(6) .....	2040–0915
142.11(a)(7) .....	2040–0090
142.12 .....	2040–0090
142.13 .....	2040–0090
* * * * *	

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 82**

[FRL–6726–5]

RIN 2060–A173

**Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2000: Allocations for Metered-Dose Inhalers and the Space Shuttle and Titan Rockets**

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

**ACTION:** Final rule.

**SUMMARY:** With this action, EPA is allocating essential-use allowances for calendar year 2000 for stratospheric ozone depleting substances (ODS) for use in medical devices and for use in the Space Shuttle Rockets and Titan Rockets for the year 2000 control period. Production and import of ODS for laboratory and analytical applications will be addressed in a separate rulemaking. The United States nominated specific uses of controlled ozone-depleting substances as essential for calendar year 2000 under the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol). The Parties to the Protocol subsequently authorized specific quantities of ODS for calendar year 2000 for the uses nominated by the United States. EPA allocates essential use allowances to an applicant for exempted production or import of a specific quantity of class I ODS solely for the designated essential purpose. These essential use allowances permit a person to obtain controlled ODS as an exemption to the January 1, 1996 regulatory phase-out of production and import of these substances.

**EFFECTIVE DATE:** This action is effective June 30, 2000.

**ADDRESSES:** Materials relevant to this rulemaking are contained in Docket No. A–93–39. The Docket phone is (202) 260–7548 and is located in room M–1500, First Floor, Waterside Mall 401 M Street, SW., Washington, DC 20460. The materials may be inspected from 8 a.m. until 4 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** The Stratospheric Ozone Protection Hotline at (800) 296–1996 or Erin Birgfeld, U.S. Environmental Protection Agency, Stratospheric Protection Division, Office of Air and Radiation (6205J), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC, 20460; *birgfeld.erin@epa.gov*; (202) 564–9079 phone and (202) 565–2096 fax.

**SUPPLEMENTARY INFORMATION:**

**Table of Contents**

- I. Background
- II. Allocation Process for Calendar Year 2000
- III. Allocation of Essential Use Allowances for Calendar Year 2000
- IV. Response to Comments
- V. Administrative Requirements
- VI. Judicial Review
- VII. Congressional Review

**I. Background**

*Overview of the Essential Use Process*

The Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol) is the international agreement to reduce and eventually eliminate production and consumption of all stratospheric ozone depleting substances. This is accomplished through adherence to phase-out schedules for the production and consumption of specific ODS including chlorofluorocarbons (CFCs), halons, carbon tetrachloride, methyl chloroform, hydrochlorofluorocarbons, and methyl bromide. As of January 1996, production and import of class I ODSs were phased out in all developed countries, including the United States. However, the Protocol and the Clean Air Act (CAA or Act) provide exemptions which allow for the continued import and/or production of class I ODS for specific uses. Under the Montreal Protocol, exemptions are granted for uses that are determined by the Parties to be “essential.” Decision IV/25, taken in 1992, established criteria for determining whether a specific use should be approved as essential, and set forth the international process for making determinations of essentiality. The CAA provides for specific exempted uses for which class I ODSs may continue to be produced and imported.

Once the U.S. nomination for essential use allowances is approved by the Parties, the U.S. EPA allocates essential use allowances to each essential use applicant in accordance with the CAA. For the year 2000 and beyond, the CAA requires EPA to formally consult with the Food and Drug Administration (FDA) on the amount of CFCs that are necessary for the production of medical devices. On January 6, 2000, EPA issued an interim final rule (IFR) allocating essential use allowances for use in metered dose asthma inhalers (MDIs) and in the Space Shuttle and Titan Rocket (65 FR 716). Today’s action allocates essential use allowances for use in medical devices and reflects the final determination of the amount of CFCs that are necessary for use in medical devices for calendar year 2000. This final rule also allocates