

health or safety risk that would have a disproportionate effect on children. 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. Under the Regulatory Flexibility Act (RFA), because the Federal 111(d) 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. Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), 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.

B. Submission to Congress and the General Accounting Office

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 this rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 22, 1999. Filing a petition for reconsideration by the Administrator of this final rule pertaining to the State of Maryland MWC 111(d)/129 plan 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 62

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

Dated: April 15, 1999.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

40 CFR Part 62, Subpart V, is amended as follows:

PART 62—[AMENDED]

Subpart V—Maryland

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

Authority: 42 U.S.C. 7401–7642.

2. A new center heading, and §§ 62.5110, 62.5111, and 62.5112 are added to read as follows:

Metals, Acid Gases, Organic Compounds and Nitrogen Oxide Emissions From Existing Municipal Waste Combustors With a Unit Capacity Greater Than 250 Tons Per Day

§ 62.5110 Identification of plan.

111(d)/129 plan for municipal waste combustors (MWCs) with a unit capacity greater than 250 tons per day (TPD) and the associated Code of Maryland Regulation (COMAR 26.11.08), as submitted by the Air and Radiation Management Administration, Maryland Department of the Environment, on December 4, 1997, and as amended on October 7, 1998.

§ 62.5111 Identification of sources.

The plan applies to all existing MWC facilities with a MWC unit capacity greater than 250 TPD of municipal solid waste.

§ 62.5112 Effective date.

The effective date of the 111(d)/129 plan is June 22, 1999.

[FR Doc. 99–10229 Filed 4–22–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[A–1–FRL–6325–3]

Authorization To Implement Section 111 and 112 Standards; State of Connecticut

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve the mechanism that will allow EPA to authorize the State of Connecticut to implement and enforce specific national emission standards for hazardous air pollutants for source categories (NESHAPs) and new source performance standards (NSPS) under the Clean Air Act. This authority will be limited to only facilities that have obtained a Clean Air Act Title V operating permit under Connecticut's approved program.

EFFECTIVE DATE: This rule will become effective on May 24, 1999.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA.

FOR FURTHER INFORMATION CONTACT: Donald Dahl at (617) 918–1657.

SUPPLEMENTARY INFORMATION:

I. Background

On December 6, 1996 (61 FR 64651), EPA published a Notice of Proposed Rulemaking (NPR) for the State of Connecticut. The NPR proposed approval under section 112(l)(5) of the Clean Air Act (CAA, 42 U.S.C. 7401 *et seq.*) and 40 CFR 63.91 of Connecticut's mechanism for receiving authorization to implement section 112 standards for part 70 sources that are unchanged from the federal standards as promulgated. Section 112 of the CAA provides for the control of air toxics emissions through the issuance of federal National Emission Standards for Hazardous Air Pollutants. EPA's approval was contingent on Connecticut making an amendment to its authority for enforcing federal standards. The state made the necessary changes to its statute. See section 22(a)–174(c), as amended by Public Act 97–124 section 4. The legislation, a copy of which can be found in the docket, became effective on October 1, 1997. The NPR also proposed using the same mechanism to authorize state implementation of future NSPS standards that are unchanged from 40 CFR part 60. The authorization mechanism does not cover sources which do not obtain a Title V permit.

Section 112(l) of the Clean Air Act, as inserted by the 1990 CAA amendments, authorizes EPA to approve state or local air pollution control agencies to implement and enforce the standards set out in 40 CFR parts 61 and 63, National Emission Standards for Hazardous Air

Pollutants for Source Categories. On November 26, 1993, EPA promulgated regulations, codified at 40 CFR part 63, subpart E, establishing procedures for EPA's approval of state rules or programs under section 112(l) (see 58 FR 62262).

Any request for approval under CAA section 112(l) must meet the approval criteria in 112(l)(5) and 40 CFR part 63, subpart E. To streamline the approval process for future applications, a state or local agency may submit a one-time demonstration that it has adequate authorities and resources to implement and enforce any CAA section 112 standards. See 40 CFR 63.90 (introduction) and 63.91(a). If such demonstration is approved, then the state or local agency would no longer need to resubmit a demonstration of these same authorities and resources for every subsequent request for authorization to implement CAA section 112 standards. However, EPA maintains the authority to withdraw its approval if the does not adequately implement or enforce an approved rule or program. See 40 CFR 63.96.

Other specific requirements and the rationale for EPA's proposed action were explained in the NPR and will not be restated here. No public comments were received on the NPR.

II. Final Action

EPA is approving a mechanism that will allow Connecticut to accept authorization to implement CAA sections 111 and 112. EPA is also reconfirming previously authorized parts 60 and 61 standards as indicated in Table I. Although EPA reserves its right, pursuant to 40 CFR 63.96, to review the appropriateness of any future authorization request, EPA will not institute any additional comment periods on future authorization actions.

This authorization will give Connecticut the primary implementation and enforcement responsibility of 40 CFR parts 60, 61 and 63 standards for sources that obtain a Title V permit. However, EPA still retains the right, pursuant to CAA sections 111(c) and 112(l)(7), to enforce any applicable emission standard or requirement under CAA sections 111 or 112. In addition, EPA is not authorizing Connecticut to implement any authorities that require approval rulemaking in the **Federal Register**, or where Federal overview is the only way to ensure national consistency in the application of the standards or requirements of CAA sections 111 or 112.

III. Administrative Requirements

A. Executive Order 12866

Under Executive Order 12866, (58 **Federal Register** 51,735 (October 4, 1993)) the Agency must determine whether the regulatory action is "significant" and therefore subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this rule is not a "significant regulatory action" under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Executive Order 13045

This final rule is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks," because it is not an "economically significant" action under E.O. 12866.

C. 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to 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.

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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a 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, Executive Order 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

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 final rule will not have a significant impact on a substantial number of small entities because authorizing Connecticut to implement standards developed

under sections 111 and 112 of the CAA does not create any new requirements, but simply allows the state to implement the standards. Therefore, because an authorization of NSPS or MACT standard does not impose any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

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 costs to , local, or tribal governments in the aggregate; or to the 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.

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, local, or tribal governments in the aggregate, or to the private sector. This Federal approves action the State of Connecticut to implement pre-existing requirements under state 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 June 22, 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 63

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

Authority: This action is issued under the authority of sections 111 and 112 of the Clean Air Act, as amended, 42 U.S.C. 7412.

Dated: April 6, 1999.

John P. DeVillars,

Regional Administrator, Region I.

TABLE TO THE PREAMBLE

[Authorization of Connecticut to implement part 60 and 61 standards as they apply to sources with permits under Connecticut's Title V Operating Permits Program]

Part 60—Subpart Categories

D	Fossil-Fuel Fired Steam Generators
Da	Electric Utility Steam Generators
Db	Industrial-Commercial-Institutional Steam Generating Units
Dc	Small Industrial Commercial Institutional Steam Generating Units
E	Incinerators
Ea	Municipal Waste Combustors
F	Portland Cement Plants
G	Nitric Acid Plants
H	Sulfuric Acid Plants
I	Asphalt Concrete Plants
J	Petroleum Refineries
K	Petroleum Liquid Storage Vessels
Ka	Petroleum Liquid Storage Vessels
Kb	Volatile Organic Liquid Storage Tanks
L	Secondary Lead Smelters
M	Secondary Brass and Bronze Production Plants
N	Basic Oxygen Process Furnaces Primary Emissions
Na	Basic Oxygen Process Steelmaking—Secondary Emissions
O	Sewage Treatment Plants
T	Phosphate Fertilizer Wet Process
U	Phosphate Fertilizer—Superphosphoric Acid
V	Phosphate Fertilizer—Diammonium Phosphate
W	Phosphate Fertilizer—Triple Superphosphate
X	Phosphate Fertilizer—Granular Triple Superphosphate Storage
AA	Steel Plants—Electric Arc Furnaces
CC	Glass Manufacturing Plants
EE	Surface Coating of Metal Furniture
GG	Stationary Gas Turbines
HH	Lime Manufacturing Plants
LL	Metallic Mineral Processing Plants
QQ	Graphic Arts—Rotogravure Printing

TABLE TO THE PREAMBLE—Continued

[Authorization of Connecticut to implement part 60 and 61 standards as they apply to sources with permits under Connecticut's Title V Operating Permits Program]

RR	Tape and Label Surface Coatings
SS	Surface Coating: Large Appliances
TT	Metal Coil Surface Coating
UU	Asphalt Processing Roofing
VV	Equipment Leaks of VOC in SOCM
WW	Beverage Can Surface Coating
XX	Bulk Gasoline Terminals
BBB	Rubber Tire Manufacturing
DDD	VOC Emissions from Polymer Manufacturing Industry
FFF	Flexible Vinyl and Urethane Coating and Printing
GGG	Equipment Leaks of VOC in Petroleum Refineries
HHH	Synthetic Fiber Production
III	VOC from SOCM Air Oxidation Unit
JJJ	Petroleum Dry Cleaners
NNN	VOC from SOCM Distillation
OOO	Nonmetallic Mineral Plants
SSS	Magnetic Tape Coating
TTT	Surface Coating of Plastic Parts for Business Machines
VVV	Polymeric Coating of Supporting Substrates

Part 61—Subpart Categories

C	Beryllium
D	Beryllium—Rocket Motor
E	Mercury
F	Vinyl Chloride
J	Equip Leaks of Benzene
M	Asbestos
N	Arsenic—Glass Manufacturing
Q	Radon—DOE Facilities
V	Equip Leaks (Fugitive Emission Sources)
Y	Benzene Storage Vessels

[FR Doc. 99-9472 Filed 4-22-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-6330-9]

Wyoming: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of immediate final rule.

SUMMARY: We are withdrawing the immediate final rule for Wyoming: Final Authorization of State Hazardous Waste Management Program Revision published on February 25, 1999, which approved the first revision to Wyoming's Hazardous Waste Rules. We stated in the immediate final rule that if we received adverse comment, we would publish a timely notice of withdrawal in the **Federal Register**. Subsequently, we received adverse comment. We will address the adverse comment in a subsequent final action based on the proposed rule also

published on February 25, 1999, and the extension of the public comment period published in a separate document in the "Proposed Rules" section of this **Federal Register**.

DATES: As of April 23, 1999, we withdraw the immediate final rule published at 64 FR 9278, on February 25, 1999.

FOR FURTHER INFORMATION CONTACT: Kris Shurr (8P-HW), phone number: (303) 312-6312, 999 18th Street, Suite 500, Denver, Colorado 80202-2466.

SUPPLEMENTARY INFORMATION: Because we received adverse comment, we are withdrawing the immediate final rule for Wyoming: Final Authorization of State Hazardous Waste Management Program Revision published on February 25, 1999 at 64 FR 9278, which intended to grant authorization for the first revision to Wyoming's Hazardous Waste Rules. We stated in the immediate final rule that if we received adverse comment by March 29, 1999, we would publish a timely notice of withdrawal in the **Federal Register**. Subsequently, we received adverse comment. We will address all comments in a subsequent final action based on the previously published proposed rule and an extension of the public comment period published in the "Proposed

Rules" section of this **Federal Register**. We will not provide for additional public comment during the final action. Any party interested in commenting must do so during the extended comment period.

Dated: April 16, 1999.

William P. Yellowtail,

Regional Administrator, Region VIII.

[FR Doc. 99-10231 Filed 4-22-99; 8:45 am]

BILLING CODE 6560-50-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1802, 1804, 1812, 1852, 1853, and 1871

Administrative Revisions to the NASA FAR Supplement

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This is a final rule to conform NASA FAR Supplement MidRange Administrative Procedures with FAR 19.11, 19.12, 19.13, and make editorial corrections and miscellaneous changes dealing with NASA internal and administrative matters.