EPA APPROVED NEW MEXICO STATUTES IN THE CURRENT NEW MEXICO SIP—Continued

State citation	Title/subject	State approval/effective date	EPA approval date	Comments
City of Albuquerque Chapter 2, Article III Sections 2–3–1 to 2–3–13.	Conflict of Interest	07/01/85	June 1, 1999.	
City of Albuquerque Charter, Article XII.	Code of Ethics	04/01/90	June 1, 1999.	
Bernalillo County Commission Ordinance 85–3.	Code of Ethics	02/05/85	June 1, 1999.	
City of Albuquerque Code of Conduct.	City Code of Conduct	02/09/90	June 1, 1999.	

[FR Doc. 99–13379 Filed 5–28–99; 8:45 am]
BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 82

[FRL–6351–6]

RIN 2060–AI24

Protection of Stratospheric Ozone: Incorporation of Montreal Protocol Adjustment for a 1999 Interim Reduction in Class I, Group VI Controlled Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: With this action, EPA is revising the accelerated phaseout regulations that govern the production, import, export, transformation and destruction of substances that deplete the ozone layer under authority of Title VI of the Clean Air Act Amendments of 1990 (CAA or the Act). This amendment reflects changes in U.S. obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol) due to recent adjustments by signatory countries to this international agreement. Specifically, this amendment incorporates the Protocol's 25 percent interim reduction in the production and consumption of class I, Group VI controlled substances (methyl bromide) for the 1999 control period and subsequent control periods.

In taking this action, EPA recognizes the recent intent of Congress in changes to the Clean Air Act that direct EPA to conform the U.S. phasedown schedule of methyl bromide to the Montreal Protocol's schedule for industrialized nations, including required interim reductions and specific exemptions. EPA intends to follow this rule with other actions to complete the process of conforming the U.S. methyl bromide phaseout schedule and specific exemptions with obligations under the Montreal Protocol and with the recent changes to the Clean Air Act. Through subsequent actions to this amendment, EPA plans to reflect, through notice and comment rulemaking, the additional steps in the phaseout schedule for the production and consumption of methyl bromide, as follows: beginning January 1, 2001, a 50 percent reduction in baseline levels; beginning January 1, 2003, a 70 percent reduction in baseline levels; beginning January 1, 2005, a complete phaseout of the production and consumption with emergency and critical use exemptions permitted under the Montreal Protocol. Even sooner, EPA plans to publish a proposal that will describe a process for exempting quantities of methyl bromide used in the U.S. for quarantine and preshipment from the reduction steps in the phaseout schedule.

EFFECTIVE DATE: This rule is effective on July 1, 1999.

ADDRESSES: Materials supporting this rulemaking and comments are contained in Public Docket No. A–92–13, U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460. The docket is located in Room M–1500, Waterside Mall (Ground Floor). Dockets may be inspected from 8 a.m. until 12 noon, and from 1:30 p.m. until 3 p.m., Monday through Friday. EPA may charge a reasonable fee for copying docket materials.

FOR FURTHER INFORMATION CONTACT: The Stratospheric Ozone Protection Hotline at 1–800–269–1996 between the hours of 10 a.m. and 4 p.m. Eastern Standard Time, or Tom Land, U.S. Environmental Protection Agency, Stratospheric Protection Division (6205J), 401 M Street, S.W., Washington, D.C. 20460, (202) 564–9185.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Legislative and Regulatory Background of Phasing Out Production and Consumption of Controlled Substances that Deplete the Ozone Layer
II. Context for Today's Final Rule
III. Amendments to § 82.7—Grant and Phased Reduction of Baseline Production and Consumption Allowances for Class I Controlled Substances
IV. Next Steps to Conform the U.S. Methyl Bromide Phaseout Schedule and Exemptions to the Montreal Protocol and the Recently Amended Clean Air Act
V. Response to Comments on the Notice of Proposed Rulemaking Published on February 25, 1999
VI. Summary of Supporting Analysis

I. Legislative and Regulatory Background of Phasing Out Production and Consumption of Controlled Substances That Deplete the Ozone Layer

The current regulatory requirements of the Stratospheric Ozone Protection Program that limit production and consumption of ozone-depleting substances were promulgated by the Environmental Protection Agency (EPA or the Agency) in the **Federal Register** on December 20, 1994 (59 FR 65478), May 10, 1995 (60 FR 24970), August 4, 1998 (63 FR 41625) and October 5, 1998 (63 FR 53290). The regulatory program was originally published in the **Federal Register** on August 12, 1988 (53 FR 30566), in response to the 1987 signing of the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol).[1] The U.S. was one of the original signatories to the 1987 Montreal Protocol and the U.S. ratified the Protocol on April 4, 1988. Congress then enacted, and President Bush signed into law, the Clean Air Act Amendments of

[1] Several revisions to the original 1988 rule were issued on the following dates: February 9, 1989 (54 FR 6376), April 3, 1989 (54 FR 13502), July 5, 1989 (54 FR 28062), July 12, 1989 (54 FR 29337), February 13, 1990 (55 FR 5005), June 15, 1990 (55 FR 24490) and June 22, 1990 (55 FR 25812) July 30, 1992 (57 FR 33754), and December 10, 1993 (58 FR 65018).

1990 (CAA or the Act) that included Title VI on Stratospheric Ozone Protection.

The requirements contained in the final rules published in the **Federal Register** on December 20, 1994 and May 10, 1995 establish an Allowance Program (the Program). The Program and its history are described in the notice of proposed rulemaking (NPRM) published in the **Federal Register** on November 10, 1994 (59 FR 56276). The control and the phaseout of production and consumption of class I ozone-depleting substances as required under the Protocol and CAA are accomplished through the Allowance Program. In this action, EPA is also recognizing the expressed intent of Congress in recent changes to the Clean Air Act, which direct EPA to conform the U.S. methyl bromide phasedown schedule to the Montreal Protocol's schedule for industrialized nations, including required interim reductions.

In developing the Allowance Program, EPA collected information on the amounts of ozone-depleting substances produced, imported, exported, transformed and destroyed within the United States for specific baseline years. This information was used to establish the U.S. production and consumption ceilings for these substances. The data were also used to assign company-specific production and import rights to companies that were in most cases producing or importing during the specific year of data collection. These production or import rights are called ''allowances.'' Due to the complete phaseout of many of the ozone-depleting chemicals, the quantities of production allowances and consumption allowances granted to companies for those chemicals were gradually reduced and eventually eliminated. Production allowances and consumption allowances continue to exist for only one specific class I controlled ozone-depleting substance—methyl bromide. All other production or consumption of class I controlled substances is prohibited under the Protocol and the CAA, but for a few narrow exemptions.

In the context of the regulatory program, the use of the term consumption may be misleading. Consumption does not mean the ''use'' of a controlled substance, but rather is defined as production plus imports minus exports of controlled substances (Article 1 of the Protocol and section 601 of the CAA). Unless they are subject to use restrictions, class I controlled substances can generally continue to be ''used'' after their ''production and consumption'' phaseout dates.

The specific names and chemical formulas for the controlled ozone-depleting substances in the Groups of class I controlled substances are in appendix A and appendix F in subpart A of 40 CFR part 82. The specific names and chemical formulas for the class II controlled ozone-depleting substances are in appendix B and appendix F in subpart A.

Although the regulations phased out the production and consumption of class I, Group II substances (halons) on January 1, 1994, and all other class I controlled substances (except methyl bromide) on January 1, 1996, a very limited number of exemptions exist, consistent with U.S. obligations under the Protocol. The regulations allow for the manufacture of phased-out class I controlled substances, provided the substances are either transformed, or destroyed. (40 CFR 82.4(b)) They also allow limited manufacture if the substances are (1) exported to countries listed under Article 5 of the Protocol, (2) produced for essential uses as authorized by the Protocol and the regulations, or (3) produced with destruction or transformation credits. (40 CFR 82.4(b)).

The regulations allow import of phased-out class I controlled substances provided the substances are either transformed or destroyed. (40 CFR 82.4(d)) Limited exceptions to the ban on the import of phased-out class I controlled substances also exist if the substances are: (1) Previously used, (2) imported for essential uses as authorized by the Protocol and the regulations, (3) imported with destruction or transformation credits or (4) a transhipment or a heel (a small amount of controlled substance remaining in a container after discharge). (40 CFR 82.4(d), 82.13(g)(2)).

II. Context for Today's Final Rule

Today's action amends existing EPA regulations published under authority of Title VI of the CAA that govern the production and consumption of ozone-depleting substances. EPA is establishing a 25 percent reduction in the 1991 baseline levels of production allowances and consumption allowances for methyl bromide (class I, Group VI controlled substance) for the 1999 and 2000 control periods. Today's amendment is designed to ensure the U.S. meets its obligations under the Protocol and the CAA, specifically the first interim reduction reflecting amendments to Title VI as created by section 764 of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105–277). Section 764(a) of the Omnibus Act requires EPA to promulgate rules to bring the schedule for phaseout of methyl bromide into accordance with the Montreal Protocol as in effect at the time of enactment.

EPA intends to follow this rule with other actions to complete the process of conforming the U.S. phaseout schedule for methyl bromide with obligations under the Montreal Protocol and with the recent changes to the Clean Air Act. Through subsequent actions to today's amendment, EPA plans to reflect, through notice and comment rulemaking, the additional steps in the phaseout schedule for the production and consumption of methyl bromide, as follows: beginning January 1, 2001, a 50 percent reduction in baseline levels; beginning January 1, 2003, a 70 percent reduction in baseline levels; beginning January 1, 2005, a complete phaseout of production and consumption with processes for special exemptions permitted under the Montreal Protocol. In the coming months, EPA plans to publish a proposal that will define the process for exempting quantities of methyl bromide used in the U.S. for quarantine and preshipment from the phaseout schedule. These subsequent actions are described in more detail in part IV of today's rulemaking.

III. Amendments to § 82.7—Grant and Phased Reduction of Baseline Production and Consumption Allowances for Class I Controlled Substances

EPA is establishing a 25 percent reduction in the baseline levels of production allowances and consumption allowances for methyl bromide (class I, Group VI controlled substance) for the 1999 and 2000 control periods. At the 1997 meeting of the Montreal Protocol, the Parties agreed to adjust the phaseout schedule of methyl bromide for industrialized countries. The first Protocol adjustment to the methyl bromide phaseout schedule for industrialized countries is a 25 percent reduction of production and consumption from 1991 baseline levels beginning in the 1999 calendar year.

The Parties to the Protocol established a freeze in the level of methyl bromide production and consumption for industrialized countries at the 1992 Meeting in Copenhagen. Each industrialized country's 1991 production and consumption of methyl bromide was used as the baseline for establishing the freeze. EPA published a final rule in the **Federal Register** on December 10, 1993, listing methyl bromide as a class I controlled substance and freezing production and consumption at 1991 levels. (58 FR

65018, 65028–65044, 65074). In the rule published on December 30, 1993, in the **Federal Register**, EPA established for specific companies baseline production allowances and consumption allowances for methyl bromide. The companies receiving baseline production and consumption allowances in accordance with their 1991 level of production, imports and exports for class I, Group VI controlled substances (methyl bromide) are listed at 40 CFR 82.5 and 82.6 (58 FR 69238). Section 82.7 of the rule published in the **Federal Register** on May 10, 1995 (60 FR 24970) sets forth the percentage of baseline allowances for methyl bromide (class I, Group VI controlled substances) granted to companies in each control period (each calendar year). Currently, the percentage of baseline methyl bromide allowances granted for each control period until 2001 is 100 percent. In accordance with the Protocol's adjustment to the methyl bromide phaseout schedule, EPA is granting 75 percent of baseline production allowances and 75 percent of baseline consumption allowances to the companies listed in §§ 82.5 and 82.6 for class I, Group VI substances for 1999 and 2000.

In preparing the final rule published in the **Federal Register** on December 30, 1993, that established a phaseout date for methyl bromide in 2001, EPA conducted a Cost Effectiveness Analysis, dated September 30, 1993, under the title, ''Part 2, The Cost and Cost-Effectiveness of the Proposed Phaseout of Methyl Bromide.'' For today's 25 percent interim reduction in methyl bromide production and consumption, EPA conducted an addendum to the 1993 analysis. The results of the additional analysis indicate that, if the U.S. had to reduce methyl bromide production and consumption from 100 percent to 75 percent of the baseline in 1999, the estimated cost increase would be less than 2 percent of the original cost estimate for the 2001 phaseout. The original (1993) annualized cost estimate for the 2001 phaseout, adjusted to 1998 dollars, is $159 million. The incremental annualized costs for today's reduction beginning in 1999 from 100 percent of the baseline to 75 percent would be approximately $3 million. However, from 1994 through 1997, the actual consumption of methyl bromide in the U.S. has been approximately 10 to 15 percent below the 1991 baseline as reported to EPA's Allowance Tracking System. The United States must therefore reduce methyl bromide consumption in 1999 by only 10 to 15 percent in relation to the 1991 baseline to achieve the Protocol's first interim reduction from 100 percent to 75 percent. According to the additional analysis, the estimated cost increase of implementing a 10 to 15 percent reduction in methyl bromide production and consumption in 1999 would be less than 1 percent of the original cost estimate conducted in 1993, or an annualized incremental cost of less than $2 million. Because this new analysis is an addendum to the 1993 analysis and uses the same algorithms it permits easy comparisons with the earlier cost estimates. In undertaking the steps discussed below, EPA, in consultation with the U.S. Department of Agriculture and other Federal agencies, intends to conduct further analysis.

IV. Next Steps To Conform the U.S. Methyl Bromide Phaseout Schedule and Exemptions to Those of the Montreal Protocol and the Recently Amended Clean Air Act

In addition to today's action, EPA intends to publish two proposals to conform the United States' methyl bromide program to obligations under the Montreal Protocol and recent changes to the Clean Air Act. First, EPA intends to propose a process that would exempt quantities of methyl bromide used for quarantine and preshipment in the U.S. from the phaseout schedule and make adjustments to the existing baseline. Second, EPA intends to propose additional phaseout steps for methyl bromide, and establish additional exemptions in accordance with the Protocol, as follows:

—Beginning January 1, 2001, a 50 percent reduction in baseline levels;
—Beginning January 1, 2003, a 70 percent reduction in baseline levels;
—Beginning January 1, 2005, a complete phaseout of production and consumption;
—Establish a process for emergency use exemptions; and
—Establish a process for critical use exemptions as permitted under the Montreal Protocol.

The discussion below outlines EPA's plans for subsequent rulemaking and provides a vision of the Agency's future actions to conform the U.S. methyl bromide regulatory program with the Montreal Protocol and recent changes to Title VI of the Clean Air Act. The plans described below provide general information. EPA will request formal comments on more detailed proposals in the very near future.

EPA intends to publish quickly a proposal to exempt all quantities of methyl bromide used for quarantine and preshipment in the United States. EPA anticipates proposing a flexible process that is responsive to market demands for methyl bromide for quarantine and preshipment. In preparing the notice of proposed rulemaking on quarantine and preshipment, EPA will address the new section 604(d)(5) of Title VI of the CAA on Sanitation and Food Protection added by section 764(b) of the 1999 Omnibus Consolidated and Emergency Supplemental Appropriations Act (Public Law 105–277). In this same regulatory action, EPA intends to correct the existing methyl bromide baseline of production allowances and consumption allowances because it contains a fixed quantity associated with quarantine and preshipment. When EPA included methyl bromide in the list of class I controlled ozone depleting substances in the final rule published in the **Federal Register** on December 10, 1993 (58 FR 65018), and established the baseline for production and consumption allowances, the quantities of quarantine and preshipment were included in the baseline.

The second step EPA intends to take in conforming the U.S. methyl bromide program to obligations under the Montreal Protocol and recent changes to the Clean Air Act would be a proposal to set the remaining reduction steps and final phaseout, to establish the process for emergency use exemptions and to create the process for critical use exemptions. Each of these parts of a proposal would be designed to ensure the U.S. meets its obligations under the Montreal Protocol consistent with statutory requirements in the Clean Air Act. The remaining phaseout steps for the production and consumption of methyl bromide are a 50 percent reduction in baseline levels beginning January 1, 2001; a 70 percent reduction in baseline levels beginning January 1, 2003; and a complete phaseout of production and consumption beginning January 1, 2005, with emergency use exemptions and critical use exemptions as permitted under the Montreal Protocol. EPA, in consultation with the U.S. Department of Agriculture, intends to conduct further analysis to support the proposal of these further reduction steps, final phaseout, and exemptions.

V. Response to Comments on the Notice of Proposed Rulemaking Published on February 25, 1999

EPA received four comments on the notice of proposed rulemaking published in the **Federal Register** on February 25, 1999 (64 FR 9290). None of the four comments were related to the proposal to establish a 25 percent

reduction in baseline production allowances and consumption allowances for methyl bromide (class I, Group VI controlled substance) for the 1999 and 2000 control periods. In general, the comments pertain to the discussion of future EPA actions to conform regulations with the Montreal Protocol and the recent changes to the CAA in part IV above. Although the comments are not directly related to today's action, EPA wishes to respond to them.

Two comments state that in discussing a complete phaseout of methyl bromide EPA should clarify all of the limited circumstances under which exemptions exist. In fact, both today's rule and the February 25, 1999 proposed rule list the limited exemptions for manufacturing a class I controlled substance beyond the phaseout (in Part I). Methyl bromide is a class I controlled substance and these limited exemptions apply to methyl bromide. EPA regulations at 40 CFR 82.1—82.13 allow for the manufacture of a class I controlled substance beyond the phase out date if the substance is either transformed or destroyed. In addition, the regulations allow limited manufacture of a class I controlled substance, if the substance is: (1) exported to countries classified under Article 5 of the Protocol, (2) produced for essential uses as authorized by the Protocol and the regulations, or (3) produced with destruction or transformation credits.

Another comment requests EPA to consider the fumigation of a specific commodity for a critical use exemption beyond the phaseout. As explained in Part IV above, EPA will be proposing a process for determining critical use exemptions beyond the phaseout for methyl bromide in a future rulemaking. EPA encourages the participation of interested stakeholders in the future development of the critical use exemption process and the notice and comment rulemaking.

The final comment asks EPA to establish quickly an exemption for quantities of methyl bromide used for quarantine and preshipment in the United States. EPA is currently developing the proposed rule. EPA expects to publish a proposed rule to establish exemptions for quantities of methyl bromide used in the U.S. for quarantine and preshipment later this year.

IV. Summary of Supporting Analysis

A. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 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 by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year. If a written statement is required under section 202, 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, unless the Agency explains why this alternative is not selected or the selection of this alternative is inconsistent with law.

Section 203 of the UMRA requires the Agency to establish a plan for obtaining input from and informing, educating, and advising any small governments that may be significantly or uniquely affected by the rule. Section 204 of the UMRA requires the Agency to develop a process to allow elected state, local, and tribal government officials to provide input in the development of any proposal containing a significant Federal intergovernmental mandate.

The provisions in today's rule fulfill the obligations of the United States under the international treaty, The Montreal Protocol on Substances that Deplete the Ozone Layer, as well as the recent amendments to Title VI of the Clean Air Act. Analysis of today's rule estimates an incremental annualized cost of $1 to 3 million for the 25 percent reduction as compared to the 1993 original analysis for establishing the 2001 phaseout. However, further analysis shows that just the 25 percent reduction in today's rule for 1999 and 2000 would have an estimated annualized cost of $71 million without other additional reduction steps and without a complete phaseout of the production and consumption of methyl bromide. Therefore, it is unlikely that today's rule will result in expenditures of $100 million or more in any one year for State, local and tribal governments, or for the private sector in the aggregate. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA. EPA has also determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments; therefore, EPA is not required to develop a plan with regard to small governments under section 203. Finally, because this rule does not contain a significant intergovernmental mandate, the Agency is not required to develop a process to obtain input from elected state, local, and tribal officials under section 204.

B. Regulatory Flexibility

EPA has determined that it is not necessary to prepare a regulatory flexibility analysis in connection with this final rule. EPA has also determined that this rule will not have a significant economic impact on a substantial number of small entities.

The Agency performed an initial screening analysis and determined that this regulation does not have a significant economic impact on a substantial number of small entities. EPA characterized the regulated community by identifying the SIC codes of the companies affected by this rule. The Agency determined that the members of the regulated community affected by today's rule are not small businesses under SBA definitions. Small governments and small not-for-profit organizations are not subject to the provisions of today's rule. The provisions in today's action regulate large, multinational corporations that either produce, import, or export class I, group VI ozone-depleting substances.

C. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether this regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines a ''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.

Analysis of today's rule estimates an incremental annualized cost of $1 to $3 million for the 25 percent reduction as compared to the 1993 original analysis for establishing the 2001 phaseout. However, further analysis shows that just the 25 percent reduction in today's

rule for 1999 and 2000 would have an estimated annualized cost of $71 million without additional reduction steps and without a complete phaseout of the production and consumption of methyl bromide.

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.

D. Applicability of E.O. 13045—Children's Health Protection

Executive Order 13045: ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that: (1) is determined to be ''economically significant'' as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have 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.

EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5–501 of the Order has the potential to influence the regulation. This rule is not subject to E.O. 13045 because it implements a Congressional directive to phase out production and consumption of methyl bromide in accordance with the schedule under the Montreal Protocol.

E. Paperwork Reduction Act

This action does not add any information collection requirements or increase burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. The Office of Management and Budget (OMB) previously approved the information collection requirements contained in the final rule promulgated on May 10, 1995, and assigned OMB control number 2060–0170 (EPA ICR No. 1432.16).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

F. Executive Order 12875: Enhancing the Intergovernmental Partnership

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

G. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide 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 officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies or matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. The rule does not impose any enforceable duties on communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

H. The National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. The rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

I. 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective July 1, 1999.

List of Subjects in 40 CFR Part 82

Environmental protection, Administrative practice and procedure, Air pollution control, Chemicals, Exports, Imports, Ozone layer.

Dated: May 25, 1999.

Carol M. Browner,

Administrator.

Subpart 82—Protection of Stratospheric Ozone

1. The authority citation for subpart 82 continues to read as follows:

Authority: 42 U.S.C. 7414, 7601, 7671–7671q.

Subpart A—Production and Consumption Controls

2. Section 82.7 is revised to read as follows:

§ 82.7 Grant and phase reduction of baseline production and consumption allowances for class I controlled substances.

For each control period specified in the following table, each person is granted the specified percentage of the baseline production and consumption allowances apportioned to him under §§ 82.5 and 82.6 of this subpart.

Control period	Class I substances in groups I and III (percent)	Class I substances in group II (percent)	Class I substances in group IV (percent)	Class I substances in group V (percent)	Class I substances in group VI (percent)	Class I substances in group VII (percent)
1994	25	0	50	50	100	100
1995	25	0	15	30	100	100
1996	0	0	0	0	100	0
1997	0	0	0	0	100	0
1998	0	0	0	0	100	0
1999	0	0	0	0	75	0
2000	0	0	0	0	75	0

[FR Doc. 99–13803 Filed 5–28–99; 8:45 am]

BILLING CODE 6560–50–P