

US EPA ARCHIVE DOCUMENT

may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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

H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 15, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 17, 1998.

Laura Yoshii,

Acting Regional Administrator, Region IX.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(127)(vii)(E), (187)(i)(C)(3), and (215)(i)(A)(5) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *
(127) * * *
(vii) * * *

(E) Previously approved on October 19, 1984 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rule 1148.

* * * * *

(187) * * *
(i) * * *
(C) * * *

(3) Previously approved on December 13, 1994 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rule 1142.

* * * * *

(215) * * *
(i) * * *
(A) * * *

(6) Previously approved on July 14, 1995 and now deleted without replacement for implementation in the Antelope Valley Air Pollution Control District Rule 1106.

* * * * *

[FR Doc. 99-15 Filed 1-12-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 272

[FRL-6217-7]

Utah: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Utah has applied for Final authorization of the revisions

(Addendums 7 and 8) to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Utah's Department of Environmental Quality applications and determined that its hazardous waste program revisions satisfy 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 Utah's hazardous waste program revisions will take effect as provided below.

DATES: This Final authorization for Utah will become effective on March 15, 1999, if EPA receives no adverse comment. Should EPA receive such comments, EPA will withdraw this rule before its effective date by publishing a notice of withdrawal in the FR. Any comments on Utah's program revision application must be filed by February 12, 1999.

ADDRESSES: Send written comments to Kris Shurr, 8P-HW, U.S. EPA, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, phone number: (303) 312-6139. Copies of the Utah program revision applications and the materials which EPA used in evaluating the revisions are available for inspection and copying at the following locations: EPA Region VIII Library, from Noon to 4:00 p.m., 999 18th Street, Suite 500, Denver, Colorado 80202-2466, contact: Environmental Information Service Center (EISC), phone number: (303) 312-6312; or Utah Department of Environmental Quality (UDEQ), from 8:00 a.m. to 5:00 p.m., 288 North 1460 West, Salt Lake City, Utah 84114-4880, contact: Susan Toronto, phone number: (801) 538-6776.

FOR FURTHER INFORMATION CONTACT: Kris Shurr, 8P-HW, U.S. EPA, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, phone number: (303) 312-6139.

SUPPLEMENTARY INFORMATION:

A. Background

States with Final Authorization under section 3006(b) of 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. Utah

Utah initially received Final Authorization on October 10, 1984, effective October 24, 1984 (49 FR 39683) to implement its base hazardous waste management program. Utah received authorization for revisions to its program on February 21, 1989, effective March 7, 1989 (54 FR 7417); May 23, 1991 (56 FR 23648) and August 6, 1991 (56 FR 37291, both effective July 22, 1991; May 15, 1992, effective July 14, 1992 (57 FR 20770); February 12, 1993 (58 FR 8232) and May 5, 1993 (58 FR 26689), both effective April 13, 1993; October 14, 1994, effective December 13, 1994 (59 FR 52084); and May 20, 1997 (62 FR 27501), effective July 21, 1997.

On July 1, 1998 (Addendum 7) and August 5, 1998 (Addendum 8), Utah submitted final complete program revision applications, seeking authorization of its program modifications in accordance with 40 CFR 271.21. EPA reviewed Utah's applications and now makes an immediate final decision, subject to receipt of adverse written comment, that Utah's hazardous waste program modifications, adopted between December 9, 1993, and January 11, 1996, satisfy all of the requirements necessary to qualify them for Final Authorization. Consequently, EPA intends to grant Utah Final Authorization for the program modifications contained in the revision applications designated as Addendums 7 and 8.

The public may submit written comments on EPA's immediate final decision until February 12, 1999. Copies of Utah's applications 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 Utah's program revisions by the end of the comment period, the authorization of Utah's revisions will become effective 60 days from the date this document is published. If the Agency receives an adverse 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 companion document appearing in the "Proposed Rules" section of today's FR. EPA may not provide additional opportunity for comment. Any parties interested in commenting should do so at this time.

Today, Utah is seeking authority to administer the following Federal requirements promulgated between May 20, 1992 and May 11, 1995:

Federal citation	State analog ¹	Effective date ¹
Used Oil Filter Exclusion (HSA) [57 FR 21524, 05/20/92] (Checklist 104).	R315-2-4(b)(14); R315-2-4(b)(14)(i)-(iv)	12/30/93
Used Oil Filter Exclusion; Technical Corrections (HSA) [57 FR 29220, 07/01/92] (Checklist 107).	R315-2-4(b)(14)	12/30/93
Toxicity Characteristics Revisions; Technical Corrections (HSA) [57 FR 30657, 07/10/92] (Checklist 108).	R315-2-4(b)(6)(ii); R315-2-4(b)(9); R315-7-21.2(d)(1)	07/30/93
Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (HSA) [57 FR 37914, 08/18/92] (Checklist 109).	R315-1-1(b); R315-2-3(a)(2)(iii); R315-2-3(c)(2)(ii)(C)(1)&(2); R315-2-3(e); R315-2-3(e)(1)&(2); R315-5-10; R315-8-7; R315-8-8; R315-8-20; R315-7-14; R315-7-15; R315-7-18.9(h); R315-7-29; R315-13-1; R315-3-4(p); R315-3-5(b)(2); R315-3-15(d); R315-50-16; R315-3-31(b)(6). R315-2-4(a)(10); R315-2-10(f); R315-50-9	07/30/93
Coke By-Products Listing (HSA) [57 FR 37284, 08/18/92] (Checklist 110).	R315-1-1(b); R315-2-17(b); R315-2-2(e)(2)(iv); R315-8-1(e)(9); R315-7-8.1(c)(3); R315-14-7.	07/30/93
Burning of Hazardous Wastes in Boilers and Industrial Furnaces; Technical Amendment III (HSA/Non-HSA) [57 FR 38558, 08/25/92] (Checklist 111).	R315-1-1(b); R315-2-3(a)(2)(v); R315-2-3(a)(2)(v)(A)&(B); R315-2-5; R315-2-6; R315-14-4; R315-14-7; R315-15-1.1; 1.1(a)-(b)(2)(iii); R315-15-1.1(b)(3)-1.1(i); R315-15-1.2(a); R315-15-1.2, Table 1; R315-15-1.3(a)-(c)(2)(iii); R315-15-2.1(a)-(b)(5); R315-15-2.2(a)&(b); R315-15-2.3; R315-15-2.3(a)-(d)(4); R315-15-2.4; R315-15-2.4(a)-(c); R315-15-2.5; R315-15-2.5(a)-(c)(3); R315-15-3.1(a)-(b)(2); R315-15-3.3(a)&(b); R315-15-4.1(a)-(d)(5); R315-15-4.2(a)-(b)(2)(vii); R315-15-4.4(a)-(c)(5); R315-15-4.5(a)-(d); R315-15-4.6; R315-15-4.6(a)-(f)(4); R315-15-4.7(a)-(d); R315-15-4.8; R315-15-5.1(a)-(b)(5); R315-15-5.2(a)-(b)(2)(vi); R315-15-5.3(a)-(b)(6)(ix)(G); R315-15-5.4(a)-(c)(2); R315-15-5.5; R315-15-5.5(a)-(h)(2)(iii); R315-15-5.6; R315-15-5.6(a)-(b)(3); R315-15-5.7(a)-(c); R315-15-5.8(a)-(b); R315-15-5.9; R315-15-10; R315-15-6.1(a)-(c); R315-15-6.2(a)-(b)(2); R315-15-6.3(a)-(b)(2)(vi); R315-15-6.4(a)-(d); R315-15-6.5; R315-15-6.5(a)-(g)(4); R315-15-6.6(a)&(b); R315-15-6.7(a)&(b); R315-15-6.8; R315-15-7.1(a)-(c)(4); R315-15-7.2; R315-15-7.2(a)&(b); R315-15-7.3(a)&(b); R315-15-7.4(a)-(b)(2)(v); R315-15-7.5(a)-(c); R315-15-7.6(a)&(b); R315-15-8.1; R315-15-8.2(a)&(b); R315-15-8.3. R315-8-8; R315-7-15	02/10/94
Consolidated Liability Requirements (Non-HSA) [53 FR 33938, 06/29/95; 56 FR 30200, 07/01/91; 57 FR 42832, 09/16/92] (Checklist 113).	R315-14-7	07/30/93
Burning of Hazardous Wastes in Boilers and Industrial Furnaces; Technical Amendment IV (HSA/Non-HSA) [57 FR 44999, 09/30/92] (Checklist 114).	R315-2-10(f); R315-50-9	07/30/93
Chlorinated Toluene Production Waste Listing (HSA) [57 FR 47376, 10/15/92] (Checklist 115).		

Federal citation	State analog ¹	Effective date ¹
Hazardous Soil Case-By-Case Capacity Variance (HSWA) [57 FR 47772, 10/20/92] (Checklist 116).	R315-13-1	07/30/93
Reissuance of the "Mixture" and "Derived-From" Rules (HSWA/ Non-HSWA) [57 FR 7628, 03/03/92; 57 FR 23062, 06/01/92; 57 FR 49278] (Checklist 117A).	R315-2-3(a)-(d)(2)	07/30/93
Toxicity Characteristic Amendment [57 FR 23062, 06/01/92] (Checklist 117B).	R315-2-3(a)(2)(ii)	07/30/93
Liquids in Landfills [57 FR 54452, 11/18/92] (Checklist 118).	R315-8-2.4; R315-8-14.8(a)(2); R315-8-14.8(b); R315-8-14.8(d)(1)(ii); R315-8-14.8(e)-(f)(2); R315-8-14.10(b)&(c); R315-7-9.4; R315-7-21.7(a)(2); R315-7-21.7(b); R315-7-21.7(c)(1)(ii); R315-7-21.7(f)-(g)(2); R315-7-21.9(b)&(c).	07/30/93
Toxicity Characteristic Revision; TCLP Correction (HSWA) [57 FR 55114, 11/24/92] (Checklist 119).	R315-50-7	07/30/93
Wood Preserving; Revisions to Listings and Technical Requirements (HSWA/Non-HSWA) [57 FR 61492, 12/24/92] (Checklist 120).	R315-2-10(e); R315-8-19; R315-7-28	07/30/93
Corrective Action Management Units and Temporary Units (HSWA) [58 FR 8658, 02/16/93] (Checklist 121).	R315-1-1(b); R315-8-1.2; R315-8-6.12(b); R315-8-21; R315-7-8.1(b); R315-13-1; R315-1-1(d); R315-3-15(d).	07/30/93
Recycled Used Oil Management Standards; Technical Amendments and Corrections I (HSWA/Non-HSWA) [58 FR 26420, 05/03/93] (Checklist 122).	R315-2-4(b)(13)&(14); R315-2-5; R315-8-1(e)(9); R315-7-8.1(c)(3); R315-1-1(b); R315-15-1.1(b)(2); R315-15-1.1(b)(2)(ii)&(iii); R315-15-1.1(c)-(e)(4); R315-15-1.1(i); R315-15-1.2, Table 1, note 3; R315-15-1.3(c)(3); R315-15-2.2(a); R315-15-2.3; R315-15-2.4; R315-15-2.4(a)-(c); R315-15-4.1(a)(4); R315-15-4.1(d)(4); R315-15-4.3(a)-(b)(1); R315-15-4.4(b); R315-15-4.6; R315-15-4.6(d)(1)(ii)&(iii); R315-15-5.2(a); R315-15-5.3(b)(6)(viii)(C); R315-15-5.5; R315-15-5.5(a); R315-15-5.5 (c)(1)(ii)&(iii); R315-15-6.1(b)(1); R315-15-6.3(a); R315-15-6.5; R315-15-7.1(a); R315-15-7.3(a); R315-15-7.4(a); R315-15-7.5(a).	02/10/94
Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-By-Case Capacity Variance (HSWA) [58 FR 28506, 05/14/93] (Checklist 123).	R315-13-1	11/15/94
Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (HSWA) [58 FR 29860, 05/24/93] (Checklist 124).	R315-8-1(e)(7); R315-7-8.1(c)(7); R315-13-1; R315-50-16	11/15/94
Boilers and Industrial Furnaces; Changes for Consistency with New Air Regulations (HSWA/Non-HSWA) [58 FR 38816, 07/20/93] (Checklist 125).	R315-1-2; R315-14-7	11/15/94
Testing and Monitoring Activities (HSWA/ Non-HSWA) [58 FR 46040, 08/31/93; 59 FR 47080, 09/19/94] (Checklist 126).	R315-1-2; R315-2-16; R315-2-9(e); R315-2-9(g); R315-50; R315-50-7; R315-50-8; R315-8-10; R315-8-14.8(c); R315-7-17; R315-7-21.7(d); R315-13-1; R315-1-2(a); R315-3-6.5(c)(1)(iii)&(iv); R315-3-20(b)(2)(i)(C)&(D); R315-3-37.	11/15/94
Boilers and Industrial Furnaces; Administrative Stay and Interim Standards for Bevill Residues (HSWA) [58 FR 59598, 11/09/93] (Checklist 127).	R315-14-7	11/15/94
Wastes From the Use of Chlorophenolic Formulations in Wood Surface Protection (Non-HSWA) [59 FR 458, 01/04/94] (Checklist 128).	R315-1-2(a); R315-50-10	11/15/94
Revision of Conditional Exemption for Small Scale Treatability Studies (Non-HSWA) [59 FR 8362, 02/18/94] (Checklist 129).	R315-2-4(e)(2)(i)&(ii); R315-2-4(e)(3); R315-2-4(e)(3)(i)-(iii)(E); R315-2-4(f)(3)-(5).	11/15/94
Recycled Used Oil Management Standards; Technical Amendments and Corrections II (HSWA/Non-HSWA) [59 FR 10050, 03/04/94] (Checklist 130).	R315-1-1(b); R315-15-1.1(b)(1)(ii); R315-15-1.1(b)(2)(iii); R315-15-1.1(g); R315-15-1.1(g) (1)-(6); R315-15-2.1(b)(2)(i)-(ii)(E); R315-15-4.2(c); R315-15-4.5(c); R315-15-4.7(a)(5)(i)&(ii); R315-15-4.7(b)(5)(i)&(ii); R315-15-5.4(c); R315-15-6.4(c).	09/01/94
Recordkeeping Instructions; Technical Amendment (Non-HSWA) [59 FR 13891, 03/24/94] (Checklist 131).	R315-50-2	11/15/94
Wood Surface Protection; Correction (Non-HSWA) [59 FR 28484, 06/02/94] (Checklist 132).	R315-1-2(a)	02/15/96
Letter of Credit Revision (Non-HSWA) [59 FR 29958, 06/10/94] (Checklist 133).	R315-8-8	02/15/96

Federal citation	State analog ¹	Effective date ¹
Correction of Beryllium Powder (P015) Listing (Non-HSWA) [59 FR 31551, 06/20/94] (Checklist 134).	R315-2-11(e); R315-50-10; R315-13-1	02/15/96
Recovered Oil Exclusion (Non-HSWA) [59 FR 38536, 07/28/94] (Checklist 135).	R315-2-3(c)(2)(ii)(B); R315-2-4(a)(12); R315-2-6; R315-14-7	02/15/96
Removal of the Conditional Exemption for Certain Slag Residues (HSWA) [59 FR 43496, 08/24/94] (Checklist 136).	R315-14-2; R315-13-1	02/15/96
Universal Treatment Standards and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes (HSWA/Non-HSWA) [59 FR 47982, 09/19/94; 60 FR 242, 01/03/95] (Checklist 137).	R315-2-18; R315-2-19; R315-2-20; R315-2-21; R315-2-2(e)(1)(iii); R315-8-1(e)(7); R315-7-8.1(c)(7); R315-14-2; R315-14-7; R315-13-1.	01/05/95
Testing and Monitoring Activities Amendment I (Non-HSWA) [60 FR 3089, 01/13/95] (Checklist 139).	R315-1-2(a)	02/15/96
Carbamate Production Identification and Listing of Hazardous Waste (HSWA) [60 FR 7824, 02/09/95; 60 FR 25619, 05/12/95] (Checklist 140).	R315-2-3(a)(2)(iv)(E)-(G); R315-2-3(c)(2)(ii) (D); R315-2-10(f); R315-2-11(e); R315-2-11 (f); R315-50-9; R315-50-10.	02/15/96 07/15/97
Testing and Monitoring Activities Amendment II (Non-HSWA) [60 FR 17001, 04/04/95] (Checklist 141).	R315-1-2(a)	02/15/96
Universal Waste Rule (Non-HSWA) [60 FR 25492, 05/11/95] (Checklist 142A-E).	R315-2-5; R315-2-6; R315-2-17; R315-2-17 (b); R315-2-25; R315-2-25(a)-(c); R315-3-3(n) (8); R315-3-3(n)(8)(i)-(iii); R315-7-8.1(c)(12); R315-7-8.1(c)(12)(i)-(iii); R315-8-1(e)(10); R315-8-1(e)(10)(i)-(iii); R315-13-1; R315-14-6; R315-16.	02/15/96

¹ Utah Hazardous Waste Management Rules and Regulations, revised February 20, 1998.

EPA considers Utah's listing of all P999 and some F999 wastes (specifically: nerve, military, and chemical agents) as more stringent than the Federal rule. To the extent that unused chemical agents, as produced, exhibit a hazardous waste reactivity characteristic, they are considered hazardous waste and, thus, are regulated under Federal rule. Utah's listing of these wastes enhances the degree of regulatory control regarding these wastes. EPA also considers Utah's rule as broader-in-scope than the federal rule for those F999 process wastes which do not exhibit a characteristic for hazardous waste and would not be regulated under Federal rule. Utah is also more stringent at the following provisions: R315-15-1.3(c); R315-15-2.1(a)(1) & (4); R315-15-2.3(d); R315-15-2.4(a), (d) & (e); R315-15-3.1(b); R315-15-3.2(b)(3) & (b)(3)(i-iv); R315-15-4.4(c); R315-15-4.6(d)(1)(iii); R315-15-4.6(f); R315-15-4.7(e); R315-15-5.1(a); R315-15-5.3(b)(6)(iv)(B); R315-15-5.5(c)(1)(iii); R315-15-5.5(g); R315-15-5.8(a)(2)(iii); R315-15-5.8(b); R315-15-6.5(c)(1)(iii); R315-15-6.5(g); R315-15-9.1(c); R315-15-11; and R315-15-13.5(d). In addition, Utah is broader-in-scope at the following provisions: R315-2-10; R315-15-10 through 15; and R315-16-1.1(a).

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based

on the Federal program provisions for which the State is applying for authorization and which were issued 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 other provisions on October 24, 1984, the effective date of Utah's Final Authorization for the RCRA base program.

Indian Reservations

These program revisions do not extend to "Indian Country" as defined in 18 U.S.C. 1151, including lands within the exterior boundaries of the following Indian reservations located within or abutting the State of Utah:

1. Goshute Indian Reservation
2. Navajo Indian Reservation
3. Northwestern Band of Shoshoni Nation of Utah (Washakie) Indian Reservation
4. Paiute Indian Tribe of Utah Indian Reservation
5. Skull Valley Band of Goshute Indians of Utah Indian Reservation
6. Uintah and Ouray Indian Reservation
7. Ute Mountain Indian Reservation

The Agency is cognizant that the State of Utah and the United States Government differ as to the exact geographical extent of Indian Country

within the Uintah and Ouray Indian Reservation and are currently litigating this question in Federal Court. Until that litigation is completed and this question is resolved, the Agency will enter into discussions with the Ute Indian Tribe of the Uintah and Ouray Indian Reservation and the State of Utah to determine the best interim approach to managing this program in the disputed area. The Agency will notify the public of the outcome of these discussions.

In excluding Indian Country from the scope of this program revision, EPA is not making a determination that the State either has adequate jurisdiction or lacks jurisdiction over sources in Indian Country. Should the State of Utah choose to seek program authorization within Indian Country, it may do so without prejudice. Before EPA would approve the State's program for any portion of Indian Country, EPA would have to be satisfied that the State has authority, either pursuant to explicit Congressional authorization or applicable principles of Federal Indian law, to enforce its laws against existing and potential pollution sources within any geographical area for which it seeks program approval and that such approval would constitute sound administrative practice.

C. Decision

I conclude that Utah's applications for program revision authorization meet all of the statutory and regulatory requirements established by RCRA. Accordingly, EPA grants Utah Final Authorization to operate its Hazardous Waste Program as revised. Utah 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 applications, subject to the limitations of HSWA. Utah also has primary enforcement responsibilities, although EPA retains the authority to conduct inspections under section 3007 of RCRA and to take enforcement actions, including, but not limited to, actions that may be in addition to State actions, under sections 3008, 3013, and 7003 of RCRA.

D. Codification in Part 272

EPA uses 40 CFR part 272 for codification of the decision to authorize Utah'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 TT, until a later date.

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 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 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 Utah 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 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.

Certification Under the 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.

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. 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.

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 today's FR. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Compliance With Executive Order 12866

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

Compliance With Executive Order 12875

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. If the mandate is unfunded, EPA must provide to 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."

This 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.

Compliance With 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.

Compliance With 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. Utah 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.

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.

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, Incorporation by reference, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This document 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).

Kerrigan G. Clough,

Acting Regional Administrator, Region 8.

[FR Doc. 99-667 Filed 1-12-99; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 0**

[FCC 83-98]

Meeting Procedures

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: This document revises the Federal Communications Commission procedural rules pertaining to meeting

procedures. The seven days notice requirement, generally applicable to Commission meetings, applied also to meetings whose only order of business was to decide whether to call a future meeting with shorter notice. In accordance with the Sunshine Act, the Commission exempted those kinds of meetings from the seven days notice requirement. The rule provision delineating the procedure to be followed in announcing meetings on short notice is also revised to eliminate any inconsistency in the text of the rules.

EFFECTIVE DATE: January 13, 1999.

FOR FURTHER INFORMATION CONTACT:

Donna Viert, Office of General Counsel
Federal Communications Commission,
Washington, D.C. (202) 418-1725.

SUPPLEMENTARY INFORMATION: In 1983 the Federal Communications Commission revised its procedural rules pertaining to meeting procedures governed by the Government in the Sunshine Act, 5 U.S.C. § 552b. *See Amendment of Section 0.601(b) and Section 0.605(e) of the Commission's Rules and Regulations*, 93 FCC 2d 565 (1983). This Commission action amending Part 0 of the Commission's rules was inadvertently not published in the **Federal Register**. This omission is corrected by the attached rule change that will become effective immediately upon publication.

List of Subjects in 47 CFR Part 0

Organization and functions,
(Government agencies).
Federal Communications Commission.

Magalie Roman Salas,
Secretary.

Rule Changes

Part 0 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for Part 0 continues to read as follows:

Authority: Secs. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

2. The first sentence of § 0.601(b) is revised to read as follows:

§ 0.601 Definitions.

* * * * *

(b) The term *meeting* means the deliberations among a quorum of the Commission, a Board of Commissioners, or a quorum of a committee of Commissioners, where such deliberations determine or result in the joint conduct or disposition of official