

requirements of section 3(b) of E.O. 13084 do not apply to this rule.

D. 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.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This direct final rule will not have a significant impact on a substantial number of small entities because plan approvals under section 111(d) do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act (Act) preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of a State action. The Act forbids EPA to base its actions on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that

may result in estimated annual costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The 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.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Carbon monoxide.

Authority: 42 U.S.C. 7401-7671q.

Dated: May 5, 1999.

David A. Ullrich,

Acting Regional Administrator, Region 5.

[FR Doc. 99-12161 Filed 5-12-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA012-0144b, FRL-6335-4]

Approval and Promulgation of Implementation Plan for South Coast Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: EPA is approving revisions to the California State Implementation Plan (SIP) which concern the new source review (NSR) program. The purpose of this action is to meet requirements of the Clean Air Act, as amended in 1990 (CAA or Act) with regard to NSR in areas that have not attained the national ambient air quality standards (NAAQS). This approval action will incorporate the approved rules into the federally approved SIP for California, and will delete a number of the existing rules from the SIP. The rules were submitted by the State to

satisfy certain Federal requirements for an approvable NSR SIP.

In the Final Rules Section of this **Federal Register**, the EPA is approving the state's SIP submittal as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no adverse comments. The District has provided public workshops in the development of the submitted rules, and provided the opportunity for public comment prior to changes to its rules. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received, no further activity is contemplated in relation to these rules. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on these proposed rules. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by June 14, 1999.

ADDRESSES: Written comments should be addressed to: Nahid Zoueshtiagh (Air-3), Air Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours at the following address: Air-3, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814.
South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182.

FOR FURTHER INFORMATION CONTACT: Nahid Zoueshtiagh (Air-3), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1261.

SUPPLEMENTARY INFORMATION: This document concerns the above listed rules submitted to the EPA on April 5, 1991 (Rules 203.1, 203.2, 204.1, 213.2, 213.3), May 13, 1991 (Rules 201, 201.1, 203, 205, 209, 211, 214, 215, 216, 217), and February 28, 1994 (Rules 204, 206, 210) by the California Air Resources Board. Since submittal to EPA, the

District has rescinded Rules 203.1, 203.2, 204.1, 211, 213, 213.1, and 213.2. EPA is not taking any action on the rescinded Rules 203.1, 203.2 and 204.1 because they were not a part of the SIP. However, EPA is approving rescission of Rules 211, 213, 213.1 and 213.2, because the requirements of these rules are now contained in Rules 212 and Regulation XIII. For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this **Federal Register**.

Felicia Marcus,

Regional Administrator, Region IX.

[FR Doc. 99-12000 Filed 5-12-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[FRL-6340-7]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; North Dakota; Control of Emissions From Existing Hazardous/Medical/Infectious Waste Incinerators

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: In this action, EPA proposes to approve the North Dakota State Plan for control of air emissions from existing Hazardous/Medical/Infectious Waste Incinerators (HMIWI). The plan provides for implementation and enforcement of the Emissions Guidelines applicable to each existing HMIWI for which construction was commenced on or before June 20, 1996. In the final rules section of this **Federal Register**, EPA is approving the State Plan as a direct final rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn, and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please see the direct final notice of this action located elsewhere in today's **Federal Register** for a

detailed description of the North Dakota State Plan.

DATES: Comments must be postmarked by June 14, 1999.

ADDRESSES: Written comments on this action should be addressed to Mr. Richard R. Long, Director, Air and Radiation Program (8P-AR), at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

Environmental Protection Agency,
Region 8, Office of Air and Radiation,
999 18th Street, Suite 500, Denver,
Colorado 80202, telephone (303) 312-6470.

North Dakota Health Department,
Environmental Health Section, 1200
Missouri Avenue, P.O. Box 5520,
Bismark, North Dakota 58506-5520,
telephone (701) 328-5188.

FOR FURTHER INFORMATION CONTACT:

Kathleen Paser, Region 8, Office of Air and Radiation, at the above address, telephone (303) 312-6526.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final action of the same title which is published in the Rules and Regulations section of this **Federal Register**.

List of Subjects in 40 CFR Part 62

Environmental protection,
Administrative practice and procedure,
Air pollution control, Intergovernmental
relations, Reporting and recordkeeping
requirements.

Authority: 42 U.S.C. 7401-7671q.

Dated: April 30, 1999.

Patricia D. Hull,

Acting Administrator, Region VIII.

[FR Doc. 99-12002 Filed 5-12-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 194

[FRL-63423]

RIN 2060-AG85

Inspection Date at Idaho National Engineering and Environmental Laboratory and Availability of Waste Characterization and Quality Assurance Program Documents Applicable to Transuranic Radioactive Waste at the Nevada Test Site Proposed for Disposal at the Waste Isolation Pilot Plant

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability; opening of public comment period.

SUMMARY: The Environmental Protection Agency (EPA) is announcing the date for an upcoming inspection of the Idaho National Engineering and Environmental Laboratory (INEEL). The inspection will be conducted the week of May 17, 1999. Additional information on the INEEL inspection, including the announcement of a public comment period on relevant site documents, was previously published on April 16, 1999, at 64 FR 18870.

EPA is also announcing the availability of, and soliciting public comments for 30 days on, Department of Energy (DOE) documents on waste characterization and quality assurance programs applicable to transuranic (TRU) radioactive waste at the Nevada Test Site (NTS) proposed for disposal at the Waste Isolation Pilot Plant (WIPP). The documents are: "Bechtel Nevada Transuranic Waste Characterization Quality Assurance Project Plan, L-E10.301.LWC, May 1998" (hereafter NTS TRU QAPJP); "Nevada Test Site Transuranic Waste Certification and Quality Assurance Plan, B-A20/97.03, Revision 0, 2/4/98" (hereafter NTS Certification Plan); "Mobile Characterization Services (MCS) Transuranic Waste Characterization Program Quality Assurance Project Plan, MCS-102, Rev. B, 10/21/98" (hereafter MCS TRU QAPJP); and "TRUtech Team Mobile Systems Program Transuranic Waste Characterization Quality Assurance Project Plan, TT-DOC-001, August 17, 1998" (hereafter TRUtech TRU QAPJP). These documents are available for review in the public dockets listed in **ADDRESSES**. The EPA will use these documents to evaluate waste characterization systems and processes and the quality assurance program at NTS. In accordance with