

US EPA ARCHIVE DOCUMENT

of the Postal Service amended its bylaw provisions concerning attendance at meetings by telephone conference call. Previously, bylaw 6.4 (39 CFR 6.4), has provided that members may participate in any meeting of the Board of Governors by telephone, but that only those Governors attending in person would receive the \$300 in compensation provided under 39 U.S.C. 202(a) for attending not more than 30 days of meetings per year.

Developments in technology since this bylaw was adopted have made it possible for modern business and government organizations to conduct meetings by teleconference more effectively than in the past. In addition, while the Board of Governors holds regular monthly meetings in person, generally two days in duration, the Board has found that important business sometimes requires the scheduling of special meetings by teleconference, in between the regularly scheduled monthly meetings, as authorized in bylaw 6.2 (39 CFR 6.2), and subject to compliance with the Board's rules implementing the Government in the Sunshine Act, in Part 7 of the bylaws (39 CFR part 7). The amendment approved on October 6 permits a Governor to receive the \$300 in compensation for participation in such a special meeting of the full Board by teleconference, if the meeting is more than one hour in duration. It also allows compensation for special committee meetings held between Board meetings. As provided in 39 U.S.C. 202(a), nevertheless, the number of meeting days, including both regular and special meetings, for which a Governor may be paid such compensation still may not exceed 30 days per year.

List of Subjects in 39 CFR Part 6

Administrative practice and procedure, Organization and functions (Government agencies), Postal Service.

Accordingly, 39 CFR Part 6 is amended as follows:

PART 6—MEETINGS (ARTICLE VI)

1. The authority citation for Part 6 continues to read as follows:

Authority: 39 U.S.C. 202, 205, 401(2), (10), 1003, 3013; 5 U.S.C. 552b (3), (g).

2. Section 6.4 is revised to read as follows:

§ 6.4. Attendance by conference telephone call.

Unless prohibited by law or by these bylaws, a member of the Board may participate in a meeting of the Board by conference telephone or similar communications equipment which

enables all persons participating in the meeting to hear each other and which permits full compliance with the provisions of these bylaws concerning public observation of meetings. Attendance at a meeting by this method constitutes presence at the meeting; and no Governor attending by telephone may receive compensation, except for a special meeting by conference telephone that is more than one hour in duration, or a special committee meeting between Board meetings called under § 6.2 of these bylaws.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 98-29006 Filed 10-28-98; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-6179-7]

Michigan: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Michigan has applied for final authorization of the revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The EPA has reviewed Michigan's application and determined that its hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Unless adverse written comments are received during the review and comment period, EPA's decision to authorize Michigan's hazardous waste program revision will take effect as provided below.

DATES: This immediate final rule will become effective on December 28, 1998. The immediate final rule will become effective without further notice unless EPA receives adverse written comments on or before November 30, 1998. Should the EPA receive such comments, it will publish a timely document withdrawing this rule.

ADDRESSES: Send written comments to: Ms. Judy Feigler, Michigan Regulatory Specialist, U.S. Environmental Protection Agency, Region 5, Waste, Pesticides and Toxics Division (DM-7J), 77 W. Jackson Blvd., Chicago, Illinois 60604. Copies of the Michigan program revision application and the materials which EPA used in evaluating the revision are available for inspection and

copying from 9 a.m. to 4 p.m. at the following addresses: Michigan Department of Environmental Quality, 608 W. Allegan, Hannah Building, Lansing, Michigan. Contact: Ms. Ronda Blayer, phone: (517) 353-9548; and EPA, Region 5, 77 W. Jackson Blvd., Chicago, Illinois 60604. Contact: Ms. Judy Feigler, phone: (312) 886-4179.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Feigler, Michigan Regulatory Specialist, U.S. Environmental Protection Agency, Region 5, Waste, Pesticides and Toxics Division (DM-7J), 77 W. Jackson Blvd., Chicago, Illinois 60604, phone: (312) 886-4179.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. As the Federal hazardous waste program changes, the States must revise their programs and apply for authorization of the revisions. Revisions to State hazardous waste programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must revise their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. Michigan

Michigan initially received Final Authorization on October 16, 1986, effective October 30, 1986 (51 FR 36804-36805) to implement its base hazardous waste management program. Michigan received authorization for revisions to its program on November 24, 1989, effective January 23, 1990 (54 FR 48608); on April 23, 1991, effective June 24, 1991 (56 FR 18517); on October 1, 1993, effective November 30, 1993 (58 FR 51244); on January 13, 1995, effective January 13, 1995 (60 FR 3095); on February 8, 1996, effective on April 8, 1996 (61 FR 4742); and on November 14, 1997, effective November 14, 1997 (62 FR 61775).

The authorized Michigan RCRA program was incorporated by reference into the CFR effective April 24, 1989 (54 FR 7420). The incorporation by reference was amended on May 1, 1990, effective May 1, 1990 (55 FR 18112) and on January 31, 1992, effective March 31, 1992 (57 FR 3724).

On April 23, 1998, Michigan submitted a final complete program

revision application, seeking authorization of its program revision in accordance with 40 CFR 271.21. The EPA reviewed Michigan's application, and now makes an immediate final decision, subject to receipt of adverse written comment, that Michigan's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant Michigan final authorization for the program modifications contained in the revision.

The public may submit written comments on EPA's immediate final decision until November 30, 1998. Copies of Michigan's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

If EPA does not receive adverse written comment pertaining to Michigan's program revision by the end of the comment period, the authorization of Michigan's revision will become effective in 60 days from the date this document is published. If

the Agency does receive adverse written comment, it will publish a notice withdrawing this immediate final rule before its effective date. EPA will then address the comments in a later final rule based on the document appearing in the Proposed Rules section of today's **Federal Register**. EPA may not provide additional opportunity for comment. Any parties interested in commenting should do so at this time.

Michigan is today seeking authority to administer the following Federal requirements promulgated between February 21, 1991, and March 26, 1996:

Checklist No.	Description of Federal requirement	FEDERAL REGISTER date and page	Analogous State authority
85	Burning of Hazardous Waste in Boilers and Industrial Furnaces.	February 21, 1991, 56 FR 7134	R 299.9102(a), R 299.9104(m), (p) and (q), R 299.9106(n), R 299.9107(r), R 299.9202(1)(b)(v) and (vi), R 299.9204(1)(m), (2)(d), (h) and (j), R 299.9502, R 299.9504(15) and (19), R 9508(1)(b), R 299.9519, R 299.9601, R 299.9613, R 299.9623(1), R 299.9808, R 299.11001(4), and R 299.11003(1)(l), (o), (q), (r) and (t)
94	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I.	July 17, 1991, 56 FR 32688	R 299.9202(1)(b)(v) and (vi), R 299.9203(4)(b), R 299.9206(2), R 299.9502, R 299.9504(15) and (19), R 299.9508(1)(b), R 299.9519(3)(b), (5)(j), (9) and (10)(d), R 299.9601(3) and (8), R 299.9808(2)(b) and (c) and (6)–(8), R 299.11003(1)(l), (o), (q), (r) and (t)
96	Burning of Hazardous Waste in Boilers and Industrial Furnaces, Technical Amendments II.	August 27, 1991, 56 FR 42504	R 299.9202(1)(b)(vi), R 299.9203(4)(b), R 299.9601(3) and (8), R 299.9808(1), (3)(a), (b), and (d), (6), (7)(a)(i), (b) and (c) and (8), and R 299.11003(1)(l), (o), (q), (r) and (t)
98	Coke Ovens Administrative Stay	September 5, 1991, 56 FR 43874	R 299.9808(1)
100	Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units.	January 29, 1992, 57 FR 3462	R 299.9107(i) and (z), R 299.9504(6)–(8), and (19), R 299.9508(1)(b), R 299.9516(6), R 299.9519(5)(b)(xii) and (9), R 299.9601(2)(d), (3) and (8), R 299.9603(5), R 299.9604(1)(a) and (b), R 299.9605(1) and (3), R 299.9609(1) and (5), R 299.9616(1), (2) and (4), R 299.9617(1)–(3), R 299.9619(1)–(4), and (6), R 299.9620, R 299.9622, R 299.11003(1)(l), (m), (o) and (t)
103	Hazardous Debris Case-by-Case Capacity Variance.	May 15, 1992, 57 FR 20766	R 299.9311, R 299.9413, R 299.9627, and R 299.11003(1)(s)
105	Recycled Coke By-Product Exclusion	June 22, 1992, 57 FR 27880	R 9204(1)(m) and R 299.9808(1)
106	Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance.	June 26, 1992, 57 FR 2828	R 299.9311, R 299.9413, R 299.9627, and R 299.11003(1)(s)

Checklist No.	Description of Federal requirement	FEDERAL REGISTER date and page	Analogous State authority
109	Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris.	August 18, 1992, 57 FR 37194	R 299.9203(4)(c) and (6), R 299.9306(1)(a)(iii) and (b), R 299.9311, R 299.9413, R 299.9504(1)(b) and (c), R 299.9508(1)(b), R 299.9601(3) and (8), R 299.9613(1) and (6), R 299.9616(1) and (4), R 299.9627, R 299.9701, R 299.11003(1)(l), (o), (s) and (t)
110	Coke By-Products Listings	August 18, 1992, 57 FR 37284	R 299.9204(1)(m), R 299.9209, R 299.9222, and R 299.11003(1)(i)
111	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III.	August 25, 1992, 57 FR 38558	R 299.9104(q), R 299.9106(n), R 299.9202(4)(d), R 299.9206(2)–(4), R 299.9210(2), R 299.9211(4), R 299.9212(9), R 299.9601, R 299.9808(1), (3)(b) and (c), (4), (5), (6) and (8), and R 299.11003(1)(g), (l), (o), (q), (r) and (t)
112	Recycled Used Oil Management Standards.	September 10, 1992, 57 FR 41566	R 299.9102(n) and (z), R 299.9104(i) and (j), R 299.9106(r), R 299.9107(f), R 299.9109(m), (o)–(t), and (v)–(bb), R 299.9203(1)(c)–(e), (2)(b) and (c), R 299.9204(1)(o), R 299.9205(8), R 299.9206(2)(c)–(e), (3)(b)–(g) and (4), R 299.9808(2), R 299.9809, R 299.9810– R 299.9816, and R 299.11003(1)(v)
113	Financial Responsibility for Third-Party Liability, Closure, and Post-Closure.	September 16, 1992, 57 FR 42832	R 299.9709, R 299.9710(8), (10)(e) and (13)
114	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment IV.	September 30, 1992, 57 FR 44999	R 299.9808(3)(d), (6) and (8), and R 299.11003(1)(q), (r) and (t)
115	Chlorinated Toluenes Production Waste Listing.	October 15, 1992, 57 FR 47376	R 299.9222, R 299.9209, and R 299.11002(1)(i)
116	Hazardous Soil Case-By-Case Capacity Variance.	October 20, 1992, 57 FR 47772	R 299.9311, R 299.9413, R 299.9627, and R 299.11003(1)(s)
118	Liquids in Landfills II	November 18, 1992, 57 FR 54452	R 299.9107(t) and (u), R 299.9601(3) and (8), R 299.9605(1) and (3), R 299.9619(1) and (6), and R 299.11003(1)(l) and (o)
119	Toxicity Characteristic Revision; TCLP Correction.	November 24, 1992, 57 FR 55114, as amended on February 2, 1993, 58 FR 6854.	R 299.11003(1)(i)
122	Recycled Used Oil Management Standards; Technical Amendments and Corrections I.	May 3, 1993, 58 FR 26420–26426, as amended on June 17, 1993, 58 FR 33341.	R 299.9109(o), R 299.9203(1)(c) and (d) and (2)(b) and (c), R 299.9204(2)(n), R 299.9205(8), R 299.9206 (2)–(4), R 299.9809, R 299.9810(1), (3) and (5), R 299.9812(2)(d), (3) and (7), R 299.9813(3), (5) and (7), R 299.9814(3)(a)(iii), (4) and (8), R 299.9815(1), (3)(b), (d), (e) and (4), and R 299.11003(1)(v)
123	Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance.	May 14, 1993, 58 FR 28506	R 299.9311, R 299.9413, R 299.9627, and R 299.11003(1)(s)

Checklist No.	Description of Federal requirement	FEDERAL REGISTER date and page	Analogous State authority
124	Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vated.	May 24, 1993, 58 FR 29860	R 299.9311, R 299.9413, R 299.9627, R 299.9503(1)(f) (iii), R 299.9519(5)(b) (iii), and R 299.11003(1) (s)
125	Burning of Hazardous Waste in Boilers and Industrial Furnaces; Changes for Consistency with New Air Regulations.	July 20, 1993, 58 FR 38816	R 299.9808(3)(d), (6) and (8), R 299.11003(1)(q), (r) and (t), and R 299.11001(4)
126	Testing and Monitoring Activities	August 31, 1993, 58 FR 46040, as amended on September 19, 1994, 59 FR 47980.	R 299.9211(1)(a) and (4), R 299.9212(2) and (4), R 299.9311, R 299.9413, R 299.9504(4), (15), and (19), R 299.9508(1)(b), R 299.9601(2)(h), (3) and (8), R 299.9615(1), R 299.9619(1) and (6), R 299.9627, R 299.9808(5) and (7), R 299.11001(1)(1) and (v), R 299.11003(1)(g), (i), (l), (o), (s), and (t), and R 299.11005
127	Boilers and Industrial Furnaces; Administrative Stay and Interim Standards for Bevill Residues.	November 9, 1993, 58 FR 59598	R 299.9808(6) and (8), and R 299.11003(1)(q) and (r)
128	Wastes From the Use of Chlorophenolic Formulations in Wood Surface Protection.	January 4, 1994, 59 FR 458	R 299.11003(1)(i) and R 299.11005
129	Revision of Conditional Exemption for Small Scale Treatability Studies.	February 18, 1994, 59 FR 8362	R 299.9204(7)(a)–(b), (8), (9) and (10)(c)–(e)
130	Recycled Used Oil Management Standards; Technical Amendments and Corrections II.	March 4, 1994, 59 FR 10550	R 299.9106(l), R 299.9109(aa), R 299.9203(1)(c) and (d) and (2)(b) and (c), R 299.9809(1)(a), (2)–(2)(b), and (h)–(m), R 299.9812(3) and (7), R 299.9813(1) and (2)(c), and R 299.11003(1)(v)
131	Recordkeeping Instructions; Technical Amendment.	March 24, 1994, 59 FR 13891	R 299.11003(1)(n) and (p)
132	Wood Surface Protection; Correction	June 2, 1994, 59 FR 28484	R 299.11005
134	Correction of Beryllium Powder (P015) Listing.	June 20, 1994, 59 FR 31551	R 299.9224, R 299.9311, R 299.9413, R 299.9627, and R 299.11003(1)(i) and (s)
135	Recovered Oil Exclusion	July 28, 1994, 59 FR 38536	R 299.9203(4)(b), R 299.9204(1)(l), R 299.9206(3)(c)–(g), and R 299.9808(2)
136	Removal of the Conditional Exemption for Certain Slag Residues.	August 24, 1994, 59 FR 43496	R 299.9311, R 299.9413, R 299.9627, R 299.9801(4), and R 299.11003
137	Universal Treatment Standards and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes.	September 19, 1994, 59 FR 47982, as amended on January 3, 1995, 60 FR 242.	R 299.9202(3)(c), (6), (6)(b), (7) and (8), R 299.9311, R 299.9413, R 299.9503(1)(f)(iii), R 299.9627, R 299.9801(6), R 299.9808(3)(a) and (7), and R 299.11003(1)(g), (q), (r) and (s)
139	Testing and Monitoring Activities Amendment I.	January 13, 1995, 60 FR 3089	R 299.11005
140	Carbamate Production Identification and Listing of Hazardous Waste.	February 9, 1995, 60 FR 7824	R 299.9203(1)(c), (1)(c)(vi) and (vii) and (4)(d), R 299.9222, R 299.9224, R 299.9225, and R 299.11003(1)(i)
141	Testing and Monitoring Activities Amendment II.	April 4, 1995, 60 FR 17001	R 299.11005

Checklist No.	Description of Federal requirement	FEDERAL REGISTER date and page	Analogous State authority
142A	Universal Waste: General Provisions	May 11, 1995, 60 FR 25492	R 299.9102(r), R 299.9104(a) R 299.9106(b), R 299.9109(f)–(k), R 299.9204(3)(b), R 299.9205(2) and (5), R 299.9228, R 299.9301(2)–(6), R 299.9302(2), R 299.9311, R 299.9413, R 299.9503(1)(c) and (j), R 299.9601(3), (6), and (8), R 299.9627, and R 299.11003(1)(o), (s) and (u)
142B	Universal Waste: Specific Provisions for Batteries.	May 11, 1995, 60 FR 25492	R 299.9101(a) and (s), R 299.9109(f), R 299.9206(3)(b)–(g), R 299.9228, R 299.9311, R 299.9413, R 299.9503(1)(j), R 299.9601(3), (6) and (8), R 299.9627, R 299.9804(1) and (2), and R 299.11003(1)(o), (s) and (u)
142C	Universal Waste: Specific Provisions for Pesticides.	May 11, 1995, 60 FR 25492	R 299.9103(r), R 299.9106(k), R 299.9109(f), R 299.9228, R 299.9311, R 299.9413, R 299.9503(1)(j), R 299.9601(3), (6) and (8), R 299.9627, and R 299.11003(1)(o), (s) and (u)
142D	Universal Waste Rule: Specific Provisions for Thermostats.	May 11, 1995, 60 FR 25492	R 299.9108(d), R 299.9109(f), R 299.9228, R 299.9311, R 299.9413, R 299.9503(1)(j), R 299.9601(3), (6) and (8), R 299.9627, and R 299.11003(1)(o), (s) and (u)
142E	Universal Waste Rule: Petition Provisions to Add a New Universal Waste.	May 11, 1995, 60 FR 25492	R 299.9229, and R 299.11003(1)(g)
144	Removal of Legally Obsolete Rules	June 29, 1995, 60 FR 33912	R 299.9220, R 299.9502(2)(b)(i) and (11), R 299.9808(6) and (8), and R 299.11003(1)(q) and (t)
145	Liquids in Landfills III	July 11, 1995, 60 FR 35703	R 299.9601(1), (3) and (8), R 299.9619(1) and (6), R 299.11003(1)(n) and (o)
150	Amendments to the Definition of Solid Waste; Amendment II.	March 26, 1996, 61 FR 13103	R 299.9204(1)(l)

¹ The Michigan provisions are from the Michigan Administrative Code unless otherwise stated.

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were used by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization. EPA has previously suspended issuance of permits for the other provisions on October 30, 1986; January 23, 1990; June 24, 1991; November 30, 1993; and April 8, 1996, the effective dates of Michigan final authorizations for the RCRA base program and for the Non-HSWA

Clusters I–VI, HSWA Clusters I and II, and portions of RCRA Clusters I–III.

Michigan is not authorized to operate this Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Michigan's application for program revision authorization meets all of the statutory and regulatory requirements established by RCRA. Accordingly, EPA grants Michigan final authorization to operate its hazardous waste program as revised. Michigan now has responsibility for permitting treatment, storage, and disposal facilities within its borders

(except in Indian country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Michigan also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA, and to take enforcement actions, including but not limited to overfiling, under sections 3008, 3013 and 7003 of RCRA.

D. Codification in Part 272

The EPA uses 40 CFR part 272 for codification of the decision to authorize Michigan's program and for incorporation by reference of those provisions of its statutes and regulations

that EPA will enforce under sections 3008, 3013 and 7003 of RCRA. EPA reserves amendment of 40 CFR part 272, subpart X, until a later date.

Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Executive Order 12866.

B. Executive Order 13045

Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks," applies to any rule that: (1) the Office of Management and Budget determines is "economically significant" as defined under Executive Order 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.

This rule is not subject to E.O. 13045 because it is not an economically significant rule as defined by E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

C. Executive Order 13084

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 provides to the Office of Management and Budget a description of the prior consultation and communications the agency has had with representatives of tribal governments and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.

This rule is not subject to E.O. 13084 because it does not significantly or uniquely affect the communities of Indian tribal governments. Michigan is

not authorized to implement the RCRA hazardous waste program in Indian country. This action has no effect on the hazardous waste program that EPA implements in Indian country within the State.

D. 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 certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, 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.

EPA has determined that section 202 and 205 requirements do not apply to today's action because this rule does not contain a Federal mandate that may result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the Michigan program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of State programs generally may reduce, not increase, compliance costs for the private sector. Further, as it applies to the State, this action does not impose a Federal intergovernmental mandate because UMRA does not include duties arising from participation in a voluntary federal program.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, section 203 of the UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. Although small governments may be hazardous waste generators, transporters, or own and/or operate TSDFs, they are already subject to the regulatory requirements under the existing State laws that are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

E. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). This analysis is unnecessary, however, if the agency's administrator certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which are hazardous waste generators, transporters, or which own and/or operate TSDFs are already subject to the regulatory requirements under the existing State laws that are now being authorized by EPA. The EPA's authorization does not impose any significant additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Pursuant to the provision at 5 U.S.C. 605(b), the Agency hereby certifies that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing State law to which small entities are already subject. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

F. 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. 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 today's

Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

G. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

H. 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.

This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 272

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: October 9, 1998.

Gail Ginsberg,

Acting Regional Administrator, Region 5.
[FR Doc. 98-28722 Filed 10-28-98; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

42 CFR Part 1001

Health Care Programs: Fraud and Abuse; Revised OIG Exclusion Authorities Resulting From Public Law 104-191; Correction

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Final Rule; correcting amendment.

SUMMARY: This document contains corrections to the final regulations which were published in the **Federal Register** of Wednesday, September 2, 1998 (63 FR 46676). The regulations addressed revisions to the OIG's administrative sanction authorities resulting from the Health Insurance Portability and Accountability Act of 1996, along with technical and conforming changes to the OIG exclusion authorities. A number of inadvertent errors appeared in the text of the regulations relating to program integrity for the Medicare and State health care programs. As a result, we are making corrections to two sections addressing the length of exclusion and notice of intent to exclude in order to assure the technical correctness of these regulations.

EFFECTIVE DATE: October 29, 1998.

FOR FURTHER INFORMATION CONTACT: Joel Schaer, (202) 619-0089, OIG Regulations Officer.

SUPPLEMENTARY INFORMATION: The HHS Office of Inspector General (OIG) issued final regulations on September 2, 1998 (63 FR 46676) that addressed revisions to the OIG's administrative sanction authorities resulting from the Health Insurance Portability and Accountability Act of 1996, along with technical and conforming changes to the OIG exclusion authorities. In that final rule, two inadvertent errors appeared in 42 CFR part 1001 and are now being corrected.

In § 1001.2001, addressing the elimination of in-person hearings prior to when an exclusion is proposed, the regulatory language was intended to be consistent with the preamble discussion on page 46682, and state that when an exclusion was proposed under § 1001.701 or § 1001.801, the individual or entity would be permitted to request, in conjunction with their written submission, an opportunity to present oral argument to an OIG official. In order to correctly emphasize that a request to present oral argument to an

OIG official can only be made in cases involving exclusion under sections 1128(b)(6) (B) and (C) of the Social Security Act, we are correcting the regulatory text that was set forth in § 1001.2001.

In addition, we are correcting a typographical error that appeared on page 46686, column 3 in § 1001.102(b)(4). Specifically, in line 4 of paragraph (b)(4), the words "or behavior" are being corrected to read as "of behavior."

List of Subjects in 42 CFR Part 1001

Administrative practice and procedure, Fraud, Grant programs—health, Health facilities, Health professions, Maternal and child health, Medicaid, Medicare, Social security.

Accordingly, 42 CFR part 1001 is corrected by making the following correcting amendments:

PART 1001—PROGRAM INTEGRITY—MEDICARE AND STATE HEALTH CARE PROGRAMS

1. The authority citation for part 1001 continues to read as follows:

Authority: 42 U.S.C. 1302, 1320a-7, 1320a-7b, 1395u(j), 1395y(d), 1395y(e), 1395cc(b)(2) (D), (E) and (F), and 1395hh; and sec. 2455, Pub.L. 103-355, 108 Stat. 3327 (31 U.S.C. 6101 note).

2. Section 1001.102 is amended by republishing paragraph (b) introductory text and by revising paragraph (b)(4) to read as follows:

§ 1001.102 Length of exclusion.

* * * * *

(b) Any of the following factors may be considered to be aggravating and a basis for lengthening the period of exclusion—

* * * * *

(4) In convictions involving patient abuse or neglect, the action that resulted in the conviction was premeditated, was part of a continuing pattern of behavior, or consisted of non-consensual sexual acts;

* * * * *

3. Section 1001.2001 is amended by revising paragraph (a), by redesignating paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and by adding a new paragraph (b) to read as follows:

§ 1001.2001 Notice of intent to exclude.

(a) Except as provided in paragraph (c) of this section, if the OIG proposes to exclude an individual or entity in accordance with subpart C of this part, or in accordance with subpart B of this part where the exclusion is for a period exceeding 5 years, it will send written notice of its intent, the basis for the