

Appendix A of Part 216—Military Recruiting Sample Letter of Inquiry

(Tailor letter to situation presented)

Dr. John Doe
President
ABC College
Anywhere, USA 12345-9876

Dear Dr. Doe: I understand that military recruiting personnel (are unable to recruit on the campus of ABC College) (have been refused student recruiting information¹ on ABC College students for the purpose of military recruiting) by a policy or practice of the College. Current law² prohibits funds by grant or contract (including a grant of funds to be available for student aid) from appropriations of the Departments of Defense, Transportation (with respect to military recruiting), Labor, Health and Human Services, Education, and Related Agencies to schools that have a policy or practice of denying military recruiting personnel entry to campuses, access to students on campuses, or access to student recruiting information. Implementing regulations are codified at 32 Code of Federal Regulations, part 216.

This letter provides you an opportunity to clarify your institution's policy regarding military recruiting on the campus of ABC College. In that regard, I request, within the next 30 days, a written policy statement of the institution with respect to access to campus and students, and to student recruiting information by military recruiting personnel.

Your response should highlight any difference between access for military recruiters and access for recruiting by other potential employers.

Based on this information, Department of Defense officials will make a determination as to your institution's eligibility to receive funds by grant or contract. That decision may affect eligibility for funding from appropriations of the Departments of Defense, Transportation, Labor, Health and Human Services, Education, and Related Agencies. Should it be determined that ABC College is in violation of the aforementioned statutes, such funding would be stopped, and the school would be ineligible to receive such funds in the future.

I regret that this action may have to be taken. Successful recruiting requires that Department of Defense recruiters have reasonable access to students on the campuses of colleges and universities, and at the same time have effective relationships with the officials and student bodies of those institutions. I hope it will be possible to (define the correction to the aforementioned problem area(s)). I am available to answer any questions.

Sincerely,

¹ Student recruiting information refers to a student's name, address, telephone listing, age (or year or birth), level of education (e.g., freshman, sophomore, or degree awarded for a recent graduate), and major.

² 108 Stat. 2663 and 110 Stat. 3009.

Appendix B of Part 216—ROTC Sample Letter of Inquiry

(Tailor Letter to Situation Presented)

Dr. Jane Smith
President
ABC College
Anywhere, USA 12345-9876

Dear Dr. Smith: I understand that ABC College has (refused a request from a Military Department to establish a Senior ROTC unit at your institution) (refused to continue existing ROTC programs at your institution) (prevented students from participation at a Senior ROTC program at another institution) by a policy or practice of the College. Current law¹ prohibits funds by grant or contract (including a grant of funds to be available for student aid) from appropriations of the Departments of Defense, Labor, Health and Human Services, Education, and Related Agencies to schools that have a policy or practice prohibiting or preventing the Secretary of Defense from maintaining, establishing, or efficiently operating a Senior ROTC unit. Those statutes also bar agency funds for schools that prohibit or prevent a student from enrolling in an ROTC unit at another institution of higher education. Implementing regulations are codified at 32 Code of Federal Regulations, part 216.

This letter provides you an opportunity to clarify your institution's policy regarding ROTC access on the campus of ABC College. In that regard, I request, within the next 30 days, a written statement of the institution with respect to (define the problem area(s)).

Based on this information, Department of Defense officials will make a determination as to your institution's eligibility to receive funds by grant or contract. The decision may affect eligibility for funding from appropriations of the Departments of Defense, Labor, Health and Human Services, Education, and Related Agencies. Should it be determined that ABC College is in violation of the aforementioned statutes, such funding would be stopped, and the school would be ineligible to receive such funds in the future.

I regret that this action may have to be taken. Successful officer procurement requires that the Department of Defense maintain a strong ROTC program. I hope it will be possible to (define the correction to the aforementioned problem area(s)). I am available to answer any questions.

Sincerely,

Dated: October 19, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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BILLING CODE 5000-04-M

¹ 10 U.S.C. 983 and 110 Stat. 3009.

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[ARK-6-1-7364; FRL-6176-9]

Approval and Promulgation of Air Quality Implementation Plans; Arkansas; Revised Format for Materials Being Incorporated by Reference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; administrative change.

SUMMARY: The EPA is revising the format of 40 Code of Federal Regulations (CFR) part 52, Subpart E for materials submitted by Arkansas that are incorporated by reference (IBR) into the State Implementation Plans (SIPs). The regulations affected by this format change have all been previously submitted by the respective State agency and approved by EPA. This format revision will primarily affect the "Identification of plan" sections of 40 CFR 52.170, as well as the format of the SIP materials that will be available for public inspection at the EPA Region 6 office, the Air and Radiation Docket and Information Center located in Waterside Mall, Washington, DC., and the Office of the Federal Register. The sections of 40 CFR 52.170 pertaining to provisions promulgated by EPA or State-submitted materials not subject to IBR review and 40 CFR 52.171 through 52.183 remain unchanged. The EPA has determined that good cause exists for issuing this rule without public comment.

EFFECTIVE DATE: This action is effective October 23, 1998.

ADDRESSES: The SIP materials which are incorporated by reference into 40 CFR part 52 are available for inspection at the following locations:

Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733; Office of Air and Radiation, Docket and Information Center (Air Docket), EPA, 401 M Street, SW, Room M1500, Washington, DC 20460; and Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Scoggins, Air Planning Section (6PD-L) at the above Region 6 address or at (214) 665-7354.

SUPPLEMENTARY INFORMATION:**Background**

Each State is required by section 110(a)(1) of the Clean Air Act (ACT), to

have a SIP that contains the control measures and strategies which will be used to attain and maintain the national ambient air quality standards. The SIP is extensive, containing such elements as emission inventories, monitoring network, attainment demonstrations, and enforcement mechanisms. The control measures and strategies must be formally adopted by each State after the public has had an opportunity to comment on them. They are then submitted to EPA as SIP revisions on which EPA must formally act.

Once these control measures are approved by EPA pursuant to 110(k) of the Act, after notice and comment, they are incorporated into the SIP and are identified in part 52 (Approval and Promulgation of Implementation Plans), 40 CFR. The actual State regulations which are approved by EPA are not reproduced in their entirety in 40 CFR part 52, but are "incorporated by reference," which means that the citation of a given State regulation with a specific effective date has been approved by EPA. This format allows both EPA and the public to know which measures are contained in a given SIP and ensures that the State is enforcing the regulations. It also allows EPA to take enforcement action or the public to bring citizen suits, should a State not enforce its SIP-approved regulations.

The SIP is an active or changing document which can be revised by the State, as necessary, to address the unique air pollution problems in the State as long as changes are not contrary to Federal law. Therefore, EPA, from time to time, must take action to incorporate into the SIP, revisions of the State program which may contain new and/or revised regulations. Regulations approved into the SIP are then incorporated by reference into part 52. As a result of consultations between EPA and the Office of Federal Register, EPA revised the procedures on May 22, 1997 (62 FR 27968), for incorporating by reference federally-approved SIPs and began the process of developing, pursuant to 110(h)(1) of the Act: 1) a revised SIP document for each State that would be incorporated by reference under the provisions of 1 CFR part 51; 2) a revised mechanism for announcing EPA approval of revisions to an applicable SIP and updating both the IBR document and the CFR; and 3) a revised format of the "Identification of plan" sections for each applicable subpart to reflect these revised IBR procedures. The description of the revised SIP document, IBR procedures and "Identification of plan" format are discussed in further detail in the May 22, 1997, **Federal Register** document.

Content of Revised IBR Document

The new SIP compilations contain the federally-approved portion of State regulations and source specific permits submitted by each State agency. These regulations and source-specific permits have all been approved by EPA through previous rulemaking actions in the **Federal Register**. The SIP compilations are stored in 3-ring binders and will be updated on an annual basis.

If no significant changes are made for any State to the SIP during the year, an update will not be made during that year. If significant changes occur during the year, an update could be done on a more frequent basis, as applicable. Typically, only the revised sections of the compilation will be updated. Complete resubmittals of a State SIP compilation will be done on an as-needed basis.

Each compilation contains two parts. Part 1 contains the regulations and Part 2 contains the source-specific permits that have been approved as part of the SIP. Each part has a table of contents identifying each regulation or each source specific permit. The table of contents in the compilation corresponds to the table of contents published in 40 CFR part 52 for these States. The regional EPA offices have the primary responsibility for ensuring accuracy and updating the compilations. The Region 6 EPA Office developed and will maintain the compilations for Arkansas. A copy of the full text of the State's current compilation will also be maintained at the Office of **Federal Register** and EPA's Air Docket and Information Center.

The EPA is beginning the phasing in of SIP compilations for individual States, and expects to complete the conversion of the revised "Identification of plan" format and IBR documentation for all states by May 1999. This revised format is consistent with the SIP compilation requirements of section 110(h)(1) of the Act.

Revised Format of the "Identification of Plan" Sections in Each Subpart

In order to better serve the public, EPA is revising the organization of the "Identification of plan" section of 40 CFR section 52.170. The EPA is including additional information which will more clearly identify the provisions that constitute the enforceable elements of the SIP.

The revised "Identification of plan" section will contain five subsections: (a) Purpose and scope, (b) Incorporation by reference, (c) EPA approved regulations, (d) EPA approved source-specific permits, and (e) EPA approved

nonregulatory provisions, such as transportation control measures, statutory provisions, control strategies, monitoring networks, etc.

Enforceability and Legal Effect

This change to the procedures for incorporation by reference announced today will not alter in any way the enforceability or legal effect of approved SIP materials, including both those approved in the past or to be approved in the future. As of the effective date of the final rule approving a SIP revision, all provisions identified in the **Federal Register** document announcing the SIP approval will be federally enforceable, both by EPA under section 113 of the Act and by citizens under section 304 of the Act, where applicable. All revisions to the applicable SIP are federally enforceable as of the effective date of EPA approval even if they have not yet been incorporated by reference. To facilitate enforcement of previously approved SIP provisions and provide a smooth transition to the new SIP processing system, EPA is retaining the original "Identification of Plan" section, previously appearing in the CFR as the first or second section of part 52 for each State subpart.

Notice of Administrative Change

Today's action constitutes a "housekeeping" exercise to ensure that federally approved State plans are accurately reflected in 40 CFR part 52. State SIP revisions are controlled by EPA Regulations at 40 CFR part 51. When EPA receives a formal SIP revision request, the Agency must publish the proposed revision in the **Federal Register** and provide for public comment before approval.

The EPA has determined that today's rule falls under the "Good Cause" exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding good cause, authorizes agencies to dispense with public participation and section 553(d)(3) which allows an agency to make a rule effective immediately (thereby avoiding the 30-day delayed effective date otherwise provided for in the APA). Today's rule simply codifies provisions which are already in effect as a matter of law in Federal and approved State programs.

Under section 553 of the APA, an agency may find good cause where procedures are "impractical, unnecessary, or contrary to the public interest." Public comment is unnecessary since the codification only reflects existing law. Immediate revision to the CFR benefits the public by removing outdated citations.

Administrative Requirements

A. Executive Order (E.O.) 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866, entitled "Regulatory Planning and Review."

B. Executive Order 12875

Under E.O. 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 written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on state, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

C. 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 Executive Order 12866, and (2) concerns an environmental health or safety risks 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.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by

statute, that significantly affects 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. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, E.O. 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities, 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

The regulations affected by this format change to 40 CFR part 52 have all been previously submitted by the respective State agency and approved by EPA. Therefore, the Regional Administrator certifies that there is no significant impact on any small entities affected.

F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995, 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 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 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 preexisting 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 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 the **Federal Register**. A major rule cannot take effect until 60 days after its published in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. Judicial Review

The EPA has determined that the provisions of section 307(b)(1) of the Clean Air Act pertaining to petitions for judicial review are not applicable to this action. Prior EPA rulemaking actions approving each individual component of Arkansas SIP compilations had previously afforded interested parties the opportunity to file a petition for judicial review in the United States Court of Appeals for the appropriate circuit within 60 days of such rulemaking action. Thus, EPA sees no need in this action to provide an additional opportunity for judicial review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by

reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and record-keeping requirements, Sulfur oxides.

Dated: September 30, 1998.

Jerry Clifford,

Deputy Regional Administrator, Region 6.

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

PART 52—[AMENDED]

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

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

Subpart E—Arkansas

2. In subpart E § 52.170 is redesignated as § 52.200 and the heading and paragraph (a) are revised to read as follows:

§ 52.200 Original Identification of plan section.

(a) This section identifies the original “Arkansas Plan for Implementation for Air Pollution Control” and all revisions submitted by Arkansas that were federally approved prior to July 1, 1998.

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3. A new § 52.170 is added to read as follows:

§ 52.170 Identification of plan.

(a) *Purpose and scope.* This section sets forth the applicable State Implementation Plan (SIP) for Arkansas under section 110 of the Clean Air Act, 42 U.S.C. 7410, and 40 CFR part 51 to meet national ambient air quality standards.

(b) *Incorporation by reference.*

(1) Material listed in paragraphs (c), (d) and (e) of this section with an EPA approval date prior to July 1 1998, was approved for incorporation by reference by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Material is incorporated as it exists on the date of the approval,

and notice of any change in the material will be published in the **Federal Register**. Entries in paragraphs (c), (d) and (e) of this section with EPA approval dates after July 1, 1998, will be incorporated by reference in the next update to the SIP compilation.

(2) EPA Region 6 certifies that the rules/regulations provided by EPA in the SIP compilation at the addresses in paragraph (b)(3) are an exact duplicate of the officially promulgated State rules/regulations which have been approved as part of the State Implementation Plan as of July 1, 1998.

(3) Copies of the materials incorporated by reference may be inspected at the Region 6 EPA Office at 1445 Ross Avenue, Suite 700, Dallas, Texas, 75202–2733; the EPA, Air and Radiation Docket and Information Center, Air Docket (6102), 401 M Street, SW, Washington, DC 20460; or at the Office of Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC.

(c) EPA approved regulations.

EPA APPROVED REGULATIONS IN THE ARKANSAS SIP

State citation	Title/subject	State submittal/effective date	EPA approval date	Comments
Regulations of the Arkansas Plan of Implementation for Air Pollution Control				
Section 1	Title	06/30/75	10/05/76, 41 FR 43904	Ref 52.200(c)(04).
Section 2	Purpose	06/30/75	10/05/76, 41 FR 43904	Ref 52.200(c)(04).
Section 3	Definitions	03/25/88	05/01/89, 54 FR 18494	Ref 52.200(C)(27).
Section 4	Permits	03/25/88	05/01/89, 54 FR 18494	Ref 52.200(c)(27).
Section 5	Emission Limitations Applicable to New or Modified Equipment.	05/22/87	02/23/89, 54 FR 07764	Ref 52.200(c)(26) Dispersion techniques for Federal stack height requirements.
Section 6	Upset Conditions, Revised Emission Limitations.	07/11/79	08/27/81, 46 FR 43145	Ref 52.200(c)(11).
Section 7	Sampling and Monitoring Requirements.	07/11/79	08/27/81, 46 FR 43145	Ref 52.200(c)(11).
Section 8	Compliance Schedules and Emission Limitations Applicable to Existing Equipment.	06/29/81	01/12/82, 47 FR 01291 and.	Ref 52.200(c)(16).
		09/11/81	01/14/82, 47 FR 02113	Ref 52.200(c)(14).
Section 8.1	Designated Facilities	Variance for a specific facility. Section 8.1 is NOT in the SIP, but is part of the Federally approved Arkansas 111(d) Plan. See 40 CFR Part 62, Subpart E, for status of Arkansas 111(d) Plans.
Section 9	Severability	06/30/75	10/05/76, 41 FR 43904	Ref 52.200(c)(04).
Section 10	Effective date (June 30, 1975).	06/30/75	10/05/76, 41 FR 43904	Ref 52.200(c)(04).

Arkansas Regulation No. 9: Permit Fees

Section 1	Purpose	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 2	Short Title	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 3	Definitions	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 4	Applicability	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 5	Maximum Fees	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 6	Retroactivity	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 7	Permit Fee Payment	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 8	Refunds	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).

EPA APPROVED REGULATIONS IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State submittal/effective date	EPA approval date	Comments
Section 9	Solid Waste Fee	NOT IN SIP.
Section 10	Fee Schedule	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 11	Review of Fees	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 12	Severability	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 13	Appeals	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).
Section 14	Effective Date	12/16/85	11/26/86, 51 FR 40975	Ref 52.200(c)(24).

Prevention of Significant Deterioration Supplement to the Arkansas Plan of Implementation for Air Pollution Control

Section 1	Title	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28). See 40 CFR 52.181 for status of Arkansas PSD regulations in Arkansas SIP.
Section 2	Purpose	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).
Section 3	Definitions	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).
Section 4	Adoption of Regulations	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).
Section 5	Severability	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).
Section 6	Effective Date	06/19/90	05/02/91, 56 FR 20137	Ref 52.200(c)(28).

Regulations for the Control of Volatile Organic Compounds

Section 1	Title	04/04/79	01/29/80, 45 FR 06569	Ref 52.200(c)(7).
Section 2	Purpose	04/04/79	01/29/80, 45 FR 06569	Ref 52.200(c)(7).
Section 3	Definitions	04/23/81	10/13/81, 46 FR 50370	Ref 52.200(c)(13).
Section 4	General Provisions	04/23/81	10/13/81, 46 FR 50370	Ref 52.200(c)(13).
Section 5	Provisions for Specific Processes.	12/19/79	02/08/83, 48 FR 05722	Ref 52.200(c)(21).
Section 6	Severability	04/04/79	01/29/80, 45 FR 06569	Ref 52.200(c)(7).

(d) EPA-approved State Source-specific requirements.

EPA-APPROVED ARKANSAS SOURCE-SPECIFIC REQUIREMENTS

Name of source	Permit No.	State approval/effective date	EPA approval date	Comments
None.				

(e) EPA approved nonregulatory provisions and quasi-regulatory measures.

EPA APPROVED STATUTES IN THE ARKANSAS SIP

State citation	Title/subject	State submittal/effective date	EPA approval date	Comments
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Arkansas Water and Air Pollution Control Act—Part I

82-1901	Title of Act	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a)&(b).
82-1902	Definitions	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a)&(b).
82-1903	Pollution Control Commission.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a)&(b).
82-1904	Powers and Duties of Commission.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1905	Persons Operating Disposal System—Furnishing Information and Permitting Examinations and Surveys.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1906	Hearing Before Commission or Member—Appeal Procedure.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1907	Co-operation with Agency of Another State or United States.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).

EPA APPROVED STATUTES IN THE ARKANSAS SIP—Continued

State citation	Title/subject	State submittal/effective date	EPA approval date	Comments
82-1908	Actions Declared Public Nuisance—Permit to Construct, Make Changes in or Operate Disposal System—Submission of Plans.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1909	Violation of Act a Misdemeanor—Pollution a Nuisance—Abatement.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).

Arkansas Environmental Permit Fees Act (Act 817 of 1983)

82-1916 thru 82-1921	Permit Fees Act	12/16/85	11/12/86, 51 FR 40975	Ref 52.200(c)(24).
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Arkansas Water and Air Pollution Control Act—Part II

82-1931	Air Pollution—State Policy	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1932	Purpose of Act	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1933	Definitions	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1934	Exemptions	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1935	Powers of Commission	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1936	Factors in Exercise of Commission Powers.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1937	Industrial Secrets Confidential—Revealing a Misdemeanor.	11/25/85	08/04/86, 51 FR 27804	Ref 52.200(c)(23).
82-1938	Unlawful Acts	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1939	Variance From Regulations	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1940	Application of Water Pollution Provisions.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1941	Political Subdivision Forbidden to Legislate on Air Pollution.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1942	Radiation Control Law not Amended or Repealed—No authority to Commission Over Employer-Employee Relationships.	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).
82-1943	Private Rights Unchanged	01/28/72	05/31/72, 37 FR 10850	Ref 52.200(a) & (b).

Small Business Assistance Program Act (Act 251 of 1993)

Act 251	SBAP Act	02/26/93	03/08/95 60 FR 12691	Ref 52.200(c)(31).
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EPA APPROVED CONTROL MEASURES IN THE ARKANSAS SIP

Control measures	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Comments
Air Quality Surveillance Network.	Statewide	02/15/77	04/11/79, 44 FR 21645	Ref 52.200(c)(6).
Lead SIP	Statewide	12/10/79	04/16/82, 47 FR 16330	Ref 52.200(c)(17).
Air Quality Surveillance Data Reporting.	Statewide	04/24/80	08/06/81, 46 FR 40006	Ref 52.200(c)(20).
Protection of Visibility in Mandatory Class I Federal Areas.	Statewide	06/12/85	02/10/86, 51 FR 04912	Ref 52.200(c)(22).
Part II of the Visibility Protection Plan.	Statewide	10/09/87	07/21/88, 53 FR 27517	Ref 52.200(c)(25).
Stack Height Negative Declaration.	Statewide	09/12/86	04/10/89, 54 FR 14222	Ref 52.200(c)(26).
Small Business Stationary Source Technical and Environmental Compliance Assistance Program.	Statewide	11/06/92	03/08/95, 60 FR 12691	Ref 52.200(c)(31).

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-6176-1]

Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The State of Louisiana has applied for authorization to revise its Hazardous Waste Program under the Resource Conservation and Recovery Act (RCRA). The EPA has reviewed Louisiana's application and determined that its Hazardous Waste Program revision satisfies all the requirements necessary to qualify for final authorization. Unless adverse written comments are received on this action during the review and comment period EPA's decision to approve Louisiana's Hazardous Waste Program revision will take effect as provided below in accordance with Hazardous and Solid Waste Amendments of 1984 (HSWA).

DATES: This immediate final rule is effective on December 22, 1998 without further notice, unless the EPA receives adverse comment by November 23, 1998. Should the EPA receive such comments, it will publish a timely document withdrawing this rule.

ADDRESSES: Copies of the Louisiana program revision application and the materials which EPA used in evaluating the revision are available for inspection and copying from 8:30 a.m. to 4 p.m. Monday through Friday at the following addresses: Louisiana Department of Environmental Quality, H.B. Garlock Building, 7290 Bluebonnet, Baton Rouge, Louisiana 70810, phone (504) 765-0617 and EPA, Region 6 Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202-2733, phone (214) 665-6444. Written comments, referring to Docket Number LA-98-1, should be sent to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross

Avenue, Dallas, Texas 75202-2733, Phone number: (214) 665-8533.

FOR FURTHER INFORMATION CONTACT:

Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, Phone number: (214) 665-8533.

SUPPLEMENTARY INFORMATION:

A. Background

States authorized 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. Revisions to State Hazardous Waste Programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260-266, 268, 273, 270, and 279.

B. Louisiana

The State of Louisiana initially received final authorization on February 7, 1985 (50 FR 3348), to implement its base Hazardous Waste Management program. Louisiana received authorization for revisions to its program on January 29, 1990 (54 FR 48889), October 25, 1991 (56 FR 41958), and technical corrections at (56 FR 51762), effective January 23, 1995 and another technical corrections was made at (59 FR 55368-55371), (60 FR 18360), March 8, 1995 (59 FR 66200), October 17, 1995, (60 FR 53707) effective January 2, 1996, March 28, (61 FR 13777-13782) effective June 11, 1996 and December 29, 1997, (62 FR 67572-67577) effective March 16, 1998. On January 6, 1998 and April 17, 1998, Louisiana submitted a final complete program revision applications for additional program approval. The State of Louisiana has also adopted the regulations for Import and Export of Hazardous Waste which is not delegable to the State. However, the requirements of the Import and Export regulations will be administered by the EPA and not the State because the exercise of foreign relations and international commerce powers is reserved to the Federal government under the United States constitution.

Today, Louisiana is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

In 1983, the Louisiana legislature adopted Act 97, which amended and reenacted Louisiana Revised Statutes 30:1051 *et seq.*, the Environmental Affairs Act. This Act created the Louisiana Department of Environmental Quality, which has lead agency jurisdictional authority for administering the RCRA Subtitle C program in the State. Also, the LDEQ is designated to facilitate communication between the EPA and the State.

The EPA reviewed Louisiana's application and is today making an immediate final decision, subject to review and comment, that Louisiana's Hazardous Waste Program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, the EPA intends to grant authorization for the additional program modifications to Louisiana. The public may submit written comments on EPA's final decision until November 23, 1998. Copies of LDEQ's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

Approval of Louisiana's program revision shall become effective 60 days from the date this document is published, unless an adverse written comment pertaining to the State's revision discussed in this document is received by the end of the comment period. If an adverse written comment is received, the EPA will publish either, (1) a withdrawal of the immediate final decision, or (2) a document containing a response to the comment that either affirms that the immediate final decision takes effect or reverses the decision.

The Louisiana's program revision application includes State regulatory changes that are equivalent to the rules promulgated in the Federal RCRA implementing regulations in 40 CFR parts 124, 260-266, 268, 273, 270 and 279, that were published in the FR from July 1, 1994, through June 30, 1996. This proposed approval includes the provisions that are listed in the chart below. This chart also lists the State analogs that are being recognized as equivalent to the appropriate Federal requirements.