PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Sections 114, 211 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7414, 7545, and 7601(a)).

2. Section 80.2 is amended by adding paragraph (vv) to read as follows:

§ 80.2 Definitions.

* * * * *

Opt-in area. An area which becomes a covered area under § 80.70 pursuant to section 211(k)(6) of the Clean Air Act.

3. Section 80.70 is amended by revising paragraph (j) introductory text; by removing paragraphs (j)(5)(viii), (5)(ix), (j)(10)(i), (10)(iii), (10)(v) through (10)(xi); by redesignating paragraphs (j)(10)(ii) and (iv) as (10)(i) and (10)(ii); by removing paragraph (j)(11) and redesignating (j)(12) through (14) as (j)(11) through (13) respectively; and by adding a new paragraph (l) to read as follows:

§ 80.70 Covered areas.

* * * * *

(j) The ozone nonattainment areas listed in this paragraph (j) are covered areas for purposes of subparts D, E, and F of this part. The geographic extent of each covered area listed in this paragraph (j) shall be the nonattainment area boundaries as specified in 40 CFR part 81, subpart C:

* * * * *

(l) Upon the effective date for removal under § 80.72(a), the geographic area covered by such approval shall no longer be considered a covered area for purposes of subparts D, E and F of this part.

4. Section 80.72 is added to read as follows:

§ 80.72 Procedures for opting out of the covered areas.

(a) For petitions received prior to and including December 31, 1997 and in accordance with paragraph (b) of this section, the Administrator may approve a petition from a state asking for removal of any opt-in area, or portion of an opt-in area, from inclusion as a covered area under § 80.70. If the Administrator approves a petition, he or she shall set an effective date as provided in paragraph (c) of this section. The Administrator shall notify the state in writing of the Agency's action on the petition and the effective date of the removal when the petition is approved.

(b) To be approved under paragraph (a) of this section, a petition must be signed by the governor of a state, or his or her authorized representative, and must include the following:

(1) A geographic description of each opt-in area, or portion of each opt-in area, which is covered by the petition;

(2) A description of all ways in which reformulated gasoline is relied upon as a control measure in any approved state or local implementation plan or plan revision, or in any submission to the Agency containing any proposed plan or plan revision (and any associated request for redesignation) that is pending before the Agency when the petition is submitted; and

(3) For any opt-in areas covered by the petition for which reformulated gasoline is relied upon as a control measure as described under paragraph (b)(2) of this section, the petition shall include the following information:

(i) Identify whether the state is withdrawing any such pending plan submission;

(ii)(A) Identify whether the state intends to submit a revision to any such approved plan provision or pending plan submission that does not rely on reformulated gasoline as a control measure, and describe the alternative air quality measures, if any, that the state plans to use to replace reformulated gasoline as a control measure;

(B) A description of the current status of any proposed revision to any such approved plan provision or pending plan submission, as well as a projected schedule for submission of such proposed revision;

(iii) If the state is not withdrawing any such pending plan submission and does not intend to submit a revision to any such approved plan provision or pending plan submission, describe why no revision is necessary;

(iv) If reformulated gasoline is relied upon in any pending plan submission, other than as a contingency measure consisting of a future opt-in, and the Agency has found such pending plan submission complete or made a protectiveness finding under 40 CFR 51.448 and 93.128, demonstrate whether the removal of the reformulated gasoline program will affect the completeness and/or protectiveness determinations;

(4) The Governor of a State, or his or her authorized representative, shall submit additional information upon request of the Administrator,

(c) (1) Except as provided in paragraph (c)(2) of this section, the Administrator shall set an effective date for removal of an area under paragraph (a) of this section of 90 days from the Agency's written notification to the state approving the opt-out petition.

(2) If reformulated gasoline is contained as an element of any plan or plan revision that has been approved by the Agency, other than as a contingency measure consisting of a future opt-in, then the effective date under paragraph (a) of this section shall be 90 days from the effective date for Agency approval of a revision to the plan that removes reformulated gasoline as a control measure.

(d) The Administrator shall publish a notice in the Federal Register announcing the approval of any petition under paragraph (a) of this section, and the effective date for removal.

[FR Doc. 96–16668 Filed 7–5–96; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 425

RIN 2040–AC48

[FRL–5527–4]

Leather Tanning and Finishing Effluent Limitations Guidelines; Pretreatment Standards; New and Existing Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is promulgating changes modifying the pretreatment standards for existing and new sources applicable to certain facilities in the leather tanning and finishing point source category that conduct unhairing operations and that discharge process wastewater to publicly owned treatment works (''POTW''). This rule responds to a petition submitted by the leather tanning industry. The Agency conducted an informal survey of a small number of POTWs, permitting authorities, and industry representatives knowledgeable of leather processing operations and wastewater treatment. EPA is promulgating these changes as a ''direct'' final rule because the Agency does not expect significant adverse or critical comments. EPA also wants to provide prompt implementation of the rule to minimize any potential hazards to worker safety and health that may occur in the absence of this rule. Prompt implementation will also allow affected facilities in this category to reduce the use of treatment chemicals.

DATES: This rule is effective on October 7, 1996 unless significant adverse or critical comments are received by September 6, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Send comments in triplicate on this rule to Mr. Ed Terry, Engineering and Analysis Division (4303), U.S. EPA, 401 M St. S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Ed Terry, Engineering and Analysis Division (4303), U.S. EPA, 401 M St., S.W., Washington, DC 20460, or telephone 202–260–7128.

SUPPLEMENTARY INFORMATION:

Regulated entities. Entities potentially regulated by this action are those facilities in the leather tanning and finishing point source category that conduct unhairing operations and that discharge process wastewater to publicly owned treatment works, and entities include:

Category	Examples of regulated entities
Industry	Leather tanning facilities that conduct beamhouse operations and indirectly discharge process wastewater to publicly owned treatment works

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria in § 425.15, § 425.25, § 425.65, or § 425.85 of the rule. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

Organization of this document:

I. Legal Authority
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III. Overview of the Leather Tanning Industry
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XIII. Paperwork Reduction Act
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I. Legal Authority

These regulations are being promulgated under the authority of sections 301, 304, 306, 307, 308, and 501 of the Federal Water Pollution Control Act of 1972, as amended (known as the Clean Water Act), 33 U.S.C. sections 1311, 1314, 1316, 1317, 1318, and 1361.

II. Clean Water Act

The Federal Water Pollution Control Act of 1972 (''the Act'') established a comprehensive program to ''restore and maintain the chemical, physical, and biological integrity of the Nation's waters'' [Section 101(a)]. By July 1, 1977, existing industrial dischargers were to achieve ''effluent limitations requiring the application of the best practicable control technology currently available'' (''BPT'')[Section 301(b)(1)(A)]; and by July 1, 1983, dischargers of certain pollutants were required to achieve ''effluent limitations requiring the application of the best available technology economically achievable * * * which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants'' (''BAT'') [Section 301(b)(2)(A)]. New industrial direct dischargers were required, under Section 306, to comply with new source performance standards (''NSPS''), based on the best available demonstrated technology; and new and existing dischargers to publicly owned treatment works (''POTW'') were subject to pretreatment standards under Sections 307(b) and of the Clean Water Act. The requirements for direct dischargers were to be incorporated into National Pollutant Discharge Elimination System (''NPDES'') permits issued under Section 402 of the Act, and pretreatment standards were made enforceable directly against dischargers to POTWs (''indirect dischargers'').

III. Overview of the Leather Tanning Industry

Leather tanning is a general term for the various processing steps involved in converting animal skins or hides into leather. The three major hide and skin types used to manufacture leather are cattle hides, sheepskins and pigskins. The three primary steps of processing hides or skins are: beamhouse operations which wash and soak the hides or skins and (at most tanneries) chemically remove the attached hair; tanyard processes in which the tanning agent (primarily chromium) reacts with and stabilizes the proteinaceous matter in the hides or skins; and retanning and wet finishing processes which accomplish further processing by using additional tanning agents (again primarily chromium although other agents are also used) and other chemical agents such as dyes, lubricants and various finishes.

The U.S. leather tanning industry, identified by the Department of Commerce's Standard Industrial Classification as industry number 3111, is an old industry. The number of tanneries in the U.S. has steadily decreased from around 7,500 in 1865 to approximately 1,000 by the year 1900. In 1982, EPA data indicated there were 158 tanneries producing leather and discharging wastewaters to surface streams or to POTWs. According to estimates in the *U.S. Industrial Outlook—1993,* in 1992 the leather tanning and finishing industry employed about 12,700 people, distributed among 110 facilities, or an average of about 115 employees per facility. Tanneries are clustered in the northeast and mid-Atlantic states, the Chicago-Milwaukee area and the Gloversville-Johnstown area of New York State. Other facilities are scattered around the U.S. Cattle hides represent the bulk of raw material utilized for tanning done in the U.S. The following is a brief description of the three primary areas of process operations of facilities in the leather tanning and finishing industry.

The first primary area of process operations is the beamhouse in which the raw hides and skins are prepared by cleaning and soaking to make them more pliable, and unhairing, or hair removal, to make the hides more attractive and useful. Beamhouse operations usually start with siding and trimming, followed by washing and soaking, fleshing and unhairing. The unhairing operation includes lime and sodium sulfide as the primary chemicals which dissolve the hair. Wastewaters are highly alkaline, in a pH range of 10 to 12.

The second primary area of process operations is the tanyard in which a durable material is produced from the animal hides or skins. The proteinaceous matter in the hides reacts with the tanning agent and becomes stabilized. The tanning is accomplished by trivalent chromium, by vegetable tannins extracted from the bark of certain trees, or by synthetic tanning agents. These operations occur in an acidic medium and the wastewater generated usually has a pH in the range of 2.5 to 3.5. The resulting stabilized materials will not degrade by physical or biological mechanisms.

The third primary area of process operations is retanning and wet finishing which gives the tanned hides special or desired features, such as bleached appearance, added coloring, lubricants, or further tanning for finished leather properties. These operations usually do not have a significant effect on the acidity/alkalinity of associated wastewaters.

IV. Regulatory Activities and Responses

On April 9, 1974 (39 FR 12958) EPA promulgated the original regulation for the leather tanning industry, establishing effluent limitations guidelines and standards for the industry based on the best practicable control technology currently available (''BPT''), the best available technology economically achievable (''BAT''), new source performance standards (''NSPS'') for new direct dischargers, and pretreatment standards for new indirect dischargers (''PSNS''). These requirements were codified at 40 CFR Part 425, Subparts A–F.

The Tanners Council of America, Inc. (now the Leather Industries of America, Inc.), challenged the 1974 promulgated rule. The U.S. Court of Appeals for the Fourth Circuit left BAT and PSNS undisturbed, but remanded the BPT and NSPS limitations and standards.

On March 23, 1977 (42 FR 15696), EPA promulgated pretreatment standards for existing sources (''PSES'') for the leather tanning industry. These standards included only a pH range and did not establish limits on chromium or sulfide.

On July 2, 1979 (44 FR 38746), EPA proposed revised effluent limitations guidelines and standards for the leather tanning and finishing point source category. EPA proposed to replace the remanded BPT and NSPS limitations and standards, establish new best conventional pollutant control technology (''BCT'') limitations, and revise BAT, PSES and PSNS limitations and standards.

On November 23, 1982 (47 FR 52848) EPA promulgated a final regulation for the leather tanning and finishing industry point source category, establishing effluent limitations and standards to control specific toxic, nonconventional and conventional pollutants for nine subcategories in the leather tanning and finishing point source category. The pretreatment standards for indirect dischargers to POTWs established categorical limits on the discharge of chromium and sulfides and revised pH limits in certain subcategories.

The Tanners Council of America (now known as the Leather Industries of America, Inc. (LIA)) filed a petition for judicial review of several aspects of the promulgated regulation. This action was followed by the filing of an administrative Petition for Reconsideration with EPA. The Agency conducted an extensive review of the existing data base and acquired additional data. Following discussions between the Agency and the LIA, the parties entered into a settlement agreement.

The settlement agreement, signed on December 11, 1984, addressed the issues raised in the LIA petition. EPA agreed to propose amendments to the 1982 rule and to solicit comments on these issues. LIA agreed to dismiss its petition for judicial review and to withdraw the Petition for Reconsideration if EPA promulgated rules consistent with the proposed amendments.

In response to the 1984 settlement agreement on the revised effluent guidelines, EPA published on January 21, 1987 (52 FR 2370) proposed amendments to the 1982 rule and preamble language with solicitation of comments. As one of the provisions of the settlement agreement, EPA agreed to propose to delete the upper pH limit for vegetable tanners in Subpart C [Hair Save or Pulp, Non-chrome Tan, Retan-Wet Finish subcategory (§ 425.35(a))] only. Also, as part of the settlement agreement, LIA and EPA jointly requested the U.S. Court of Appeals for the Fourth Circuit to stay the effectiveness of the sections of 40 CFR Part 425 which EPA had agreed to propose to amend, pending final action by EPA on the proposed amendments. On February 22, 1985, the Court entered an Order staying specified sections of Part 425, pending final promulgation of an amendment to the regulation consistent with the settlement agreement.

On March 21, 1988 (53 FR 9176) EPA promulgated amendments to 40 CFR Part 425. The promulgated rule added an alternative sulfide analytical method, clarification of the procedures that support applicability of sulfide pretreatment standards, revisions to certain BPT effluent limitations, corrections to NSPS, and an allowance for small tannery exemptions under certain conditions. The preamble to the promulgated rule stated that the Agency would not consider a waiver from the upper pH limit of 10.0 for other subcategories than Subpart C because it would be unduly complicated.

V. Petition Submitted by Industry

On March 18, 1993, Counsel for the leather tanning industry submitted a petition to the Agency, requesting that the Agency amend the upper pH limit for leather tanning facilities that conduct unhairing (''beamhouse'') operations with indirect discharge to publicly owned treatment works (''POTWs''). The petition asks the Administrator ''* * * to include within the relevant regulatory section language allowing a POTW, subject to EPA review, to waive the upper pH limit for regulated discharges upon a showing that any such waiver will not 'interfere,' cause a 'pass through' or be 'incompatible' with a POTW's treatment works.'' The petitioners go on to say: ''The rulemaking is requested because, as a result of changes in operating conditions and an incorrect assumption that flow equalization alone would allow continuous control of tannery wastewaters to a level between 7.0 and 10.0, the existing upper pH limit cannot always be safely met.''

Since 1977, EPA has prohibited the discharge into POTWs of effluent from such facilities where the discharge failed to fall within a pH range of 7.0 to 10.0. This limitation was established primarily due to concerns over the solubility of chromium at higher pH levels and the potential for upsetting biological treatment systems of POTWs. To meet the pH requirement, leather tanning facilities would mix high pH beamhouse wastewaters with low pH tanyard wastewaters in a flow equalization process, resulting in a wastewater discharge that would meet the pH requirement.

In 1982, EPA subsequently set chromium pretreatment standards for the industry. The treatment technology for chromium reduction is precipitation at a pH range of 8.5 to 9.0, thus requiring tanyard wastewater to be raised from its usual range of 2.5 to 3.5. However, this treatment was not required at most facilities because POTWs would grant removal credits allowing chromium to be discharged without pretreatment.

Following the invalidation of the original removal credit regulation in 1986, *see NRDC* v. *EPA*, 790 F.2d 289 (3rd Cir. 1986), *cert. denied* 479 U.S. 1084 (1987), leather tanning facilities raised the pH of the tanyard wastewaters in order to achieve necessary chromium reduction. The petitioners assert that because the resulting wastewaters, when combined with the beamhouse wastewaters, are still at a pH outside the pretreatment standard, plants have found it necessary to add acid to the combined wastewater before discharge.

The petitioners indicate this acidification is problematic for several reasons. First, this adjustment to the pH may result in the generation and release of hydrogen sulfide (H_2S), a highly toxic gas, in the leather tanning facility or in the POTW. In addition, the petitioners assert that many municipal authorities believe that tannery wastewater alkalinity and buffering capacity are highly beneficial in counteracting sewer corrosion and H_2S generation within the sewer system.

VI. Agency Action in Response to Petition

In response to the petition, the Agency conducted an informal survey of a small number of POTWs receiving leather tanning wastewaters, permitting authorities, and industry representatives knowledgeable of leather processing operations and wastewater treatment.

Eight POTW managers and operators were contacted regarding the issues raised in the petition. Three of the POTWs contacted were identified in the petition and five of the POTWs contacted were known by EPA to be receiving wastewater from leather tanning facilities. All those contacted were amenable to receiving leather tanning and finishing wastewaters with a higher pH at the point of discharge to the POTW. Four operators stated that wastewaters with alkaline pH contribute to more efficient POTW operation. Three operators expressed the opinion that higher pH levels inhibit corrosion. Two operators stated that high pH at the user's point of discharge reduces or eliminates the need for adding caustic to the POTW treatment system to maximize removal efficiency. One POTW operator stated that his system had not had any operating or performance problems associated with too high a pH in his system.

Based on review of the petition, telephone discussions with operators and managers of POTWs receiving leather tanning wastewater, and regulatory personnel, EPA has determined that there is sufficient basis for promulgating amendments to the upper pH limit contained in the pretreatment standards for existing and new sources in the subparts identified below.

VII. Options Considered

A. Selected Option

EPA is promulgating this rule to revise the existing pretreatment standards to eliminate upper (alkaline) pH limits for plants in four subcategories in which unhairing operations are conducted. This minor revision will benefit POTW operations by lowering operating costs and reducing potential risks for worker safety and health. This option was selected because EPA believes that interference with the operation of POTWs (i.e., damage to POTW collection systems and upset of biological treatment processes, and potential for adverse effect on the health and safety of POTW workers) and potential for pass through of pollutants are not likely events. Affected POTWs may still elect to set an alternative upper (alkaline) pH limit based on local circumstances.

B. Other Options Considered

The following options were considered but not selected.

(1) Option 2

EPA would promulgate a rule to develop new upper (alkaline) pH limits for all indirect dischargers in each of the four subcategories affected by the petition. This option was not selected because EPA does not have sufficient data to develop different pH limits. Even if sufficient data were available to develop different pH limits, this option also may leave individual cases where new pH limits still may not fit local circumstances, thus requiring further regulatory action. Moreover, as indicated above, the information currently available to the Agency indicate that no upper (alkaline) pH limits are necessary.

(2) Option 3

EPA would promulgate a rule adding a new section to 40 CFR Part 425 which would establish a procedure for use by individual POTWs in changing the pH range specified in the categorical pretreatment standards. The procedure would allow individual POTWs receiving these wastewaters to determine the appropriate upper (alkaline) pH limit for each of the affected leather tanning and finishing facilities. POTWs would determine the appropriate upper pH limit applicable to each indirect discharging leather tanning and finishing facility with operations in the affected subcategories based on consideration of all relevant factors pertinent to the POTW, including but not limited to those that EPA might present in support of such an option. EPA did not select this option because of the added unnecessary procedural burden this would place on POTWs; as indicated above, EPA does not believe that such limits are necessary. Where local conditions make such limits appropriate, POTWs should be free to set limits based on existing procedures rather than a new procedure developed for this rule.

VIII. Scope of This Rule

This notice of a ''direct'' final rule addresses only certain leather tanning facilities that conduct beamhouse operations and indirectly discharge process wastewater to publicly owned treatment works. Thus this final rule applies to the standards in Subparts A, B, F, and H of 40 CFR Part 425, at §§ 425.15, 425.25, 425.65, and 425.85.

The petition submitted by the Leather Industries of America, Inc., sought to amend only the Pretreatment Standards for Existing Sources (PSES). Because EPA set Pretreatment Standards for New Sources (PSNS) equal to PSES, this final rule applies to both existing and new indirect dischargers. However, because PSNS were set equal to PSES in each subcategory, EPA need only promulgate an amendment to PSES to effect the elimination of the upper (alkaline) pH limit for both existing and new sources in these four subcategories.

The petitioners also asked for relief from 40 CFR Part 425 Subpart C—Pretreatment Standards for Existing Sources—Hair Save or Pulp, Non-Chrome Tan, Retan—Wet Finish subcategory. However, EPA's rulemaking to implement the 1984 settlement agreement addressed removal of the upper (alkaline) pH limit for this subcategory.

IX. Executive Order 12866

Under Executive Order 12866, (58 FR 51735, October 4, 1993) the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The 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 rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

X. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. 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,

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 to State, local, and tribal governments, in the aggregate, or to 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 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 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.

Under section 204 of the UMRA, EPA generally must develop a process to permit elected officials of State, local and tribal governments (or their designated employees with authority to act on their behalf) to provide meaningful and timely input in the development of regulations containing significant Federal intergovernmental mandates. These consultation requirements build on those of Executive Order 12875 (''Enhancing the Intergovernmental Partnership'').

Before 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.

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. This rule is intended to reduce the burden of compliance by affected industries with certain federal effluent requirements. In addition, the approach selected for altering the existing regulations is intended also to decrease implementation burdens for State and local governments. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Similarly, EPA has also determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments and thus this rule is not subject to the requirements of section 203 of UMRA. However, EPA has nonetheless involved state and local governments in the process of developing this rule. The Agency consulted with representatives of selected POTWs regarding the underlying technical aspects of this rule. The Agency will continue this process of consulting with state, local and other affected parties after issuance of the rule in order to further minimize the potential for unfunded mandates.

XI. Regulatory Flexibility Analysis

The Regulatory Flexibility Act, 5 U.S.C 601 *et seq.*, requires EPA and other agencies to prepare a final regulatory flexibility analysis for regulations that have a significant impact on a substantial number of small entities. This regulatory action does not have any adverse impact on either small or large entities. Therefore, a regulatory flexibility analysis is not required. Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities.

XII. Submission to Congress and the General Accounting Office

Under section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 prior to publication of the rule in today's Federal Register. This rule is not a ''major rule'' as defined by section 804(2) of the APA as amended.

XIII. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3500 *et seq.*, EPA must submit a copy of any rule that contains a collection-of-information requirement to the Director of the Office of Management and Budget for review and approval. This rule contains no additional information collection requirements beyond those already required by 40 CFR part 403 and 40 CFR part 122 and by 40 CFR Part 425, and therefore the review requirement of the Paperwork Reduction Act is not applicable.

XIV. Administrative Procedure Requirements

The Agency is publishing this action as a ''direct final'' rule. A direct final rule is not an ''interim final'' rule (*i.e.* a rule which provides for public comment after it has gone into effect); rather it is a rule which is published with a delayed effective date allowing for the receipt of and response to public comment *before* the rule goes into effect. A response to all comments received will be placed in the docket for this rule prior to the effective date. This rule thus fully complies with notice-and-comment requirements under the Administrative Procedure Act (APA). EPA has chosen to use the direct final approach for this rule because the Agency does not expect to receive adverse or critical comment and to allow for the most expeditious implementation possible, consistent with the APA. However, consistent with APA requirements, if EPA does receive significant adverse or critical comment, EPA will withdraw this rule prior to its effective date and proceed with a normal rulemaking process. As a result, elsewhere in today's Federal Register, EPA is also *proposing* this rule; if EPA decides to withdraw the direct final rule based on public comment, EPA will proceed with a revised rule based on this proposal. There will not be an additional comment period, so parties interested in commenting on the proposed rule should do so at this time.

List of Subjects in 40 CFR Part 425

Leather, Leather Tanning and Finishing, Water Pollution Control, Wastewater Treatment and Disposal, Pretreatment Standards for Existing and New Sources.

Dated: June 26, 1996.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, part 425, subchapter N, chapter I, of title 40, Code of Federal Regulations, is amended as follows:

PART 425—[AMENDED]

1. The authority citation for part 425 is revised to read as follows:

Authority: 33 U.S.C. 1311, 1314 (b), (c), (e) and (g), 1316 (b) and (c), 1317 (b) and (c), 1318 and 1361.

Subpart A—Hair Pulp, Chrome Tan, Retan-Wet Finish Subcategory

2. Section 425.15(a) is amended by revising the footnote to the table to read as follows:

§ 425.15 Pretreatment standards for existing sources (PSES).

(a) * * *

[1] Not less than 7.0.

* * * * *

Subpart B—Hair Save, Chrome Tan, Retan-Wet Finish Subcategory

3. Section 425.25 is amended by revising the footnote to the table to read as follows:

§ 425.25 Pretreatment standards for existing sources (PSES).

* * * * *

[1] Not less than 7.0.

Subpart F—Through-the-Blue Subcategory

4. Section 425.65 is amended by revising the footnote to the table to read as follows:

§ 425.65 Pretreatment standards for existing sources (PSES).

* * * * *

[1] Not less than 7.0.

Subpart H—Pigskin Subcategory

5. Section 425.85 is amended by revising the footnote to the table to read as follows:

§ 425.85 Pretreatment standards for existing sources (PSES).

* * * * *

[1] Not less than 7.0.

[FR Doc. 96–17023 Filed 7–5–96; 8:45 am]

BILLING CODE 6560–50–P

GENERAL SERVICES ADMINISTRATION

41 CFR Part 201–39

RIN 3090–AF89

Amendment of FIRMR Schedule Provisions

AGENCY: Office of Policy, Planning and Evaluation, GSA.

ACTION: Interim rule with request for comments.

SUMMARY: This change to the Federal Information Resources Management Regulation (FIRMR) removes provisions for using Federal information processing (FIP) multiple award schedule (MAS) contracts. The Federal Acquisition Regulation (FAR) will now govern all MAS contacting actions. This change is an example of GSA's ongoing efforts to ensure uniform regulatory procedures within the MAS program.

DATES: This amendment is effective July 8, 1996. Comments will be considered in the final rule, but must be received on or before September 6, 1996.

ADDRESSES: Comments may be mailed to GSA, Policy and Regulations Division (MKR), 18th & F Streets, NW., Room 3224, Washington, DC 20405, Attn: Judy Steele, or delivered to that address between 8:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Judy Steele, GSA/MKR, FTS/Commercial (202) 501–3194(v) or (202) 501–0657 (tdd), Internet (judya.steele@gsa.gov).

SUPPLEMENTARY INFORMATION: As a result of a recent reorganization, GSA's FIP MAS Program is now a part of the Federal Supply Service schedule program. The FIRMR is being revised to reflect that change. Section 201–39.801–1 is revised to clarify that the FIP MAS contracts now fall under the FSS program umbrella. Part 8 of the Federal Acquisition Regulation governs the FSS MAS Program, and will therefore, also apply to FIP MAS schedule contracts. Sections 201–39.803 and 201–39.803–1 through 201–39.803–3 are removed and reserved since a separate section on ordering from the FIP MAS contracts is no longer necessary.

This rule was submitted to, and reviewed by, the Office of Management and Budget (OMB) in accordance with Executive Order 12866, Regulatory Planning and Review.

The recordkeeping provisions of the Paperwork Reduction Act do not apply because the FIRMR changes do not impose information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501 et seq.

List of Subjects in 41 CFR Part 201–39

Archives and records, Computer technology, Federal information processing resources activities, Government procurement, Property management, Records management, and Telecommunications.

For the reasons set forth in the preamble, GSA is amending 41 CFR Part 201–39 as follows:

PART 201–39—ACQUISITION OF FEDERAL INFORMATION PROCESSING (FIP) RESOURCES BY CONTRACTING

1. The authority citation for part 201–39 continues to read as follows:

Authority: 40 U.S.C. 486(c) and 751(f).

2. Section 201–39.801–1 is revised to read as follows:

§ 201–39.801–1 General.

GSA directs and manages the Federal Supply Schedules programs. Except as provided in § 201.39.804, use of the Federal Supply Schedules program is covered by FAR 8.4.

§§ 201–39.803, 201–39.803–1 through 201–39.803–3 [Removed and Reserved]

3. Sections 201–39.803 and 201–39.803–1 through 201–39.803–3 are removed and reserved.

Dated: June 4, 1996.

David J. Barram,

Acting Administrator of General Services.

[FR Doc. 96–17125 Filed 7–5–96; 8:45 am]

BILLING CODE 6820–25–M

FEDERAL MARITIME COMMISSION

46 CFR Part 514

[Docket No. 90-23]

Tariffs and Service Contracts; First Interim ATFI Amendments

CFR Correction

In title 46 of the Code of Federal Regulations, parts 500 to end, revised as of October 1, 1995, the table following § 514.17(d)(1) is incorrect. It should read as follows: