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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 22 and 59

[FRL-6010-2]

RIN 2020-AA13

Reopening of Public Comment Period for Proposed Revisions of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; reopening of comment period.

SUMMARY: EPA is reopening the comment period for the proposed rule entitled "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" that was published in the **Federal Register** of February 25, 1998. Several commenters requested additional time to analyze the proposed changes. In response, the Agency is reopening the comment period. The original comment period closed April 27, 1998.

DATES: Written comments must be submitted on or before June 5, 1998.

ADDRESSES: Comments should be submitted in writing to Enforcement and Compliance Docket and Information Center (2201A), Office of Enforcement and Compliance Assurance, Office of Regulatory Enforcement, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460 or via electronic mail to crop-comments@epamail.epa.gov. Comments submitted on paper must be submitted in triplicate.

EPA will make available, both in paper form and on the internet, a record of comments received in response to this document. The official docket will be a paper record of all comments received in writing or by electronic mail. This record may be reviewed at room 4033 of the Ariel Rios Federal Building, 1200 Pennsylvania Avenue, N.W., Washington, DC 20044. Persons interested in reviewing the comments must make advance arrangements to do so by calling 202-564-2614. A reasonable fee may be charged by EPA

for copying docket materials. The Agency also will publish a copy of the official docket on the Office of Enforcement and Compliance Assurance's internet home page at <http://www.epa.gov/oeca/regstat2.html>. The Agency intends that this internet docket should duplicate the official paper record, however, if technological or resource limitations make it infeasible to include one or more comments on the internet docket, the internet docket will identify those comments available only in the official paper docket.

FOR FURTHER INFORMATION CONTACT: Scott Garrison (202-564-4047), Office Enforcement and Compliance Assurance, Office of Regulatory Enforcement (2248A), U.S. Environmental Protection Agency, Washington, D.C. 20460.

List of Subjects

40 CFR Part 22

Environmental protection, Administrative practice and procedure.

40 CFR Part 59

Environmental protection, Administrative practice and procedure, Rules governing hearings on field citations.

Dated: April 28, 1998.

Eric V. Schaeffer,

Director, Office of Regulatory Enforcement, Office of Enforcement and Compliance Assurance.

[FR Doc. 98-12034 Filed 5-5-98; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261 and 279

[FRL-5969-3]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Today's proposal would eliminate errors and clarify ambiguities in the used oil management standards. Today's proposal, if promulgated, would make clear when used oil contaminated with polychlorinated biphenyls (PCBs) is regulated under the used oil management standards and when it is not, that the requirements applicable to releases of used oil apply in States that are not authorized for the RCRA base program, that mixtures of

conditionally exempt small quantity generator (CESQG) wastes and used oil are subject to the used oil management standards irrespective of how that mixture is to be recycled, and that the initial marketer of used oil that meets the used oil fuel specification need only keep a record of a shipment of used oil to the facility to which the initial marketer delivers the used oil. Today's proposal would also amend three incorrect references to the pre-1992 used oil specifications in the provisions which address hazardous waste fuel produced from, or oil reclaimed from, oil bearing hazardous wastes from petroleum refining operations.

In the Final Rules section of today's **Federal Register**, the U.S. Environmental Protection Agency (EPA) is also publishing a parallel direct final rule containing identical amendments which will become effective unless relevant adverse comments are received in response to this rulemaking. For more information on the direct final rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

DATES: Comments on this proposed rule must be received on or before June 5, 1998 and notice of intent to file adverse comments must be received on or before May 20, 1998.

ADDRESSES:

Intent To Submit Comments

Persons wishing to notify EPA of their intent to submit adverse comments on this action should contact Alex Schmandt by mail at Office of General Counsel (2366), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, by phone at (202) 260-1708, by fax at (202) 260-0584, or by Internet e-mail at schmandt.alex@epamail.epa.gov.

Submitting Comments

Commenters must send an original and two copies of their comments referencing docket number F-98-CUOP-FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address below. Comments may also be submitted electronically through the Internet to: rcra-docket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F-98-CUOP-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 any confidential business information (CBI) electronically. 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. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Viewing Docket Materials

Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The Docket Identification Number is F-98-CUOP-FFFFF. 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. The index and some supporting materials are available electronically. See the SUPPLEMENTARY INFORMATION section for information on accessing them.

FOR FURTHER INFORMATION CONTACT:

RCRA Hotline. For general information, contact the RCRA Hotline at (800) 424-9346 or TDD (800) 553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call (703) 412-9810 or TDD (703) 412-3323.

Rulemaking Details. For more detailed information on specific aspects of this rulemaking, contact Tom Rinehart by mail at Office of Solid Waste (5304W), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, by phone at (703) 308-4309, or by Internet e-mail at rinehart.tom@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Direct Final Rulemaking Process

In the Final Rules Section of today's **Federal Register**, EPA is issuing a direct final rule with identical amendments which will become effective unless relevant adverse comments are received in response to this rulemaking. If relevant adverse comment is received on one or more of the amendments, EPA will publish timely notification in the **Federal Register** withdrawing the amendment(s) that is the subject of adverse comment. Any amendments in this rulemaking that do not receive relevant adverse comment will become effective on the date set out in the accompanying direct final rule, notwithstanding any adverse comment on other portions of this rulemaking. A

relevant comment will be considered to be any comment substantively criticizing an amendment. This notice of proposed rulemaking may serve as the basis of a subsequent final rule if an amendment that is the subject of adverse comment is withdrawn as described above. For instructions on notifying EPA of your intent to comment and for instructions on how to submit comments, please see the ADDRESSES section above.

Internet Availability

This proposed rule and the following supporting materials are available on the Internet:

Docket Item: Petition for Review.

From: Edison Electric Institute, et al.

To: U.S. Court of Appeals for the District of Columbia Circuit.

Docket Item: Petitioners' Preliminary and Non-binding Statement of Issues to be Raised on Appeal.

From: Edison Electric Institute, et al.

To: U.S. Court of Appeals for the District of Columbia Circuit.

Docket Item: Letter describing Edison Electric Institute's outstanding issues and proposals for resolving these issues.

From: Edison Electric Institute, et al.

To: U.S. Environmental Protection Agency.

Docket Item: Letter describing Edison Electric Institute's issues including a request that EPA issue a technical correction to 40 CFR 279.10(i).

From: Edison Electric Institute, et al.

To: U.S. Environmental Protection Agency.

Docket Item: Letter requesting that EPA resolve outstanding issues.

From: Edison Electric Institute, et al.

To: U.S. Environmental Protection Agency.

Docket Item: Settlement Agreement.

From: Edison Electric Institute, et al.

U.S. Environmental Protection Agency, and U.S. Department of Justice.

To: U.S. Court of Appeals for the District of Columbia Circuit.

Docket Item: Memorandum that describes an abbreviated state authorization revision application procedure for state rule changes in response to minor federal rule changes or corrections.

From: Michael Shapiro, Director, Office of Solid Waste.

To: Regional Waste Management Division Directors.

Follow these instructions to access this information electronically:

WWW URL: <http://www.epa.gov/epaoswer/hazwaste/usedoil/index.htm>.

FTP: [ftp.epa.gov](ftp://ftp.epa.gov).

Log in: anonymous.

Password: your Internet e-mail address.

Path: /pub/epaoswer.

Official Record

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.

Response to Comments

EPA responses to comments, whether the comments are written or electronic, will be in a notice in the **Federal Register** 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.

Outline of Today's Document

- I. Authority
- II. Background and Summary of Proposed Rule
- III. Regulatory Amendments
 - A. Applicability of the Used Oil Management Standards to PCB Contaminated Used Oil
 - B. Response to Releases of Used Oil
 - C. Mixtures of CESQG Wastes and Used Oil
 - D. Reference to the Used Oil Fuel Specification
 - E. Clarification of the Recordkeeping Requirements for Marketers of On-Specification Used Oil
- IV. Regulatory Requirements
 - A. Executive Order No. 12866
 - B. Regulatory Flexibility Act
 - C. Paperwork Reduction Act
 - D. Unfunded Mandates Reform Act

I. Authority

These regulations are issued under the authority of sections 1004, 1006, 2002(a), 3001 through 3007, 3010, 3013, 3014, 3016 through 3018, and 7004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and as amended by the Used Oil Recycling Act, as amended, 42 U.S.C. 6901, 6905, 6912(a), 6921 through 6927, 6930, 6934, 6935, 6937 through 6939 and 6974.

II. Background and Summary of Proposed Rule

Today's proposal would make technical corrections and clarify ambiguities to existing regulatory language concerning used oil at 40 CFR Part 279 and 40 CFR Part 261. The

clarification of the applicability of the used oil management standards to PCB contaminated used oil is undertaken as part of a settlement agreement in response to a lawsuit challenging EPA's final rule promulgated on May 3, 1993, (58 FR 26420). *Edison Electric Institute v. U.S. EPA* (D.C. Circuit No. 93-1474). The May 1993 rule corrected technical errors and provided clarifying amendments to the used oil management standards promulgated on September 10, 1992 (57 FR 41566). In addition, the Agency found several errors and ambiguities during review of the existing regulatory language concerning used oil. Today's proposal would eliminate these mistakes and clarify ambiguities in the used oil management standards.

These clarifications and corrections are presented in four separate sections, through which the Agency proposes to (1) clarify that used oil containing 50 ppm or greater PCBs is not subject to regulation under the used oil management standards at 40 CFR Part 279; (2) clarify that the response requirements at 40 CFR Part 279 for releases of used oil apply in states without RCRA base program authorization; (3) clarify that mixtures of CESQG waste and used oil are subject to the used oil management standards regardless of how that mixture is to be recycled; (4) amend the references to the used oil management standards in 40 CFR Part 261 to make them consistent with the standards at 40 CFR Part 279; and (5) clarify that the initial marketer of used oil that meets the used oil fuel specification need only keep a record of a shipment of used oil to the facility to which the initial marketer delivers the used oil.

III. Regulatory Amendments

A. Applicability of the Used Oil Management Standards to PCB Contaminated Used Oil

Today's proposal would amend 40 CFR 279.10(i) to clarify the applicability of the used oil management standards of 40 CFR Part 279 to used oil containing PCBs. The proposed language reflects EPA's intent that used oil that contains less than 50 ppm of PCBs is subject to regulation under the used oil management standards. Used oil that contains 50 ppm or greater of PCBs is not subject to regulation under the used oil management standards, because the TSCA regulations at 40 CFR Part 761 provide comprehensive management of such used oil. The history of, and rationale for, this change are discussed in the recycled used oil notice in the

Final Rule section of today's **Federal Register**.

B. Response to Releases of Used Oil

Today's proposal would amend 40 CFR 279.22(d), 279.45(h), 279.54(g) and 279.64(g) to clarify that the response requirements for releases of used oil apply in states that are not authorized for the RCRA base program pursuant to RCRA Section 3006, 42 U.S.C. 6926, and, hence, that are not authorized for the used oil management standards. (Base program authorization refers to the RCRA program initially made available for final authorization, reflecting Federal regulations as of July 26, 1982.) At this time, Alaska, Hawaii, Iowa, Puerto Rico, the Virgin Islands, the Northern Mariana Islands and American Samoa do not have an authorized RCRA base program. The history of, and rationale for, these changes are discussed in the recycled used oil notice in the Final Rule section of today's **Federal Register**.

C. Mixtures of CESQG Wastes and Used Oil

Today's proposal would amend 40 CFR 261.5(j) to clarify that the regulatory provisions that address mixtures of CESQG wastes and used oil that are to be recycled, § 261.5(j) and § 279.10(b)(3), do not limit the applicability of the used oil management standards to such mixtures. Both provisions are intended to indicate that mixtures of CESQG wastes and used oil are subject to the used oil management standards, notwithstanding the conditional exemption of small quantity generator wastes from regulation as a hazardous waste. The history of, and rationale for, this change are discussed in the recycled used oil notice in the Final Rule section of today's **Federal Register**.

D. Reference to Used Oil Fuel Specification

Today's proposal would amend 40 CFR 261.6(a)(3)(iv)(A)-(C) to reflect the recodification of the used oil requirements at 40 CFR part 279. The three provisions address hazardous waste fuel produced from, or oil reclaimed from, oil bearing hazardous wastes from petroleum refining operations. All three provisions incorrectly reference the pre-1992 used oil fuel specification provision, § 266.40(e), which was recodified in 1992 at § 279.11. These provisions should have been amended in 1992.

E. Clarification of the Recordkeeping Requirements for Marketers of On-Specification Used Oil

Today's proposal would amend 40 CFR 279.74(b) to clarify that the marketer who first claims that used oil that is to be burned for energy recovery meets the fuel specification (on-specification used oil) must only keep a record of a shipment of used oil to the facility to which the initial marketer delivers the used oil. The history of, and rationale for, this change are discussed in the recycled used oil notice in the Final Rule section of today's **Federal Register**.

IV. Regulatory Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether this 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 lead to a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more, or adversely and materially affect 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 entitlement, 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.

OMB has reviewed this rule and has determined it to be not significant under the terms of the Executive Order.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601-602, requires that Federal agencies examine the impacts of their regulations on "small entities". If a rulemaking will have a significant impact on a substantial number of small entities, agencies must consider regulatory alternatives that minimize economic impact.

EPA believes that today's proposal will not impact any small entity because it does not impose regulatory requirements or otherwise substantively change existing requirements. Today's proposal eliminates errors and clarifies ambiguities in the used oil management standards so as to restore the Agency's

intended result. Therefore, I certify pursuant to 5 U.S.C. 601 *et seq.*, that this rule will not have a significant impact on a substantial number of small entities.

C. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, EPA must consider the paperwork burden imposed by any information collection request in a proposed or final rule. This proposal will not impose any new information collection requirements.

D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 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. When a written statement is needed for any EPA rule, 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, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

Today's proposal contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector because it does not impose regulatory requirements or

otherwise substantively change existing requirements. Today's proposal would eliminate errors and clarify ambiguities in the used oil management standards so as to restore the Agency's intended result. Thus, today's proposal is not subject to the requirements of sections 202 and 205 of the UMRA. Similarly, EPA has determined that this proposal contains no regulatory requirements that might significantly or uniquely affect small governments.

List of Subjects

40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and recordkeeping requirements.

40 CFR Part 279

Conditionally exempt small quantity generator (CESQG), Hazardous waste, Polychlorinated biphenyls (PCBs), Solid waste, Recycling, Response to releases, Used oil, Used oil specification.

Dated: April 20, 1998.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, chapter I of title 40 of the Code of Federal Regulations is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921-6927, 6930, 6934, 6935, 6937, 6938, 6939, and 6974.

§ 261.5 [Amended]

2. Section 261.5(j) is amended by removing both phrases, "if it is destined to be burned for energy recovery".

§ 261.6 [Amended]

3. In § 261.6 paragraphs (a)(3)(iv)(A)-(C) are amended by revising the reference "266.40(e)" to read "279.11".

PART 279—STANDARDS FOR THE MANAGEMENT OF USED OIL

4. The authority citation for part 279 continues to read as follows:

Authority: Sections 1006, 2002(a), 3001 through 3007, 3010, 3014, and 7004 of the Solid Waste Disposal Act, as amended (42 U.S.C. 6905, 6912(a), 6921 through 6927, 6930, 6934, and 6974); and Sections 101(37) and 114(c) of CERCLA (42 U.S.C. 9601(37) and 9614(c)).

5. Section 279.10 is amended by revising paragraph (i) to read as follows:

§ 279.10 Applicability.

* * * * *

(i) *Used oil containing PCBs.* Used oil containing PCBs (as defined at 40 CFR 761.3) at any concentration less than 50 ppm is subject to the requirements of this Part. Used oil subject to the requirements of this Part may also be subject to the prohibitions and requirements found at 40 CFR Part 761, including § 761.20(d) and (e). Used oil containing PCBs at concentrations of 50 ppm or greater is not subject to the requirements of this Part, but is subject to regulation under 40 CFR Part 761.

6. Section 279.22 is amended by revising paragraph (d) to read as follows:

§ 279.22 Used oil storage.

* * * * *

(d) *Response to releases.* Upon detection of a release of used oil to the environment that is not subject to the requirements of Part 280, Subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, a generator must perform the following cleanup steps:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and manage properly the released used oil and other materials; and
- (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

7. Section 279.45 is amended by revising paragraph (h) to read as follows:

§ 279.45 Used oil storage at transfer facilities.

* * * * *

(h) *Response to releases.* Upon detection of a release of used oil to the environment that is not subject to the requirements of part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, the owner/operator of a transfer facility must perform the following cleanup steps:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and manage properly the released used oil and other materials; and
- (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

8. Section 279.54 is amended by revising paragraph (g) to read as follows:

§ 279.54 Used oil management.

* * * * *

(g) *Response to releases.* Upon detection of a release of used oil to the

environment that is not subject to the requirements of part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, an owner/operator must perform the following cleanup steps:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and manage properly the released used oil and other materials; and
- (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

* * * * *

9. Section 279.64 is amended by revising paragraph (g) to read as follows:

§ 279.64 Used oil storage.

* * * * *

(g) *Response to releases.* Upon detection of a release of used oil to the environment that is not subject to the requirements of part 280, subpart F of this chapter and which has occurred after the effective date of the recycled used oil management program in effect in the State in which the release is located, a burner must perform the following cleanup steps:

- (1) Stop the release;
- (2) Contain the released used oil;
- (3) Clean up and manage properly the released used oil and other materials; and
- (4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

10. Section 279.74 is amended by revising paragraph (b) to read as follows:

§ 279.74 Tracking.

* * * * *

(b) *On-specification used oil delivery.* A generator, transporter, processor/refiner, or burner who first claims that used oil that is to be burned for energy recovery meets the fuel specifications under § 279.11 must keep a record of each shipment of used oil to the facility to which it delivers the used oil. Records for each shipment must include the following information:

- (1) The name and address of the facility receiving the shipment;
- (2) The quantity of used oil fuel delivered;
- (3) The date of shipment or delivery; and
- (4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under § 279.72(a).

* * * * *

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 206

RIN 3067-AC82

Extensions of the Application Period for Temporary Housing Assistance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize the Associate Director/ Executive Associate Director for Response and Recovery to extend beyond the standard 60-day limit the application period for assistance provided under the Disaster Housing Program.

DATES: Comments will be accepted until July 6, 1998.

ADDRESSES: Please send comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (facsimile) 202-646-4536, or e:mail rules@fema.gov.

FOR FURTHER INFORMATION CONTACT: Laurence W. Zensinger, Response and Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-3642, (facsimile) 202-646-2730.

SUPPLEMENTARY INFORMATION: 44 CFR 206.101(e) currently provides that the Regional Director may grant additional time to submit applications for temporary housing "in order to achieve uniformity of application periods in contiguous States" (44 CFR 206.101 (e)(1)). There are, however, other disaster-specific circumstances under which an extension of the application period would be appropriate, including when the volume of anticipated applicants in a catastrophic disaster cannot be registered within 60 days or when disaster-related damage may not be ascertained sooner than 60 days from the declaration date. This proposed rule would provide the Associate Director/ Executive Associate Director with the authority to extend the application period for disaster housing assistance when circumstances warrant this measure and, thereby, would better serve the disaster-affected public. For consistency of implementation, this ad hoc authority will be given to the Associate Director/Executive Associate Director, Response and Recovery Directorate at FEMA Headquarters.

National Environmental Policy Act.

This proposed rule would be categorically excluded from the

requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Executive Order 12866, Regulatory Planning and Review.

This proposed rule would not be a significant regulatory action within the meaning of § 2(f) of E.O. 12866 of September 30, 1993, 58 FR 51735. To the extent possible, this proposed rule adheres to the regulatory principles set forth in E.O. 12866 and the Office of Management and Budget has not reviewed it under the provisions of E.O. 12866.

Paperwork Reduction Act.

This proposed rule would not contain a collection of information requirement as described in section 3504(h) of the Paperwork Reduction Act.

Executive Order 12612, Federalism

This proposed rule would not involve any policies that have federalism implications under E.O. 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule would meet the applicable standards of § 2(b)(2) of E.O. 12778.

List of Subjects in 44 CFR Part 206

Administrative practice and procedure, Disaster assistance, Housing.

Accordingly, FEMA proposes to amend 44 CFR part 206 as follows:

PART 206—FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988

Subpart D—Temporary Housing Assistance

1. The authority citation for part 206 continues to read as follows:

Authority: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.*; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

Section 206.101(e)(1) is revised to read as follows:

§ 206.101 Temporary housing assistance.

* * * * *

(e) *Applications*—(1) *Application period.* In general, applications for disaster housing assistance will be the 60 days following the date an incident is declared a major disaster or an