

3. Table Four, Paragraph 16 of §706.2 is amended by adding, in numerical order, the following entry for USS DONALD COOK:

§706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

*	*	*	*	*
Vessel	Number	Obstruction angle relative ship's headings		
USS DONALD COOK .....	DDG 75	102.00 thru 112.50.		

4. Table Five of §706.2 is amended by adding, in numerical order, the following entry for USS DONALD COOK:

§706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

TABLE FIVE

Vessel	Number	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward mast-head light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward mast-head light. annex I, sec. 3(a)	Percentage horizontal separation attained
USS DONALD COOK .....	DDG 75	X	X	X	14.0

Dated: April 17, 1998.

**R. R. Pixa,**  
*Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty).*  
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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Parts 52 and 81**

[FRL-5980-8]

**Technical Amendments To Approval and Promulgation of Implementation Plans; Wisconsin; Correction of Effective Date Under Congressional Review Act (CRA)**

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

**ACTION:** Final rule; correction of effective date under CRA.

**SUMMARY:** On July 23, 1997 (62 FR 39446), the Environmental Protection Agency published in the **Federal Register** a final rule concerning the temporary delay of the ozone attainment date for Manitowoc Country from 1996 to 2007. This action suspended the automatic reclassification of Manitowoc Country from moderate to serious nonattainment, which established an effective date of August 22, 1997. This document corrects the effective date of the rule to May 5, 1998 to be consistent with section 801 and 808 of the Congressional Review Act (CRA), enacted as part of the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 801 and 808.

**EFFECTIVE DATE:** This rule is effective on May 5, 1998.

**FOR FURTHER INFORMATION CONTACT:**

Tom Eagles, Office of Air, at (202) 260-5595.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Section 801 of the CRA precludes a rule from taking effect until the agency promulgating the rule submits a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the General Accounting Office (GAO). EPA recently discovered that it had inadvertently failed to submit the above rule as required; thus, although the rule was promulgated on the date stated in the July 23, 1997, **Federal Register** document, by operation of law, the rule did not take effect on August 22, 1997, as stated therein. Now that EPA has discovered its error, the rule has been submitted to both Houses of Congress and the GAO. This document amends

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.

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## 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