

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 9

[FRL-6111-4]

OMB Approval Numbers Under the Paperwork Reduction Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that lists the Office of Management and Budget (OMB) control numbers issued under the PRA for some of the information collections associated with National Pollutant Discharge Elimination System (NPDES) permits under the Clean Water Act (CWA).

EFFECTIVE DATE: This final rule is effective July 20, 1998.

FOR FURTHER INFORMATION CONTACT: Angela Lee, Environmental Protection Agency, Office of Water, Permits Division (4203), 401 M. Street, SW, Washington, D.C. 20460, Phone: 202-260-6814.

SUPPLEMENTARY INFORMATION: EPA is today amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. Today's amendment updates the table to add an OMB control number to reflect the fact that EPA shifted the burden associated with specific regulatory provisions from one ICR to another. The affected regulations are codified at 40 Code of Federal Regulations (CFR) § 122.44(g) and (i). EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR Part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR satisfy the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

The recordkeeping and monitoring requirements associated with the storm water program were approved in 1992 in a revision to the Discharge Monitoring Report ICR (OMB No. 2040-0004). The burden for the specific storm water requirements found in 40 CFR sections 122.44(i) and (ii) was subsequently removed from OMB No. 2040-0004 and incorporated into the

NPDES Compliance Assessment/Certification ICR (OMB No. 2040-0110) in 1996. The Discharge Monitoring Report ICR and the NPDES Compliance Assessment/Certification ICR were previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

Submission to Congress and the General Accounting Office

The Congressional Review Act, 5 U.S.C. section 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. However, section 808 provides that any rule for which the issuing agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule) that notice and public procedure thereon are impracticable, unnecessary or contrary to the public interest, shall take effect at such time as the agency promulgating the rule determines. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefore, and established an effective date of July 20, 1998. 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).

List of Subjects in 40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: June 10, 1998.

Robert Perciasepe,

Assistant Administrator, Office of Water.

For the reasons set out in the preamble, 40 CFR part 9 is amended as follows:

PART 9—OMB APPROVALS UNDER THE PAPERWORK REDUCTION ACT

1. The authority citation for Part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136-136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601-2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 *et seq.*, 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

2. In § 9.1 the table is amended by revising entry "122.44(g), (i)" to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

40 CFR citation	OMB control No.
* * * * *	* * * * *
EPA Administered Permit Programs: The National Pollutant Discharge Elimination System	
* * * * *	* * * * *
122.44(g), (i)	2040-0004, 2040-0170, 2040-0110
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[FR Doc. 98-16085 Filed 6-17-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[PA107-4066a; FRL-6111-8]

Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants Allegheny County, PA; Removal of Final Rule Pertaining to the Control of Landfill Gas Emissions from Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Removal of direct final rule.

SUMMARY: On April 10, 1998, EPA published (63 FR 17683) approval of the municipal solid waste (MSW) landfill 111(d) plan submitted by the Commonwealth of Pennsylvania on behalf of Allegheny County for the purpose of controlling landfill gas emissions from existing MSW landfills. Approval of the 111(d) plan would have established certain emission limitations for landfill gas emissions, including operating, reporting and recordkeeping requirements. The intended effect of the action was to implement enforceable emission reductions in MSW landfill gas, which contain volatile organic

compounds (VOCs), other organic compounds, methane, and hazardous air pollutants.

EPA approved this direct final rulemaking without prior proposal because the Agency viewed it as a noncontroversial amendment and anticipated no adverse comments. The final rule was published in the **Federal Register** with a provision for a 30 day comment period (63 FR 17683). At the same time, EPA announced that this final rule would convert to a proposed rule in the event that adverse comments were submitted to EPA within 30 days of publication of the rule in the **Federal Register** (63 FR 17683, April 10, 1998). The final rulemaking action would be withdrawn by publishing a document announcing withdrawal of this action.

Adverse comments were submitted to EPA within the prescribed comment period. Therefore, EPA is amending 40 CFR part 62, subpart NN, by removing the April 10, 1998 final rulemaking action. All public comments received will be addressed in a subsequent rulemaking action based on the proposed rule.

EFFECTIVE DATE: June 18, 1998.

FOR FURTHER INFORMATION CONTACT: James B. Topsale at (215) 566-2190 or by e-mail at topsale.james@epamail.gov.

List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Non-methane organic compounds, Methane, Municipal solid waste landfills, Reporting and recordkeeping requirements.

Dated: June 9, 1998.

W. Michael McCabe,

Regional Administrator, Region III.

40 CFR Part 62 is amended as follows:

PART 62—[AMENDED]

Subpart NN—Pennsylvania

1. The authority citation for Part 62 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

§§ 62.9630—62.9632 [Removed]

2. The undesignated centerheading and §§ 62.9630 through 62.9632 are removed.

[FR Doc. 98–16254 Filed 6–17–98; 8:45 am]

BILLING CODE 6560–50–P

LEGAL SERVICES CORPORATION

45 CFR Part 1644

Disclosure of Case Information

AGENCY: Legal Services Corporation.

ACTION: Final rule.

SUMMARY: This final rule implements a provision in the Legal Services Corporation's (LSC or Corporation) FY 1998 appropriations act which requires basic field recipients to disclose certain information to the public and to the Corporation regarding cases their attorneys file in court. The case information that is provided to the Corporation will be subject to disclosure under the Freedom of Information Act.

DATES: This rule is effective July 20, 1998.

FOR FURTHER INFORMATION CONTACT: Suzanne Glasow, Office of the General Counsel, 202–336–8817.

SUPPLEMENTARY INFORMATION: This final rule is intended to implement Section 505 of the Corporation's FY 1998 appropriations act, which requires basic field recipients to disclose certain information to the public and to the Corporation regarding cases filed in court by attorneys employed by recipients. See Public Law 105–119, 111 Stat. 2440. The Corporation issued a program letter on December 9, 1997, providing recipients with guidance on compliance with Section 505 until such time as a rule could be promulgated by the Corporation. On February 6, 1998, the Corporation's Operations and Regulations Committee (Committee) of the Corporation's Board of Directors (Board) met to consider a draft proposed rule to implement the case disclosure requirement. After deliberation, the Committee adopted a proposed rule that was published in the **Federal Register** for public comment. See 63 FR 8387 (Feb. 19, 1998).

The Corporation received 4 comments on the proposed rule. The comments agreed that, for the most part, the proposed rule accurately reflected legislative intent. For those provisions of the rule that the commenters believed went beyond the intent of Section 505, suggestions were made for changes. Several comments also asked for clarification on certain issues either in the commentary or the text of the final rule. The Committee met on April 5, 1998, to consider public comment. After making revisions to the proposed rule, the Committee recommended the rule as revised to the Board as a final rule. The Board adopted the rule as recommended by the Committee on April 6, 1998, for

publication as a final rule in the **Federal Register**.

A section-by-section analysis and discussion of changes made from the proposed rule is provided below.

Section-by-Section Analysis

Section 1644.1 Purpose

The purpose section states that the rule is intended to ensure that recipients disclose certain required information to the public and to the Corporation on cases filed in court by their attorneys.

Section 1644.2 Definitions

The case disclosure provision requires that recipients disclose certain information, among which is the cause of action, for each case filed in court by their attorneys. To clarify this requirement, this final rule includes three definitions. Paragraph (a) of § 1644.2 defines to disclose the cause of action. The term means to provide a sufficient description of a particular case to indicate the principal nature of the case. Examples would include: breach of warranty, bankruptcy, divorce, domestic violence, petition to quiet title, action to recover property, and employment discrimination action.

Paragraph (b) clarifies the type of recipient subject to the case disclosure requirement. Recipient is defined as an entity that receives funds under Sec. 1006(a)(1)(A) of the LSC Act, 42 U.S.C. 2996e(a)(1)(A), that is, a basic field recipient which provides direct legal assistance to the poor. Although Section 505 does not specifically apply to subrecipients, as a matter of policy, the proposed rule extended the case disclosure requirement to subrecipients which provide direct legal representation to eligible clients.

The comments generally disagreed with this policy and urged the Corporation to exclude subrecipients from the reach of the requirement or, at least, limit the application of the requirement to activities under an LSC subgrant. In addition, comments pointed out that the interplay of the discussion of this issue in the preamble and the language in the rule itself created confusion as to whether the rule was intended to apply to all cases filed by subrecipients or only to cases filed by subrecipients that are funded under a subgrant.

The Board revised the definition of recipient and the applicability provisions in § 1644.3¹ in order to clarify the intended application of the case disclosure requirement to subrecipients. It was the intent of the

¹ The section numbers for §§ 1644.3 and 1644.4 have been reversed from the proposed rule.