ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–6333–2]

Missouri: Final Authorization of State Hazardous Waste Management Program Revision for Corrective Action

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Missouri has applied for final authorization of the revision to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). This revision package covers authorization for corrective action. The EPA has reviewed Missouri's application and determined that its hazardous waste program revision satisfied all of the requirements necessary to qualify for final authorization. Unless adverse written comments are received during the review and comment period, the EPA's decision to authorize Missouri's hazardous waste program revision will take effect. The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, the EPA is publishing a separate document that will serve as the proposal to approve the revision for corrective action should relevant adverse comments be filed.

DATES: Final authorization for Missouri will become effective without further notice on July 6, 1999, if the EPA receives no adverse comment by June 3, 1999. Should the EPA receive such comments, the EPA will withdraw this rule before its effective date by publishing a timely withdrawal in the **Federal Register**.

ADDRESSES: Written comments should be sent to Heather Hamilton, U.S. EPA Region VII, ARTD/RESP, 726 Minnesota Avenue, Kansas City, Kansas 66101. Copies of Missouri's program revision application are available for inspection and copying during normal business hours at the following address: Hazardous Waste Program, Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102–0176 (573) 751–3176.

FOR FURTHER INFORMATION CONTACT: Heather Hamilton, U.S. EPA Region VII, ARTD/RESP, 726 Minnesota Avenue, Kansas City, Kansas 66101 (913) 551–7039.

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 the EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273, and 279.

B. Missouri

On November 20, 1985, the EPA published a **Federal Register** notice announcing its decision to grant final authorization for the RCRA base program to the state of Missouri which became effective December 12, 1985 (50 FR 47740). Missouri received authorization for revisions to its program as follows: February 27, 1989, effective April 28, 1989 (54 FR 8190); January 11, 1993, effective March 12, 1993 (58 FR 3497) and on May 30, 1997, effective July 29, 1997 (62 FR 29301). Additionally, the state adopted and applied for interim authorization for the corrective action portion of the HSWA Codification Rule (July 15, 1985, 50 FR 28702). For a full discussion of the HSWA Codification Rule, the reader is referred to the **Federal Register** cited above. The state was granted interim authorization for the corrective action on February 23, 1994, effective April 25, 1994 (50 FR 8544). Missouri has now applied for final authorization for the corrective action portion of the HSWA Codification Rule, for which it previously received interim authorization.

The EPA has reviewed Missouri's application for final authorization for corrective action, and has made an immediate final decision that Missouri's hazardous waste program revision satisfies all of the requirements necessary to qualify. Consequently, the EPA intends to grant final authorization for corrective action to Missouri. The public may submit written comments on the EPA's immediate final decision up until June 3, 1999. Copies of Missouri's application for the program revision are available for inspection and copying at the locations identified in the **ADDRESSES** section of this action.

Approval of Missouri's program revision shall become effective on July 6, 1999 unless an adverse comment pertaining to the state's revision discussed in this document is received by the end of the comment period. If an adverse comment is received the EPA will publish either: (1) A withdrawal of the immediate final decision, or (2) a document containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

The state will assume lead responsibility for issuing permits for those program areas authorized today. For those permits which will now change to state lead from the EPA, the EPA will transfer copies of any pertinent file information to the state. The EPA will suspend issuance of new permits under the provisions for which the state is being authorized on the effective date of this authorization. The EPA will be responsible for enforcing the terms and conditions of federally issued permits while they remain in force. When the state reissues federally issued permits as state permits, the EPA will rely on the state to enforce them.

C. Decision

I conclude that Missouri's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Missouri is granted final authorization to operate its hazardous waste programs as revised. Missouri now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Missouri also has primary enforcement responsibilities, although the EPA retains the right to conduct inspections under Section 3007 of RCRA and take enforcement actions under Sections 3008, 3013, and 7003 of RCRA.

D. Administrative Requirements

1. 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.''

2. Executive Order 12875

Under E.O. 12875, the 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 the EPA consults with those governments. If the EPA complies by consulting, E.O. 12875 requires the EPA to provide to the OMB a description of the extent of the 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, E.O. 12875 required the 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.

3. 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 the 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.

4. Executive Order 13084

Under E.O. 13084, Consultation and Coordination with Indian Tribal Governments, the 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 incurred by the tribal governments, or the EPA consults with those governments. If the EPA complies by consulting, E.O. 13084 requires the EPA to provide to the OMB, in a separately identified section of the preamble to the rule, a description of the extent of the 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 the 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.

5. 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.

The 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 the EPA. The EPA's authorization does not impose any significant additional burdens on these small entities. This is because the 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 EPA 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.

6. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, the 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 the private sector, of $100 million or more. Under Section 205, the 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 the 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 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.

7. 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.

8. 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 the 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 the 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, the EPA did not consider the use of any voluntary consensus standards.

9. 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. 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 today's **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 271

Environmental protection, administrative practice and procedure, confidential business information, hazardous materials transportation, hazardous waste, Indian lands, intergovernmental regulation, penalties, reporting and record keeping 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).

Dated: April 13, 1999.

William Rice,

Acting Regional Administrator, Region VII.

[FR Doc. 99–11037 Filed 5–3–99; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Parts 514 and 530

[Docket No. 98–30]

Service Contracts Subject to the Shipping Act of 1984

AGENCY: Federal Maritime Commission.

ACTION: Confirmation of interim final rule with changes.

SUMMARY: This rule confirms as final the Federal Maritime Commission's interim rule governing service contracts between shippers and ocean common carriers to implement changes made to the Shipping Act of 1984 (''Act'') by the Ocean Shipping Reform Act of 1998 (''OSRA''). The interim final rule implemented section 8(c) of the Act. The interim final rule is adopted as a final rule with certain changes. The final rule: revises the Commission's definition of ''motor vehicle'' in accordance with its regulation governing Carrier Automated Tariff Systems (Docket No.98–29); adds a limited exception to the filing requirements in cases of the Commission's electronic filing systems' malfunction; revises the requirements for registration for filing and cross-referencing for clarity; revises the regulation on ET publication to clarify where those for multiple carrier parties must appear; and carries forward certain exemptions from the requirements of the regulation which the Commission had granted in former part 514 of this chapter, but which had been inadvertently omitted from the interim final rule. The final rule also corrects a paragraph numbering error made in the section dealing with publication.

DATES: Effective May 1, 1999.

FOR FURTHER INFORMATION CONTACT:

Austin L. Schmitt, Director, Bureau of Tariffs, Certification and Licensing, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573–0001, (202) 523–5796

Thomas Panebianco, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573–0001, (202) 523–5740

SUPPLEMENTARY INFORMATION: On December 17, 1998, the Federal Maritime Commission (''Commission'' or ''FMC'') issued a notice of proposed rulemaking (''NPR'') to implement changes to the Shipping Act of 1984 (''Act'') mandated by the Ocean Shipping Reform Act of 1998 (''OSRA''), Pub. L. 105–258, 112 Stat. 1902, enacted on October 14, 1998. 63 FR 71062–71076 (December 23, 1998). On March 1, 1999, the Commission issued an interim final rule (''IFR''), removing 46 CFR part 514 and adding 46 CFR part 530, which made significant changes to the proposed rule. 64 FR 11186–11215 (March 8, 1999). The Commission held the interim final rule open for comment until April 1, 1999.

The Commission received comments on the IFR from: Wallenius Lines (''Wallenius''); Effective Tariff Management (''ETM''); Department of the Army, Military Traffic Management Command (''MTMC''); the United States Postal Service (''USPS''); the Council of European and Japanese National Shipowners' Associations (''CENSA''); the American Association of Exporters and Importers (''AAEI''); P&O Nedlloyd (''P&O''); the International Longshore and Warehouse Union, AFL–CIO (''ILWU''); the Ocean Carrier Working Group Agreement (''OCWG''); the National Industrial Transportation League (''NITL''); Sea-Land Service, Inc. (individually, concurring in the U.S. Industry Interests comments) (''Sea-Land''); E.I. du Pont de Nemours and Company (''DuPont''); and joint comments from American President Lines, Ltd., Sea-Land Service, Inc., Crowley Maritime Corporation, Farrell Lines Inc., Lykes Lines, Ltd., LLC, the Transportation Institute, the American Maritime Congress, and the Maritime Institute for Research and Industrial Development (''U.S. Industry Interests'').

A. General Comments

The comments generally agree with the Commission's re-assessment of the filing systems and the more innovative approach of the IFR.

B. Section 530.3(m)—Definitions—Motor Vehicle

The Commission received comments from Wallenius on the IFR's definition of ''motor vehicle.'' We adopt the same analysis as set forth in Docket No. 98–29, *Carrier Automated Tariff Systems* (46 CFR part 520) and, accordingly, revise the definition of ''motor vehicle.''

C. Section 530.4—Confidentiality

Section 530.4 of the IFR maintains that all service contracts filed with the Commission will be confidential; however, such confidentiality from the public does not preclude the Commission from providing service contract information to another agency of the Federal government. In order to address certain commenters' concerns about public disclosure of service contract information that could result from sharing such information with other Federal agencies, the Commission will require an agency requesting the information to enter a Memorandum of Understanding (''MOU'') with the Commission, stating that such information is necessary to its statutory functions and agreeing to protect the confidentiality of the information it receives.

MTMC and the U.S. Industry Interests are the only parties that filed comments on this section. MTMC states that it is the Army component of the United States Transportation Command. It is responsible for providing ocean and intermodal transportation services and