(i) The United States Mint.
(j) The Bureau of the Public Debt.
(k) The United States Secret Service.
(l) The Office of Thrift Supervision.

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3. 31 CFR part 1, Subpart C is amended by removing Appendix K and redesignating Appendices L and M as Appendices K and L.

Dated: January 3, 2000.

Shelia Y. McCann,

Deputy Assistant Secretary (Administration).

[FR Doc. 00–925 Filed 1–13–00; 8:45 am]

BILLING CODE 4810–25–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD090–3041; FRL–6506–9]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Control of VOCs From Paper, Fabric, Vinyl, and Other Plastic Parts Coating

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Maryland State Implementation Plan (SIP). The revisions consist of amendments to Maryland's regulation to control volatile organic compounds (VOC) from Paper, Fabric, Vinyl, and Other Plastic Parts Coatings. The regulation was revised to include Reasonable Available Control Technology (RACT) standards for sources that use flexographic printing presses to print on plastic (non-vinyl) and to limit the VOC content for the decorative coating of plastic bottles. EPA is approving these revisions to the Maryland SIP in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on February 28, 2000 without further notice, unless EPA receives adverse written comment by February 14, 2000. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Ozone and Mobile Sources Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Janice M. Lewis, (215) 814–2185, or by e-mail at lewis.janice@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Summary of the SIP Revisions

On March 11, 1999, the Maryland Department of the Environment (MDE) submitted amendments to COMAR 26.11.19.07 Paper, Fabric, Vinyl, and Other Plastic Parts Coatings to EPA for approval as SIP revisions. This regulation controls VOC emissions from paper, fabric, vinyl, and other plastic parts coatings operations in Maryland. The first amendment establishes RACT standards for sources that use flexographic printing presses to print plastic (non-vinyl) substrates. This amendment was adopted by Maryland on August 6, 1997, and became effective on September 8, 1997. The second amendment limits the VOC content for the decorative coating of plastic bottles. This amendment was adopted by Maryland on August 4, 1998, and became effective on August 24, 1998. At the time of this second amendment Maryland also revised the format of COMAR 26.11.19.07 Paper, Fabric, Vinyl, and Other Plastic Parts Coatings to present the subject installations, the applicability thresholds, and the VOC emission standards in a table.

II. EPA's Evaluation of the SIP Revisions

The EPA has determined that these amendments to COMAR 26.11.19.07: Paper, Fabric, Vinyl, and Other Plastic Parts Coating meet all federal criteria for approval.

III. Final Action

EPA is approving the amendments to COMAR 26.11.19.07 submitted by the MDE on March 11, 1999, as revisions to the Maryland SIP.

EPA is publishing this rule without prior proposal because the Agency views these as noncontroversial amendments and anticipate no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on February 28, 2000 without further notice unless EPA receives adverse comment by February 14, 2000. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

IV. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866, entitled ''Regulatory Planning and Review.''

B. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation. This final 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), because it merely

approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.'' Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

C. Executive Order 13045

Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), applies to any rule that the EPA determines (1) Is ''economically significant,'' as defined under Executive Order 12866, and (2) The environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This final rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health and safety risks.

D. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements 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 not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under section 205, 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 EPA to establish a plan for informing and advising any small governments that 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 annual 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

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).

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical. The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. 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 March 14, 2000. 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 to approve revisions to Maryland's regulation to control VOC from Paper, Fabric, Vinyl, and Other Plastic Parts Coating 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, Incorporation by reference.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

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 V—Maryland

2. Section 52.1070 is amended by adding paragraphs (c)(147) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(147) Revisions to the Maryland State Implementation Plan submitted on March 11, 1999, by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letter of March 11, 1999, from the Maryland Department of the Environment transmitting revisions to Maryland's State Implementation Plan, pertaining to Code of Maryland Administrative Regulations (COMAR) 26.11.19. Volatile Organic Compounds from Specific Processes at 26.11.19.07 Paper, Fabric, Vinyl, and Other Plastic Parts Coating.

(B) Revision to COMAR 26.11.19.07: Paper, Fabric, Vinyl, and Other Plastic Parts Coating to add at COMAR 26.11.19.07 F. ''Emission Standards for Printing on Plastic Other than Vinyl.'' This revision was adopted on August 6, 1997, and effective on September 8, 1997.

(C) Revisions to COMAR 26.11.19.07: Paper, Fabric, Vinyl, and Other Plastic Parts Coating, adopted August 4, 1998, and effective on August 24, 1998, including the following:

(1) Revision to COMAR 26.11.19.07 B. ''Applicability'' at B (1) to delete previous text describing subject coating and printing operations and to add new text stating that the regulation applies to any coating or printing operation that it listed in and has VOC emissions equal to or greater than the applicability levels in subsection C. (2) and (3) of this regulation.

(2) Revision to COMAR 26.11.19.07 C. to change the title from ''Emission Standards for Web, Paper, Fabric, and Vinyl Coating'' to ''Emission Standards for Coating or Printing Installations.''

(3) Revision to COMAR 26.11.19.07 C. (1) to delete text which specified installations by substrates and listed the associated emission standards, and to add text to refer to the installations and emission standards found in subsections C. (2) and (3) of this regulation.

(4) Revision to COMAR 26.11.19.07 to add subsection C. (2) and (3) to list in tabular format subject installations, applicability thresholds, and VOC emission standards.

(5) Revision to COMAR 26.11.19.07 to delete subsections E. D. and F. as their requirements are found in the new simplified table at COMAR 26.11.19.07 C (2) and (3).

(ii) Additional Material—Remainder of March 11, 1999 submittal pertaining to COMAR 26.11.19.07 Paper, Fabric, Vinyl, and Other Plastic Parts Coating.

[FR Doc. 00–616 Filed 1–13–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL–6518–2]

Slotted Guidepoles at Certain Petroleum and Organic Liquid Storage Vessels

AGENCY: Environmental Protection Agency (EPA).

ACTION: Regulatory interpretation.

SUMMARY: This action provides express notice that slotted guidepoles at certain petroleum storage vessels and tanks may not comply with regulatory requirements. Slotted guidepoles are relatively simple devices for sampling the contents of a floating roof storage tank. Unless they are controlled, the slots, hollow core and the space between the guidepole and the tank's roof are observable emission pathways that violate the ''no visible gap'' prohibition in the Standards of Performance for Storage Vessels for Petroleum Liquids (40 CFR part 60, subpart Ka (NSPS)) and the Standards of Performance for Volatile Organic Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) (40 CFR part 60, Subpart Kb (NSPS)).

SUPPLEMENTARY INFORMATION: NSPS Subpart Ka requires that ''each opening in the roof except for automatic bleeder vents, rim space vents, and leg sleeves, is to be maintained in a closed position at all times (i.e., no visible gaps) except when the device is in actual use.'' 40 CFR 60.112a(a)(1)(iii). See also 40 CFR 60.112a(a)(2). NSPS Subpart Kb establishes similar (and more stringent) requirements. 40 CFR 60.112b(a)(1)(iv) and (a)(2)(ii). Thus, there must be no ''visible gap'' or readily observable emission pathway in any tank roof/cover at any affected facility under NSPS Subparts Ka and Kb. The overall purpose of the Ka/Kb regulations is to reduce emissions from tanks and other petroleum storage vessels; the intent of the ''no visible gap'' requirement is to eliminate or minimize any pathway through which evaporative tank losses could be emitted to the atmosphere. The only exceptions to this closed cover (''no visible gap'') requirement are expressly identified in the rule: automatic bleeder vents, rim space vents and leg sleeves. All other openings and emission pathways in the roof/cover, including slotted guidepoles, are subject to the ''no visible gap'' requirement.

Slotted guidepoles are hollow poles with holes or ''slots'' that perforate the length of the pole, typically a foot-long and 1.5-inch wide. Where the pole passes through the roof, there is an opening in the roof and a gap between the pole and the roof. These holes, slots and gaps have exactly the same emissions effect as any other roof opening: they constitute an emissions pathway through which volatile organic compounds (VOCs) escape from the tank. Thus, they also constitute openings in the tank roof/cover. In short, both the hole through which the guidepole passes and the slots in the guidepole constitute openings in the roof/cover (i.e., ''visible gaps'') that must be maintained in a closed position with appropriate coverings and closures except when in actual use.

Slotted guidepoles are a potential source of significant VOC emissions. VOCs include a wide variety of hydrocarbons, some of which are hazardous air pollutants (e.g., benzene, toluene, xylene and ethyl benzene). Depending on the size, location and contents of a tank, uncontrolled emissions from the use of slotted guidepoles can exceed 25,000 pounds per year.

The United States Environmental Protection Agency (''EPA'') issued a trio of applicability determinations in which it determined that slotted guidepoles were subject to the no visible gap requirement under NSPS Subpart Ka/Kb. In the first, the Agency determined that slotted guidepoles at external floating roof tanks (NSPS Subparts Ka/Kb) were subject to the no visible gap requirement, required the use of gasketed covers (e.g., pole wipers) and recognized that gasketed floats were available. ADI Control No. 93000002 (April 27, 1993). In the second, EPA determined that the no visible gap requirement applied equally to slotted guidepoles at both external and internal