I. General Information

A. Does This Action Apply to Me?

Categories and entities potentially regulated by this action include:

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SUPPLEMENTARY INFORMATION:

FOR FURTHER INFORMATION CONTACT:

The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at http://www.epa.gov/edocket, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. EPA’s policy is that all comments, including any information claimed to be CBI, will be made available online at http://www.epa.gov/edocket. In the Federal Register, we are issuing these amendments as a direct final rule. We are making these amendments as a direct final rule without prior proposal because we view the revisions as noncontroversial and anticipate no adverse comments. We have explained our reasons for these revisions in the direct final rule.

If we receive any significant adverse comment on one or more distinct amendments in the direct final rule, we will publish a timely notice of withdrawal in the Federal Register informing the public which amendments will become effective and which amendments are being withdrawn due to adverse comment. We will address all public comments in a subsequent final rule. If no significant adverse comments are received, no further action will be taken on this proposal and the direct final rule will become effective as provided in that notice.

The regulatory text for the proposal is identical to that for the direct final rule published in the Rules and Regulations section of this Federal Register. For further supplementary information, see the direct final rule.
This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your facility is regulated by this action, you should examine the applicability criteria in 40 CFR 63.1561 of the NESHAP for petroleum refineries: catalytic cracking units, catalytic reforming units, and sulfur recovery units. If you have questions regarding the applicability of this action to a particular entity, consult the contact person listed in the preceding FOR FURTHER INFORMATION CONTACT section.

### Examples of regulated entities

<table>
<thead>
<tr>
<th>Category</th>
<th>NAICS code</th>
<th>Examples of regulated entities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal government</td>
<td>32411</td>
<td>Petroleum refineries that operate catalytic cracking units, catalytic reforming units, or sulfur recovery units.</td>
</tr>
<tr>
<td>State/local/tribal government</td>
<td></td>
<td>Not affected.</td>
</tr>
</tbody>
</table>

1 North American Industry Classification System.

For information regarding other administrative requirements for this action, please see the direct final rule that is located in the Rules and Regulations section of this Federal Register.

### Statutory and Executive Order Reviews

For information regarding other regulations section of this Federal Register.

The Regulatory Flexibility Act generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of today’s proposed amendments on small entities, a small entity is defined as: (1) A small business that has no more than 1,500 employees and no more than 75,000 barrels per day capacity of petroleum-based inputs, including crude oil or bona fide feedstocks; 1 for NAIC code 32411; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; or (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

After considering the economic impacts of today’s proposed amendments on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. In determining whether a rule has a significant economic impact on a substantial number of small entities, the impact of concern is any significant adverse impact on small entities, since the primary purpose of the regulatory flexibility analyses is to identify and address regulatory alternatives which minimize any significant economic impact of the proposed rule on small entities (5 U.S.C. 603–604). Thus, an agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, or otherwise has a positive effect on the small entities subject to the rule. The proposed amendments make improvements to the existing standards by adding new compliance options, allowing more time for certain new or reconstructed affected sources to comply, and clarifying monitoring and testing requirements. We have, therefore, concluded that today’s proposed amendments will have no adverse impacts on any small entities and may relieve burden in some cases. We continue to be interested in the potential impacts of the proposed rule on small entities and welcome comments on issues related to such impacts.

### List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

Dated: February 1, 2005.

Stephen L. Johnson,
Acting Administrator.

[FR Doc. 05–2309 Filed 2–8–05; 8:45 am]

BILLING CODE 6560–50–P