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 23, 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 23, 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 5, 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. 98–11541 Filed 5–4–98; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6007–5]

RIN 2060–A104

National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Notice of temporary stay.

SUMMARY: Today's action announces a 3-month stay of certain national emission standards for hazardous air pollutants (NESHAP) for certain sources. The effectiveness of the provisions for ''National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning,'' December 2, 1994) for continuous web cleaning machines using halogenated hazardous air pollutant (HAP) solvents is stayed for 3 months for good cause pursuant to section 553(b)(3)(B) of the Administrative Procedure Act. Since the compliance date for existing affected sources covered by this NESHAP was December 2, 1997, it is not practical to propose and take public comment on this 3-month stay.

This action also revises the definition of the term ''part'' and adds a definition for continuous web cleaning machine to § 63.461. A continuous web cleaning machine is one that cleans parts such as film, coils, wire, and metal strips at speeds in excess of 11 feet per minute. Parts are generally uncoiled, cleaned such that the same part is simultaneously entering and exiting the solvent cleaning machine, and then recoiled or cut.

Elsewhere in the Proposed Rules Section of today's **Federal Register**, the EPA proposes to extend the compliance date for sources affected by today's stay for 1 year in order to complete the rulemaking pertaining to control of emissions from continuous web cleaning machines.

This stay affects only those sources which meet the criteria describing a continuous web cleaning machine using halogenated HAP solvents.

EFFECTIVE DATE: May 5, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Almodóvar at (919) 541–0283, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711. For information regarding the applicability of this action to a particular entity, contact Mrs. Tracy Back, Manufacturing Branch, Office of Compliance (2223A), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; telephone (202) 564–7076.

SUPPLEMENTARY INFORMATION:

Regulated Entities

Entities potentially regulated by this action are owners or operators of continuous web cleaning machines using any solvent containing methylene chloride, perchloroethylene, trichloroethylene, 1,1,1 trichloroethane, carbon tetrachloride, or chloroform, or any combination of these halogenated HAP solvents, in a concentration greater than 5 percent by weight, as a cleaning or drying agent. Regulated categories include:

Category	Examples of regulated entities
Industry	Facilities engaging in cleaning operations using halogenated solvent cleaning machines.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities that the EPA is now aware of that 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 § 63.460 of the NESHAP for halogenated solvent cleaning operations that was promulgated in the **Federal Register** on December 2, 1994 (59 FR 61801) and codified at 40 CFR part 63, subpart T. If you have questions regarding the applicability of this action to a particular entity, consult Mrs. Tracy Back at the address listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

I. Background

On December 2, 1994, the EPA promulgated NESHAP for halogenated solvent cleaning operations (59 FR

61801). These standards were codified as subpart T in 40 CFR part 63. These standards established equipment and work practice standards for individual batch vapor, in-line vapor, in-line cold, and batch cold solvent cleaning machines using any solvent containing methylene chloride, perchloroethylene, trichloroethylene, 1,1,1 trichloroethane, carbon tetrachloride, or chloroform, or any combination of these halogenated HAP solvents in a concentration greater than 5 percent by weight, as a cleaning or drying agent.

Since promulgation of the halogenated solvent cleaning NESHAP on December 2, 1994, the EPA has become aware of the existence of various sources cleaning parts such as film, coils, wire, and metal strips at speeds in excess of the 11 feet per minute limit in the NESHAP using halogenated cleaning solvents. Parts are generally uncoiled, cleaned such that the same part is simultaneously entering and exiting the solvent cleaning machine, and then recoiled or cut. These solvent cleaning machines are typically referred to as continuous web cleaning machines. The design and operation, and therefore, the emission characteristics of these machines are different from the solvent cleaning machines (e.g., batch cold cleaners, in-line cleaners) that the EPA analyzed during the NESHAP rule development process. Therefore, in order for the EPA to properly address emission characteristics and controls, and to better regulate HAP emissions from continuous web cleaning machines, the Agency is staying the effectiveness of the provisions of the NESHAP for continuous web cleaning machines using halogenated HAP solvents. The EPA will take this time to further evaluate these types of operations, their emission characteristics, and the effectiveness of various control measures in order to determine equivalent methods of control for them.

In addition, the EPA is also revising the definition of the term ''part'' and adding a definition for continuous web cleaning machine to § 63.461.

II. Issuance of Stay

The EPA hereby issues a 3-month stay of the effectiveness of the NESHAP for halogenated solvent cleaning machines applicable to continuous web cleaning machines using halogenated HAP. The EPA will also reconsider the compliance dates in the rule and, following the notice and comment procedures of section 307(d) of the Clean Air Act, will take appropriate action.

III. Authority for Stay

The stay announced by this notice is being issued pursuant to section 553(b)(3)(B) of the Administrative Procedure Act.

The grounds for staying the requirements of this rule for continuous web cleaning machines arose after the public comment period and close to the compliance date for this rule. The impracticality of requiring compliance by continuous web cleaning machines with the provisions of the NESHAP became apparent after the final rule had been promulgated. Therefore, the EPA is staying the effectiveness of the rule for 3 months in order to allow time to evaluate equivalent methods of control for continuous web cleaning machines using halogenated HAP solvents.

Because the need for a stay was only realized recently, and the compliance date for the rule was December 2, 1997, it is both impracticable and contrary to the public interest to provide an opportunity for comment before issuing the stay. The EPA, therefore, finds that there is good cause in accordance with section 553(b)(3)(B) of the Administrative Procedures Act to publish this temporary stay without prior opportunity for public comment.

IV. Proposed Compliance Extension

The EPA may not be able to complete the equivalent methods of control determination for continuous web cleaning machines within the 3-month period expressly provided for in this action. Therefore, EPA is proposing to temporarily extend the applicable compliance dates. In the Proposed Rule Section of today's **Federal Register**, the EPA proposes a temporary extension of the compliance dates beyond 3 months in order to complete the equivalent methods of control determinations and revisions of the rules in question.

V. Administrative Requirements

A. Paperwork Reduction Act

There are no additional information collection requirements associated with this temporary stay. Therefore, approval under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*, is not required. b. Executive Order 12866

B. 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 because this action provides a temporary stay of the effectiveness of the rule to allow time to evaluate equivalent methods of control for continuous web cleaning machines using halogenated HAP solvents.

C. 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. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, the EPA has made such a good cause finding, including the reasons therefore, and established an effective date of May 5, 1998. The 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).

D. Regulatory Flexibility

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this action

will not have a significant economic impact on a substantial number of small business entities because the requirements of the rule are being stayed for continuous web cleaning machines.

E. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State, local, and tribal governments, in aggregate, or by the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least costly, most cost-effective, or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA. In addition, the EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments because it contains no requirements that apply to such governments or impose obligations upon them. Therefore, today's rule is not subject to the requirements of section 203 of the UMRA.

List of Subjects in 40 CFR Part 63

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

Dated: April 27, 1998.

Carol M. Browner,

Administrator.

Title 40 chapter I of the Code of Federal Regulations is amended as follows:

PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

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

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

Subpart T—[Amended]

2. Section 63.461 is amended by adding in alphabetical order the definition for ''continuous web cleaning machine'' and by revising the definition for ''part'' to read as follows:

§ 63.461 Definitions.

* * * * *

Continuous web cleaning machine means a solvent cleaning machine in which parts such as film, coils, wire, and metal strips are cleaned at speeds in excess of 11 feet per minute. Parts are generally uncoiled, cleaned such that the same part is simultaneously entering and exiting the solvent cleaning machine, and then recoiled or cut.

* * * * *

Part means any object that is cleaned in a solvent cleaning machine. Parts include, but are not limited to, discrete parts, assemblies, sets of parts, and parts cleaned in a continuous web cleaning machine (i.e., continuous sheets of metal, film).

* * * * *

3. Section 63.470 is added to Subpart T to read as follows:

§ 63.470 Stay of effective date.

Notwithstanding any other provision of this subpart, the effectiveness of §§ 63.460 thru 63.469 of subpart T is stayed until August 3, 1998 as applied to continuous web cleaning machines using halogenated HAP solvents.

[FR Doc. 98–11753 Filed 5–4–98; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 980225048–8099–03; I.D. 021898B]

RIN 0648–AK58

Pacific Halibut Fisheries; Retention of Undersized Halibut in Regulatory Area 4E

AGENCY: National Marine Fisheries Service (NMFS); National Oceanic and Atmospheric Administration (NOAA); Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a final rule that would allow the retention of halibut less than 32 inches (81.3 cm) with the head on, or less than 24 inches (61 cm) with the head off (undersized halibut) caught with setline gear in International Pacific Halibut Commission (IPHC) Regulatory Area 4E for personal use. Commercial sale of undersized halibut would remain prohibited. This action is necessary to implement the recommendation of the North Pacific Fishery Management Council (Council) to allow the legal harvest of undersized halibut by persons using Community Development Quota (CDQ) in Regulatory Area 4E. This action is intended to provide for the continued existence of the customary and traditional food practices of indigenous inhabitants by allowing them to retain all halibut caught with setline gear in Regulatory Area 4E.

DATES: This final rule is effective June 4, 1998.

ADDRESSES: The final Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for this action may be obtained from the Sustainable Fisheries Division, Alaska Region, NMFS, 709 West 9th Street, Room 453, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel.

FOR FURTHER INFORMATION CONTACT: John Lepore, 907–586–7228

SUPPLEMENTARY INFORMATION: The Northern Pacific Halibut Act (Halibut Act, 16 U.S.C. 773–773k), in section 5, provides that the Regional Fishery Management Council having authority for the geographical area concerned may recommend management measures governing Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the IPHC. The IPHC is the body authorized by the Convention between the United States and Canada for the