Management Division, Office of Ground Water and Drinking Water (MC–4607), U.S. Environmental Protection Agency, 401 M Street, SW, Washington DC 20460, (202) 260–7084. General information may also be obtained from the EPA Safe Drinking Water Hotline. Callers within the United States may reach the Hotline at (800) 426–4791. The Hotline is open Monday through Friday, excluding federal holidays, from 9:00 a.m. to 5:30 p.m. Eastern Time.

Correction

In the proposed rule FR Doc. 99–10001, beginning on page 23398 in the issue of April 30, 1999, make the following corrections on page 23454:

§ 141.40 [Corrected]

1. In column one, in § 141.40(a)(4)(i)(A), the reference ''paragraph (e)'' is corrected to read ''paragraph (a)(5)''.
2. In column one, in § 141.40(a)(4)(ii), the reference ''paragraph (d)(1)'' is corrected to read ''paragraph (a)(4)(i)''.
3. In column one, in § 141.40(a)(4)(iii) introductory text, the reference ''paragraph (d)(1)'' is corrected to read ''paragraph (a)(4)(i)''.
4. In column three, in § 141.40(a)(5)(ii) introductory text, the reference ''paragraph (e)(1)'' is corrected to read ''paragraph (a)(5)(i)''.

Dated: May 28, 1999.

J. Charles Fox,

Assistant Administrator for Water.

[FR Doc. 99–14353 Filed 6–7–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 239

[FRL–6354–6]

Adequacy of State Permit Programs Under RCRA Subtitle D

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing 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 Final Rule section of today's **Federal Register**, EPA is issuing a direct final rule that sets forth the Agency's determination of program adequacy which will be effective in ninety (90) days. EPA views this as a noncontroversial action that declares that specific State programs for disposal of CESQG waste meet all of the statutory and regulatory needs set up under RCRA. Thus, we expect no adverse comments. A detailed rationale for this decision is in the preamble to the final rule notice of program adequacy. If no relevant adverse comments are received in response to the direct final rule, no further action is needed on this document. If EPA receives relevant adverse comments, EPA will withdraw the direct final rule and discuss the comments in a later final rule. This is your only chance to 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: Comments on today's proposed rule must be submitted on or before July 8, 1999.

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 9:00 a.m. to 4:00 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. More copies cost $0.15/page. For information on accessing paper and electronic copies of the document or both, see the Supplementary Information section.

Supporting materials for the proposed rule relating to the programs 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 proposed rule relating to the program 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 proposed rule relating to the program for Pennsylvania, Virginia and West 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 proposed rule relating to the programs 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 proposed rule relating to the programs 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 proposed rule relating to the programs 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 proposed rule relating to the programs for Colorado, North Dakota, South Dakota, Utah, and Wyoming are available for viewing by contacting Gerald Allen, US EPA 999, Region 8, 18th Street, Suite 500, Denver, CO 80202–2466, phone 303/312–7008.

Supporting materials for the proposed rule relating to the programs 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 proposed 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. So, 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 kept 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.

Background

As set out in detail in the related direct final rule, EPA has decided that specific State permit programs for facilities receiving CESQG waste meet the needs for program approval under RCRA section 4005(c)(1)(C). Today's 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 revised criteria for facilities receiving CESQG hazardous waste. The Agency has found that the above States have already submitted the documentation that would have been needed for the determination of permit program adequacy under RCRA section 4005(c)(1)(C). Further, the Agency has found that the technical review conducted for either ''approval'' or ''authorization'' can substitute for the technical review of the standards for 40 CFR part 257, subpart B.

Additional Information

For more information, see the corresponding direct final rule published elsewhere in the rule section of this **Federal Register**. If you wish to comment, you should review the preamble discussion in that section of today's **Federal Register**.

Related Acts of Congress and Executive Orders

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 proposal 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 proposed rule, so we do not need to prepare an Information Collection Request (ICR).

D. The Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205

of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The Agency's analysis of compliance with UMRA found that today's proposed 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

''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 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 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

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 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 EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This proposed rulemaking does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

G. Executive Order 12875

Under Executive Order 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, any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 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 proposed 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

Under Executive Order 13084, 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 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 proposed 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 proposed 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.

Authority: This proposed rule is issued under the authority of sections 2002 and 4005 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912 and 6945.

Dated: May 28, 1999.

Carol M. Browner,

Administrator.

[FR Doc. 99–14348 Filed 6–7–99; 8:45 am]

BILLING CODE 6560–50–U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 1815

NASA Structured Approach for Profit or Fee Objective

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: This proposed NASA FAR Supplement (NFS) revision modifies the agency's structured approach for developing a profit or fee objective. This change eliminates the element of cost approach currently prescribed for establishing profit and fee objectives and focuses on performance risk analysis which requires the evaluation of specific technical, management and cost risk factors; provides a new method for determining contract type risk and introduces a working capital adjustment provision; and retains with modification the Other Considerations factor contained in the structured approach currently prescribed. The new form for developing the profit/fee objectives, NASA Form 634, is provided for information at the end of the proposed rule as an attachment to the preamble. An electronic version is also available at http://ec.msfc.nasa.gov/hq/library/NF634-2.xlc.

DATES: Comments should be submitted on or before August 9, 1999.

ADDRESSES: Interested parties should submit written comments to Donna Fortunat, NASA Headquarters, Office of Procurement, Analysis Division (Code HC), Washington, DC 20546. Comments may also be submitted by e-mail to donna.fortunat@hq.nasa.gov.

FOR FURTHER INFORMATION CONTACT: Donna Fortunat, NASA Headquarters, Code HC, Washington, DC 20546, telephone: (202) 358–0426; email: donna.fortunat@hq.nasa.gov.

SUPPLEMENTARY INFORMATION:

Background

FAR 15.404–4(b)(1)(i) requires agencies to use a structured approach for determining profit or fee prenegotiation objectives. This proposed revision to the NASA structured approach method uses a performance risk method for calculating profit and fee objectives instead of the currently used cost element approach. The revised approach is expected to provide more appropriate emphasis on the nature of the goods and services being acquired and on the risks inherent in delivering those goods and services and thereby prove to be more effective in motivating and rewarding contractor performance. In addition, the revised policy provides a common framework for NASA and industry to evaluate potential risk and profitability in a way that is relevant to both parties. FAR 15.404–4(b)(2) permits agencies to use another agency's structured approach and the changes in this revised policy represent an Agency adaptation of DoD's alternate structured approach.

Impact

Regulatory Flexibility Act

An initial Regulatory Flexibility Analysis has not been prepared because the proposed change is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* Most small entities receive contracts based on competition and are not subject to the structured fee process.

Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the NFS do not impose any recordkeeping or information collection requirements, or collections of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in CFR Part 1815

Government Procurement

Tom Luedtke,

Acting Associate Administrator for Procurement.

Accordingly, 48 CFR Part 1815 is proposed to be amended as follows:

PART 1815—CONTRACTING BY NEGOTIATION

1. The authority citation for 48 CFR Part 1815 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

2. Sections 1815.404–4, 1815.404–470, and 1815.404–471 are revised and sections 1815.404–471–1, 1815.404–471–2, 1815.404–471–3, 1815.404–471–4, and 1815.404–471–5 are added to read as follows:

1815.404–4 Profit. (NASA supplements paragraphs (b) and (c))

(b)(1)(i)*(a)* The NASA structured approach for determining profit or fee objectives, described in 1815.404–471 shall be used to determine profit or fee objectives in the negotiation of contracts greater than or equal to $100,000 that use cost analysis and are:

(1) Awarded on the basis of other than full and open competition (see FAR 6.3);

(2) Awarded under NASA Research Announcements (NRAs) and Announcements of Opportunity (AO's); or

(3) Awarded under the Small Business Innovative Research (SBIR) or the Small Business Technology Transfer Research (STTR) programs.

(b) The rate calculated for the basic contract may be used on all actions under the contract, provided that conditions affecting profit or fee do not change.

(c) Although specific agreement on the applied weights or values for individual profit or fee factors shall not be attempted, the contracting officer may encourage the contractor to—

(1) Present the details of its proposed profit amounts in the structured approach format or similar structured approach; and

(2) Use the structured approach method in developing profit or fee objectives for negotiated subcontracts.

(ii) The use of the NASA structured approach for profit or fee is not required for:

(a) Architect-engineer contracts;

(b) Management contracts for operation and/or maintenance of Government facilities;

(c) Construction contracts;

(d) Contracts primarily requiring delivery of materials supplied by subcontractors;

(e) Termination settlements; and

(f) Contracts having unusual pricing situations when the procurement officer determines in writing that the structured approach is unsuitable.

(c)(2) Contracting officers shall document the profit or fee analysis in the contract file.

1815.404–470 NASA Form 634.

NASA Form (NF) 634 shall be used in performing the analysis necessary to develop profit or fee objectives.

1815.404–471 NASA structured approach for profit or fee objective.

1815.404–471–1 General.

(a) The structured approach for determining profit or fee objectives (NF 634) focuses on three profit factors:

(1) Performance risk;

(2) Contract type risk including working capital investment; and

(3) Other Considerations which may be considered by the contracting officer to account for special circumstances