3. Section 136.3 is amended by adding new paragraph (40) to read as follows:

§ 136.3 Identification of test procedures.

(a) * * *

(b) * * *

* * * * *

(40) USEPA. 1999. Method 1631, Revision B, ''Mercury in Water by Oxidation, Purge and Trap, and Cold Vapor Atomic Fluorescence Spectrometry.'' May 1999. Office of Water, U.S. Environmental Protection Agency (EPA 821–R–99–005). Available from: National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161. Publication No. PB99–131989. Cost: $25.50. Table IB, Note 43.

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[FR Doc. 99–14220 Filed 6–7–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 239

[FRL–6354–7]

Adequacy of State Permit Programs Under RCRA Subtitle D

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to streamline the approval process for specified States permit programs for solid waste disposal facilities other than municipal solid waste landfills (MSWLFs) that receive conditionally exempt small quantity generator (CESQG) hazardous waste. States whose subtitle D MSWLF permit programs or subtitle C hazardous waste management programs have been reviewed and approved or authorized by the Agency are eligible for this streamlined approval process if their State programs require the disposal of CESQG hazardous waste in suitable facilities. EPA is issuing an adequacy determination to the following State programs: Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

Elsewhere in the proposed rule section of today's **Federal Register**, EPA is proposing the program adequacy of these States and soliciting comment on this decision. If relevant adverse comments are received, EPA will withdraw this direct final rule of program adequacy and address the comments in a subsequent final rule document. EPA will not give additional opportunity for comment. If EPA receives relevant adverse comment concerning the adequacy of only certain State programs, the Agency's withdrawal of the direct final rule will only apply to those State programs. Comments on the inclusion or exclusion of one State permit program will not affect the timing of the decision on the other State permit programs.

DATES: This final rule will become effective September 7, 1999, unless EPA receives relevant adverse comment by July 8, 1999. Should the Agency receive such relevant adverse comments, EPA will withdraw this direct final rule and give timely notice in the **Federal Register**.

ADDRESSES: Commenters must send an original and two copies of their comments referencing docket number F–98–SAPF–FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW, Washington, D.C. 20460. Hand deliveries of comments should be made to the Arlington, VA, address listed below. Comments may also be submitted electronically by sending electronic mail through the Internet to: rcra-docket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F–98–SAPF–FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, 401 M Street, SW, Washington, D.C. 20460.

Public comments are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling 703–603–9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost $0.15/page. For information on accessing paper and/or electronic copies of the document, see the **SUPPLEMENTARY INFORMATION** section.

Supporting materials for the final determination for Connecticut, Massachusetts, New Hampshire, Rhode Island, and Vermont are available for viewing by contacting Cynthia Greene, US EPA Region 1, 90 Canal Street, Boston, MA 02203, phone 617/565–3165.

Supporting materials for the final determination for New York are available for viewing by contacting John Filippelli, US EPA Region 2, 290 Broadway, New York, NY 10007–1866, phone 212/637–4125.

Supporting materials for the final determination for Pennsylvania, West Virginia, and Virginia are available for viewing by contacting Mike Giuranna, US EPA Region 3, 1650 Arch Street, Philadelphia, PA 19103–2029, phone 215/814–3298.

Supporting materials for the final determination for Florida, Georgia, Kentucky, North Carolina, and Tennessee are available for viewing by contacting Patricia Herbert, US EPA Region 4, Atlanta Federal Center, 61 Forsyth Street, Atlanta, GA 30303–3104, phone: 404/562–8449.

Supporting materials for the final determination for Illinois, Michigan, Minnesota, Ohio, and Wisconsin are available for viewing by contacting Mary Setnicar, US EPA Region 5, 77 West Jackson Blvd., Chicago, IL 60604–3590, phone 312/886–0976.

Supporting materials for the final determination for Louisiana and Oklahoma are available for viewing by contacting Willie Kelley, US EPA Region 6, 1445 Ross Avenue, Dallas, TX 75202–2733, phone: 214/665–6760.

Supporting materials for the final determination for Colorado, North Dakota, South Dakota, Utah, and Wyoming are available for viewing by contacting Gerald Allen, Region 8, US EPA 999 18th Street, Suite 500, Denver, CO 80202–2466, phone 303/312–7008.

Supporting materials for the final determination for Arizona and California are available for viewing by contacting Steve Wall, US EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105, phone 415/744–2123.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at 800 424–9346 or TDD 800/553–7672 (hearing impaired). In the Washington, D.C., metropolitan area, call 703/412–9810 or TDD 703/412–3323.

For information on specific aspects of this direct final rule, contact Allen Geswein, Municipal and Industrial Solid Waste Division of the Office of

Solid Waste (mail code 5306W), U.S. Environmental Protection Agency Headquarters, 401 M Street, SW., Washington, D.C. 20460; 703/308–7261, [GESWEIN.ALLEN@ EPAMAIL.EPA.GOV].

SUPPLEMENTARY INFORMATION: The official record for this action will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document.

EPA responses to comments, whether the comments are written or electronic, will be in a notice in the **Federal Register** as outlined in **DATES** above or in a response to comments document placed in the official record for this rulemaking. EPA will not immediately reply to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form, as discussed above.

A. Background

Section 4010(c) of the Resource Conservation and Recovery Act (RCRA) requires the U.S. Environmental Protection Agency (EPA) to revise the criteria for facilities that accept household hazardous waste and conditionally exempt small quantity generator (CESQG) hazardous waste or both. On October 9, 1991, EPA issued revised Criteria for Municipal Solid Waste Landfills (MSWLFs) (40 CFR part 258). MSWLFs typically receive both household hazardous waste and CESQG hazardous waste. On July 1, 1996, EPA issued the revised Criteria for Classification of Solid Waste Disposal Facilities and Practices to address solid waste disposal facilities other than MSWLFs that facilities receive CESQG waste (40 CFR part 257, subpart B).

RCRA section 4005, as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, requires States to develop permitting programs or other systems of prior approvals and conditions to ensure that solid waste disposal units that receive household hazardous waste and CESQG hazardous waste or both comply with the revised Federal criteria under part 257, subpart B. Section 4005 also requires EPA to determine the adequacy of State permit programs. To fulfill this need, the Agency issued the State Implementation Rule (SIR) on October 23, 1998 (63 FR 57026) to give a process for approving State municipal solid waste permit programs. The SIR specifies the needs that State MSWLF permit programs must satisfy to be determined adequate. The SIR also addresses the processes that should be used for approving State programs for non-MSWLFs that receive CESQG hazardous waste.

Throughout this document, the term ''approved State'' refers only to a State that has received approval for its MSWLF permit program under subtitle D (40 CFR part 258) and the term ''authorized State'' refers only to a State that has an authorized hazardous waste landfill permit program under subtitle C (40 CFR part 264). Today's final adequacy determination is intended to give a streamlined approval process to address, as a group, those State programs that require the disposal of CESQG hazardous waste in suitable facilities and whose subtitle D MSWLF permit programs or subtitle C hazardous waste management programs have been reviewed and approved or authorized by the Agency. Today's direct final rule notice applies to the following State programs: Arizona, California, Colorado, Connecticut, Florida, Georgia, Illinois, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, New Hampshire, New York, North Carolina, North Dakota, Oklahoma, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

Programs developed by these States for permitting either hazardous waste facilities or MSWLFs have been reviewed and approved or authorized by the Agency. The regulatory programs are more comprehensive and are equal to or more stringent than the part 257, subpart B criteria.

The Agency has determined that the above States have submitted the documentation that would have been needed for the determination of permit program adequacy under 40 CFR part 257, subpart B. Further, the Agency has determined that the technical review conducted for either ''approval'' of MSWLF permitting programs or ''authorization'' of hazardous waste permitting programs can substitute for the technical review of the standards for 40 CFR part 257, subpart B and their implementation by the States.

The States that are today receiving a final determination of adequacy had previously submitted documentation of State statutory authorities and requirements that regulate solid waste disposal units that may receive CESQG waste. Each State has sent a letter requesting EPA's determination of permit program adequacy under subtitle C or subtitle D, as appropriate. Each State has submitted a written statement from the State Attorney General certifying that the laws, regulations, and guidance cited in the State's submission would be fully enacted and fully effective when the ''authorization'' or ''approval'' of the permit program became effective. The State legal certification served as the foundation for ensuring that the State permit program or other system of prior approvals and conditions had adequate authority to ensure compliance with the hazardous waste or MSWLF regulations, as appropriate. This certification could have been signed by the independent legal counsel for the State, rather than the Attorney General, provided that such counsel had the full authority to represent independently the lead State Agency in court on all matters pertaining to the State program.

The technical requirements for part 257, subpart B are location restrictions, ground-water monitoring, corrective action, and recordkeeping requirements. These requirements have been met by the State programs listed in today's final determination.

Today's determination includes ''authorized'' States that have laws, regulations, or guidance in place requiring that CESQG hazardous waste be managed in a RCRA subtitle C facility (see 61 FR 34264). These ''authorized'' States are California, Colorado, Connecticut, Florida, Georgia, Illinois, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, New Hampshire, North Carolina, North Dakota, Oklahoma, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, West Virginia, Wisconsin, and Wyoming. Arizona, Virginia, and New York are ''approved'' States that require CESQG waste to be disposed of in a MSWLF meeting or exceeding the requirements of 40 CFR part 258 (see 61 FR 34264). For all cases, the State regulations have been reviewed by EPA, found to be equal to or more stringent than 40 CFR part 257, subpart B and approved. Most State program regulations contain additional requirements and are more stringent.

The States covered by today's approval have permit programs or other systems of prior approval for all waste disposal units that may receive CESQG hazardous waste in their jurisdictions. These States provide for public participation in permit issuance and enforcement as specified in the SIR rule. Finally, EPA believes that these States have sufficient compliance monitoring and enforcement authorities to take action against any owner or operator that fails to comply with regulations applicable to waste disposal units that may receive CESQG hazardous waste.

B. Decision

After reviewing the States' previous submissions for approval under subtitle D (40 CFR part 258) and authorization under subtitle C (40 CFR part 264), the Agency concludes that the above States meet all of the statutory and regulatory requirements established by RCRA. Accordingly, the above States are granted a final determination of adequacy for all portions of their permit program for solid waste disposal units that may receive CESQG hazardous waste.

RCRA section 4005(a) provides that citizens may use the citizen suit provisions of RCRA section 7002 to enforce the Federal Criteria for Classification of Solid Waste Disposal Facilities and Practices in 40 CFR part 257, subpart B independent of any State enforcement program. As explained in the preamble to 40 CFR part 257, subpart B, EPA expects that any owner or operator complying with the provisions of a State program approved by EPA that requires that CESQG hazardous waste be disposed of in either a subtitle C facility or a subtitle D MSWLF would be in compliance with the Federal Criteria. See 61 FR 34264 (July 1, 1996).

In the future, approval for State permit programs for non-MSWLF units that accept CESQG hazardous waste and meet the 40 CFR part 257, subpart B requirements, will follow the procedures outlined in the SIR and will be done on an individual State basis.

Today's action will become effective ninety (90) days from the date of publication if no adverse comments are received.

Related Acts of Congress and Executive Orders

We have evaluated these streamlined approvals in relation to a number of statutory provisions and executive orders which apply to rules. These evaluations are summarized below, and further analysis and explanation can be found in the proposed rule published elsewhere in todays **Federal Register**.

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether a 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. 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 (SBREFA) 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). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. The following discussion explains EPA's determination. This rule does not impose any new burdens on small entities. It merely confirms existing needs for the disposal of CESQG waste under state law. This proposal does not impose any new cost burdens. I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities. This rule, therefore, does not need a regulatory flexibility analysis.

C. The Paperwork Reduction Act

Today's final rule is in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* We found that no information is being collected from the States for this direct final rule, so we do not need to prepare an Information Collection Request (ICR).

D. The Unfunded Mandates Reform Act

The Agency's analysis of compliance with UMRA found that today's direct final rule imposes no enforceable duty on any State, local or tribal governments or the private sector; thus today's rule is not subject to the requirements of sections 202 and 205 of UMRA.

E. Executive Order 13045

This rule is not subject to Executive Order 13045 because it is not an economically significant rule as defined by E.O. 12866, and because it does not involve decisions based on environmental health or safety risks.

F. National Technology Transfer and Advancement Act

This direct final rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

G. Executive Order 12875

Today's direct final 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 Executive Order 12875 do not apply to this rule.

H. Executive Order 13084

Today's direct final rule does not significantly or uniquely affect the communities of Indian tribal governments. There is no impact to tribal governments as the result of the State plan approvals. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

I. Executive Order 12898: Environmental Justice

EPA is committed to addressing environmental justice concerns and is assuming a leadership role in environmental justice initiatives to enhance environmental quality for all residents of the United States. The Agency's goals are to ensure that no segment of the population, regardless of race, color, national origin, or income bears disproportionately high and adverse human health and environmental effects as a result of EPA's policies, programs, and activities, and all people live in clean and sustainable communities.

The Agency does not believe that today's direct final rule granting State permit program approval will have a disproportionately high and adverse environmental or economic impact on any minority or low-income group, or on any other type of affected community.

J. The Congressional Review Act

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**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective September 7, 1999.

Authority: This document is issued under the authority of section 4005 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6946.

Dated: May 28, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–14347 Filed 6–7–99; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 8, 31, 71, 91, and 107

[USCG–1999–5004]

RIN 2115–AF74

Alternate Compliance Program; Incorporations by Reference

AGENCY: Coast Guard, DOT.

ACTION: Direct final rule.

SUMMARY: By this direct final rule, the Coast Guard is amending part 8 of Title 46, Code of Federal Regulations, to add recently approved incorporations by reference. We also insert the address and telephone numbers of the Coast Guard office identified in several parts as the source for additional information to facilitate our Alternate Compliance Program. This rule makes no substantive changes to current regulations. It enables continuation of the Alternate Compliance Program (ACP), which was developed to reduce redundant vessel inspections without jeopardizing safety. The final rule on the ACP was published in the **Federal Register** (62 FR 67526) on December 24, 1997.

DATES: This rule is effective on September 7, 1999, unless a written adverse comment, or written notice of intent to submit an adverse comment, reaches the Docket Management Facility on or before August 9, 1999. If an adverse comment, or notice of intent to submit an adverse comment, is received, the Coast Guard will withdraw this direct final rule and publish a timely notice of withdrawal in the **Federal Register**.

ADDRESSES: You may mail your comments to the Docket Management Facility, (USCG–1999–5004), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington DC 20590–0001, or deliver them to room PL–401 on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329. The Docket Management Facility maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, contact Jaideep Sirkar, Naval Architecture Division (G–MSE–2), via: E-mail jsirkar@comdt.uscg.mil; telephone (202) 267–6925; or fax (202) 267–4816. For questions on viewing, or submitting material to, the docket, contact Carol Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their names and addresses, identify this rulemaking (USCG–1999–5004) and the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing to the Docket Management Facility at the address under **ADDRESSES.** Persons wanting acknowledgment of receipt of comments should enclose stamped, self-addressed postcards or envelopes.

Regulatory Information

The Coast Guard is publishing a direct final rule, the procedures of which are outlined in 33 CFR 1.05–55, because no adverse comment is anticipated. If no adverse comment or written notice of intent to submit an adverse comment is received within the specified comment period, this rule will become effective as stated in the **DATES** section. In that case, approximately 30 days before the effective date, the Coast Guard will publish a document in the **Federal Register** stating that no adverse comment was received and confirming that this rule will become effective as scheduled. However, if the Coast Guard receives a written adverse comment or written notice of intent to submit an adverse comment, the Coast Guard will publish a document in the **Federal Register** announcing withdrawal of all or part of this direct final rule. If an adverse comment applies to an amendment, paragraph, or section of this rule and it is possible to remove that provision without defeating the purpose of this rule, the Coast Guard may adopt as final those parts of this rule on which no adverse comment was received. The provision of this rule that was the subject of an adverse comment will be withdrawn. If the Coast Guard decides to proceed with a rulemaking following receipt of an adverse comment, the Coast Guard will publish a separate Notice of Proposed Rulemaking (NPRM) and provide a new opportunity for comment. A comment is considered ''adverse'' if the comment explains why this rule would be inappropriate, including a challenge to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change.

Background and Purpose

Under regulations in 46 CFR parts 8, 31, 71, 91, and 107, owners and operators may submit their vessels for inspection by a recognized classification society. The classification society surveys such vessels and documents compliance with applicable international requirements, class rules, and its U.S. supplement. The cognizant U.S. Coast Guard Officer in Charge, Marine Inspection, may then issue certificates of inspection based upon classification society reports documenting vessels are classed and that they comply with all applicable requirements.

Discussion of Rule

This rule does not change any substantive requirements of existing regulations. The purpose of this