brought into, or manufactured in the United States prior to April 24, 1996, by or on behalf of any agency of the United States performing a military or police function (including any military reserve component) or by or on behalf of the National Guard of any State, not later than 15 years after the date of entry into force of the Convention on the Marking of Plastic Explosives with respect to the United States, *i.e.*, not later than June 21, 2013.

(d) * * *

(2) ''Date of entry into force'' of the Convention on the Marking of Plastic Explosives means that date on which the Convention enters into force with respect to the U.S. in accordance with the provisions of Article XIII of the Convention on the Marking of Plastic Explosives. The Convention entered into force on June 21, 1998.

* * * * *

Signed: February 10, 1999.

**John W. Magaw,**

*Director.*

Approved: March 10, 1999.

**John P. Simpson,**

*Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).*

[FR Doc. 99–26771 Filed 10–13–99; 8:45 am]

**BILLING CODE 4810–31–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 271

**[FRL–6453–2]**

## Georgia: Final Authorization of State Hazardous Waste Management Program Revision

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Immediate final rule.

**SUMMARY:** Georgia has applied for Final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Georgia's revision consists of provisions promulgated between July 1, 1996 and June 30, 1997. The EPA has reviewed Georgia's application and determined that its hazardous waste program revision satisfies all of the requirements necessary to qualify for Final authorization. EPA is authorizing the state program revision through this immediate final action. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial action and does not anticipate adverse comments. However, in the proposed rules section of this **Federal Register**, EPA is publishing a separate document that will serve as a proposal to authorize the revision should the Agency receive adverse comment. Unless EPA receives adverse written comments during the review and comment period, the decision to authorize Georgia's hazardous waste program revision will take effect as provided below.

**DATES:** This Final authorization for Georgia will become effective without further notice on December 13, 1999, unless EPA receives adverse comment by November 15, 1999. Should EPA receive such comments the Agency will publish a timely withdrawal informing the public that the rule will not take effect.

**ADDRESSES:** Send written comments to Narindar Kumar, Chief, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA, 30303–3104; (404) 562–8440. Copies of the Georgia program revision application and the materials which EPA used in evaluating the revision are available for inspection and copying during normal business hours at the following addresses: Georgia Department of Natural Resources, Environmental Protection Division, Floyd Towers East, Room 1154, 205 Butler Street, SE., Atlanta, Georgia 30334; and U.S. EPA Region 4, Library, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303; (404) 562–8190.

**FOR FURTHER INFORMATION CONTACT:** Narindar Kumar, Chief, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA, 30303–3104; (404) 562–8440.

**SUPPLEMENTARY INFORMATION:**

### A. Background

States with final authorization under Section 3006(b) of the 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 EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

### B. Georgia

Georgia initially received final authorization on August 7, 1984, effective August 21, 1984, (49 FR 31417) to implement its base hazardous waste management program. Georgia most recently received authorization for revisions to its program on September 18, 1998, effective November 17, 1998, (63 FR 49852). On October 27, 1998, Georgia submitted a final complete program revision application, seeking authorization of its program revision in accordance with 40 CFR 271.21. The EPA reviewed Georgia's application and now makes an immediate final decision, subject to receipt of adverse written comment, that Georgia's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final Authorization. Consequently, EPA intends to grant Georgia Final Authorization for the program modifications contained in the revision.

Today, Georgia is seeking authority to administer the following Federal requirements promulgated between July 1, 1996 through June 30, 1997:

| Federal Requirement | Federal Register date and page | Analogous State authority [1] |
|---|---|---|
| Conditionally Exempt Small Quantity Generator Disposal Options under Subtitle D; Checklist 153. | 7/1/96, 61 FR 34278 ..... | GHWMA, O.C.G.A. §§ 12–8–62(10) and (12), 12–8–64(1)(A)(B), (D), (E), (I) and (K), 12–8–65(a)(16) and (21); Rule 391–3–11–.07(1). |
| Consolidated Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers; Checklist 154. | 12/6/94, 59 FR 62926; 5/19/95, 60 FR 26828; 9/29/95, 60 FR 50428; 11/13/95, 60 FR 56953; 2/9/96, 61 FR 4911; 6/5/96, 61 FR 28509; 11/25/96, 61 FR 59950. | GHWMA, O.C.G.A. §§ 12–8–64(1)(A), (B), (C), (D), (E), and (F), 12–8–65(a)(3), (16) and (21), 12–8–66; Rules 391–3–11–.02(1), 391–3–11–.07(1), 391–3–11–.08(1), 391–3–11–.10(1) and (2), and 391–3–11–.11(3)(h) and (5)(f); Georgia Quality Air Act, O.C.G.A. § 12–9–1 *et seq.*, at O.C.G.A. § 12–9–5–(b)(1) and (3); Rules for Air Quality Control, Chapter 391–3–1, at Rule 391–3–1–.01(nnnn) effective June 15, 1998. |

| Federal requirement | Federal Register date and page | Analogous State authority [1] |
|---|---|---|
| Land Disposal restrictions Phase III—Emergency Extension of the KO88 Capacity Variance; Checklist 155. | 1/14/97, 62 FR 1997 | GHWMA, O.C.G.A. §§ 12–8–62(14), 12–8–64(1)(A), (B), (D), (F), and (I), 12–8–65(a)(16) and (21); Rule 391–3–11–.16. |
| Military Munitions Rule: Hazardous Waste Identification and Management; Explosives Emergencies; Manifest Exemption for Transport of Hazardous waste on Right-of-Ways on Contiguous Properties; Checklist 156. | 2/12/97, 62 FR 6650 | GHWMA, O.C.G.A. §§ 12–8–62(10), (16), (20), 12–8–64(1)(A), (B), (C), (D), (E), (F), (G), and (I), 12–8–65(a)(16) and (21), 12–8–66, 12–8–67, 12–8–75; Rules 391–3–11–.02(1), 391–3–11–.07(1), 391–3–11–.08(1), 391–3–11–.09, 391–3–11–.10(1), 391–3–11–.10(2), 391–3–11–.10(3), 391–3–11–.11(1)(a), 391–3–11–.11(7)(d). |
| Land Disposal Restrictions Phase IV—Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining; Checklist 157. | 5/12/97, 62 FR 26018 | GHWMA, O.C.G.A. §§ 12–8–62(10), (13), (14), (20), (23), 12–8–64(1)(A), (B), (D), (E), (F), (I), (J), (K), (L), 12–8–65(a)(16) and (21), (25); Rules 391–3–11–.07(1), 391–3–11–.16. |
| Testing and Monitoring Activities Amendment III; Checklist 158. | 6/13/97, 62 FR 32462 | GHWMA, O.C.G.A. §§ 12–8–62(9), (10), and (13), 12–8–64(1)(A), (D), and (F), 12–8–65(a)(16) and (21); Rules 391–3–11–.02(1), 391–3–11–.10(1), (2), (3). |
| Conformance with the Carbamate Vacatur; Checklist 159. | 6/17/97, 62 FR 32977 | GHWMA, O.C.G.A. §§ 12–8–62(9), (10), (14), (20) and (23), 12–8–64(1)(A), (B), (D), (F) and (I), 12–8–65(a)(16) and (21); Rule 391–3–11.07(1) and 391–3–11–.16. |

[1] The Georgia provisions are from the Georgia Hazardous Waste Management Regulations effective September 26, 1985 and recently revised December 24, 1997.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Georgia is not authorized to operate the federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

EPA is publishing this rule without prior proposal because we view this as a noncontroversial program revision and do not anticipate adverse comment. However in the ''Proposed Rules'' section of today's **Federal Register**, we are publishing a separate document that will serve as the proposal to authorize the revision if we receive adverse comments. This authorization will become effective without further notice on December 13, 1999, unless EPA receives adverse comment by November 15, 1999. Should EPA receive such comments it will publish a timely withdrawal informing the public that the rule will not take effect. We will address all public comments in a subsequent final action based on the proposed rule. EPA may not provide additional opportunity for comment. Any parties interested in commenting must do so at this time.

The public may submit written comments on EPA's immediate final decision until November 15, 1999. Copies of Georgia's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document. The **ADDRESSES** section also indicates where to send written comments on this action.

### C. Decision

I conclude that Georgia's application for program revision authorization meets all of the statutory and regulatory requirements established by RCRA. Accordingly, EPA grants Georgia Final Authorization to operate its hazardous waste program as revised. Georgia now has responsibility for permitting treatment, storage, and disposal facilities within its borders (except in Indian country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of HSWA. Georgia also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA, and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

### D. Codification in Part 272

The EPA uses 40 CFR part 272 for codification of the decision to authorize Georgia's program and for incorporation by reference of those provisions of its statutes and regulations that EPA will enforce under sections 3008, 3013 and 7003 of RCRA. EPA reserves amendment of 40 CFR part 272, subpart II until a later date.

### 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.

EPA has determined that section 202 and 205 requirements do not apply to today's action because this rule does not contain a Federal mandate that may result in annual expenditures of $100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the Georgia program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of State programs generally may reduce, not increase, compliance costs for the private sector. Further, as it applies to the State, this action does not impose a Federal intergovernmental mandate because UMRA does not include duties arising from participation in a voluntary federal program.

The requirements of section 203 of UMRA also do not apply to today's action because this rule contains no regulatory requirements that might significantly or uniquely affect small governments. Although small governments may be hazardous waste generators, transporters, or own and/or operate TSDFs, they are already subject to the regulatory requirements under the existing State laws that are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

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

**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).

**Compliance With Executive Order 12866**

The Office of Management and Budget has exempted this rule from the requirements of Executive Order 12866.

**Compliance With 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 with 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 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.''

This rule does not create a mandate on State, local, or tribal governments. The rule does not impose any enforceable duties on these entities. The State administers its hazardous waste program voluntarily, and any duties on other State, local, or tribal governmental entities arise from that program, not from this action. Accordingly, the requirements of Executive Order 12875 do not apply to this rule.

**Compliance With Executive Order 13045**

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks,'' applies to any rule that: (1) the Office of Management and Budget determines is ''economically significant'' as defined under Executive Order 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 E.O. 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.

**Compliance With 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 with 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.''

This rule is not subject to E.O. 13084 because it does not significantly or uniquely affect the communities of Indian tribal governments. Georgia is not authorized to implement the RCRA hazardous waste program in Indian country. This action has no effect on the hazardous waste program that EPA implements in Indian country within the State.

### 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.

### 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 action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Incorporation by reference, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

**Authority:** This action 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).

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 99–26191 Filed 10–13–99; 8:45 am]

BILLING CODE 6560–50–P

## DEPARTMENT OF DEFENSE

### 48 CFR Part 209

**[DFARS Case 98–D304]**

### Defense Federal Acquisition Regulation Supplement; Congressional Medal of Honor

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** The Director of Defense Procurement is adopting as final, without change, an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS). The rule implements Section 8118 of the National Defense Appropriations Act for Fiscal Year 1999. Section 8118 prohibits the award of a contract to, extension of a contract with, or approval of the award of a subcontract to any entity that, within the past 15 years, has been convicted of the unlawful manufacture or sale of the Congressional Medal of Honor.

**EFFECTIVE DATE:** October 14, 1999.

**FOR FURTHER INFORMATION CONTACT:** Ms. Amy Williams, Defense Acquisition Regulations Council, PDUSD (A&T) DP(DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0288; telefax (703) 602–0350. Please cite DFARS Case 98–D304.

**SUPPLEMENTARY INFORMATION:**

### A. Background

DoD published an interim rule at 64 FR 31732 on June 14, 1999, to implement Section 8118 of the National Defense Appropriations Act for Fiscal Year 1999 (Public Law 105–262). DoD received no public comments on the interim rule. The interim rule is converted to a final rule without change.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

### B. Regulatory Flexibility Act

DoD certifies that this final rule will not 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.*, because the rule applies only to entities that have been convicted of the unlawful manufacture or sale of the Congressional Medal of Honor.

### C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

### List of Subjects in 48 CFR Part 209

Government procurement.

**Michele P. Peterson,**

*Executive Editor, Defense Acquisition Regulations Council.*

### Interim Rule Adopted as Final Without Change

Accordingly, the interim rule amending 48 CFR part 209, which was published at 64 FR 31732 on June 14, 1999, is adopted as a final rule without change.

[FR Doc. 99–26642 Filed 10–13–99; 8:45 am]

BILLING CODE 5000–04–M

## DEPARTMENT OF DEFENSE

### 48 CFR Parts 211, 214, and 252

**[DFARS Case 99–D023]**

### Defense Federal Acquisition Regulation Supplement; Brand Name or Equal Purchase Descriptions

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** The Director of Defense Procurement has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to remove policy pertaining to use of brand name purchase descriptions. Policy on this subject has been incorporated into the Federal Acquisition Regulation (FAR).

**EFFECTIVE DATE:** October 14, 1999.

**FOR FURTHER INFORMATION CONTACT:** Ms. Melissa Rider, Defense Acquisition Regulations Council, PDUSD (A&T) DP (DAR), IMD 3D139, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–4245; telefax (703) 602–0350. Please cite DFARS Case 99–D023.

**SUPPLEMENTARY INFORMATION:**

### A. Background

This final rule removes the policy at DFARS 211.207–1 and 211.270–2, and the solicitation provision at DFARS 252.211–7003, pertaining to use of ''brand name or equal'' purchase