requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds.

Authority:

Dated: August 2, 1999.

40 CFR Part 62

[MO 080–1080a; FRL–6421–6]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Control of Emissions From Hospital/Medical/Infectious Waste Incinerators (HMls); State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving the state of Missouri’s section 111(d) plan for controlling emissions from existing HMls. The plan was submitted to fulfill the requirements of sections 111 and 129 of the Clean Air Act (CAA). The state plan establishes emission limits and controls for sources constructed on or before June 20, 1996.

DATES: This direct final rule is effective on October 18, 1999, without further notice, unless EPA receives adverse comment by September 20, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the
Supplementary Information:
Wayne Kaiser at (913) 551-7603.

For further information contact:
SW, Washington, D.C. 20460.

and Radiation Docket and Information
City, Kansas 66101; and the
Branch, 901 North 5th Street, Kansas
hours: Environmental Protection
inspection during normal business
available at the following addresses for

ADDRESSES:

EPA issued regulations to reduce air
pollution from incinerators that are used
to burn hospital waste and/or medical/
infectious waste. The NSPS at 40 CFR
cpart 60, subpart Ec, and the EG, subpart Ce,
were promulgated by EPA on September 15,
1997 (62 FR 48734). These rules apply to new and existing
incinerators used by hospitals and
health care facilities, as well as to
incinerators used by commercial waste
disposal companies to burn hospital
disposal and/or medical/infectious waste.
The EG applies to existing HMIWIs that
commenced construction on or before
June 20, 1996.
The subpart Ce EG is not a direct
Federal regulation but is a "guideline"
for states to use in regulating existing
HMIWIs. The EG requires states to
submit for EPA approval a section
111(d) state plan containing air
emission regulations and compliance
schedules for existing HMIWI.

What are the requirements of section
129 of the CAA?

Section 129 of the CAA Amendments
of 1990 requires EPA to set air emission
standards and emission guidelines (EG)
under the authority of section 111 of the
CAA to reduce pollution from
incinerators that burn solid waste.
Incinerators that burn medical waste are
classified as solid waste incinerators
and therefore must be regulated.

What is a Section 111(d) State Plan?

Section 111(d) of the CAA, "Standards of Performance for New
Stationary Sources," authorizes EPA to
set air emissions standards for certain
categories of sources. These standards
are called new source performance
standards (NSPS). When an NSPS is
promulgated for new sources, EPA also
publishes an EG applicable to the
control of the same pollutant from
existing (designated) facilities. States
with designated facilities must then
develop a state plan to adopt the EG into
its body of regulations and submit it to
EPA for approval. The state plan is
called a 111(d) plan.

What is Subpart Ce?

EPA issued regulations to reduce air
pollution from incinerators that are used
to burn hospital waste and/or medical/
infectious waste. The NSPS at 40 CFR
cpart 60, subpart Ec, and the EG, subpart Ce,
were promulgated by EPA on September 15,
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for states to use in regulating existing
HMIWIs. The EG requires states to
submit for EPA approval a section
111(d) state plan containing air
emission regulations and compliance
schedules for existing HMIWI.

What Are the Requirements for the
HMIWI State Plan?

A section 111(d) state plan submittal
must meet the requirements of 40 CFR
cpart 60, subpart B, sections 60.23
through 60.26, and subpart Ce. Subpart B
addresses public participation, legal
authority, emission standards and other
emission limitations, compliance
schedules, emission inventories, source
surveillance, and compliance assurance
and enforcement requirements. The
technical requirements for existing
HMIWI sources are contained in subpart
Ce. A state will generally address the
HMIWI technical requirements by
adopting by reference subpart Ce. The
section 111(d) state plan is required to
be submitted within one year of the EG
promulgation date, i.e., by September

Prior to submittal to EPA, the state
must make available to the public the state
plan and provide opportunity for
public comment. If a state fails to have
an approvable plan in place by
September 15, 1999, sources will be
subject to a Federal plan on that date.

What is Contained in the Missouri State
Plan?

The state of Missouri submitted its
section 111(d) state plan to EPA for
approval on June 15, 1999. The state
adopted the EG requirements into state
Rule 10 CSR 10-6.200, "Hospital,
Medical, Infectious Waste Incinerators,"
which was effective July 30, 1999. The
section 111(d) state plan contains:
1. A demonstration of the state's legal
authority to implement the section
111(d) state plan.
2. State Rule 10 CSR 10-6.200,
"Hospital, Medical, Infectious Waste
Incinerators," as the enforceable
mechanism.
3. An inventory of sources on pages
7 and 8.
4. An emissions inventory in
Appendix G.
5. Emission limits, as protective as the
EG, that are contained in state Rule 10
CSR 10-6.200.
6. A compliance date of September 1,
2000.
7. Testing, monitoring, and inspection
requirements that are contained in Rule
10 CSR 10-6.200.
8. Reporting and recordkeeping
requirements for the designated
facilities that are contained in Rule 10
CSR 10-6.200.
9. Operator training and qualification
requirements that are contained in Rule
10 CSR 10-6.200.
10. Requirements for the development
of waste management plans that are
contained in Rule 10 CSR 10-6.200.
11. A record of the public notice and
hearing requirements that is contained
in appendix E.
12. Provisions for progress reports to
EPA that are contained in section L.
13. Title V permit application due
date requirements that are contained in
section M.
14. A final compliance date of
September 1, 2000.

What Are the Approval Criteria for the
State Plan?

The state plan was reviewed for
approval against the following criteria: 40 CFR
60.23 through 60.26, subpart B,
"Adoption and Submittal of State Plans
for Designated Facilities," and 40 CFR
60.30e through 60.39e, subpart Ce,
"Emission Guidelines and Compliance
Times for Hospital/Medical/Infectious
Waste Incinerators." A detailed
discussion of our evaluation of the state
plan is included in our technical
support document (TSD) located in the
official file for this action and available
from the EPA contact listed above. The
state plan meets all of the applicable
approval criteria.

Final Action

Based on the rationale discussed
above and in further detail in the TSD
associated with this action, we are
approving Missouri's June 15, 1999,
section 111(d) state plan for the control
of HMIWI emissions, except for those
facilities located in Indian country. Any
facilities located in Indian country will
be subject to a Federal plan. In Missouri
there are no known HMIWIs in Indian
country.

EPA is publishing this rule without
prior proposal because the Agency
views this as a noncontroversial
submittal and anticipates no adverse
comments. However, in the proposed
rules section of this Federal Register publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective October 18, 1999, without further notice unless the Agency receives adverse comments by September 20, 1999.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on October 18, 1999, and no further action will be taken on the proposed rule.

### Administrative Requirements

**A. Executive Order (E.O.) 12866**

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866, entitled “Regulatory Planning and Review.”

**B. E.O. 12875**

Under E.O. 12875, Enhancing the Intergovernmental Partnership, 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, E.O. 12875 requires EPA to provide to the OMB a description of the extent of EPA’s prior consultation with representatives of affected state, local, and tribal governments, a summary of the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, E.O. 12875 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 rule does not create a mandate on state, local, or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

**C. E.O. 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 E.O. 13045 because it is not an economically significant regulatory action as defined by E.O. 12866, and it does not address an environmental health or safety risk that would have a disproportionate effect on children.

**D. E.O. 13084**

Under E.O. 13084, Consultation and Coordination with Indian Tribal Governments, 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, E.O. 13084 requires EPA to provide to the OMB, 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, E.O. 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 rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

**E. Regulatory Flexibility Act (RFA)**

Under the RFA, 5 U.S.C. 600 et seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. 603 and 604). Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

State plan approvals under section 111 of the CAA do not create any new requirements but simply approve requirements that the state is already imposing. Therefore, because the Federal state plan approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

**F. Unfunded Mandates**

Under section 202 of the Unfunded Mandates Reform Act of 1995 (“Unfunded Mandates Act”), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated annual costs to state, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves preexisting requirements under state or local law, and imposes no new requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

**G. 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. 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 U.S. Comptroller General prior to publication of the rule in the Federal Register. This rule is not a “major rule” as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 18, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effective date of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 62

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements.

307(b)(2).)

307(b)(2).)

Reporting and recordkeeping requirements.

pollution control, Intergovernmental relations.

(b) Identification of sources. The plan applies to existing hospital/medical/infectious waste incinerators constructed on or before June 20, 1996.

(c) Effective date. The effective date of the plan is October 18, 1999.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6419–5]

National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On December 2, 1994, the EPA issued the “National Emission Standards for Hazardous Air Pollutants: Halogenated Solvent Cleaning” (59 FR 61801). Today’s action offers compliance options for continuous web cleaning machines, as well as amendments to the national emission standards for hazardous air pollutants (NESHAP) that apply to steam-heated vapor cleaning machines and to cleaning machines used to clean transformers. The EPA is approving these amendments to ensure that all owners or operators of solvent cleaning machines have appropriate and attainable requirements for their cleaning machines.

DATES: This direct final rule will be effective on October 18, 1999 without further notice, unless the EPA receives adverse comments by September 20, 1999. If we receive any adverse comment, we will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect.

ADDRESSES: Written comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (MC–6102), Attention Docket Number A–92–39, Room M–1500, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The EPA requests that a separate copy of each public comment be sent to the contact person listed below (see FOR FURTHER INFORMATION CONTACT).

FOR FURTHER INFORMATION CONTACT: For information concerning the standards and the proposed changes, contact Mr. Paul Almodovar, Coatings and Consumer Products Group, Emission Standards Division (MD–13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–0283. For information regarding the applicability of this action to a particular entity, contact Ms. Acquanetta Delaney, Manufacturing Branch, Office of Compliance (2223A), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; telephone (202) 564–7061.

SUPPLEMENTARY INFORMATION: The EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and do not anticipate adverse comment. The changes to the compliance requirements for continuous web cleaning machines provide the only reasonable method available to those cleaning machines to comply with the maximum achievable control technology (MACT) level of control. The EPA considers these revised requirements to be comparable to the requirements previously promulgated for other cleaning machines. However, in the “Proposed Rules” section of today’s Federal Register, we are publishing a separate document that will serve as the proposal in the event that adverse comments are filed. This rule will be effective on October 18, 1999 without further notice unless we receive any adverse comment by September 20, 1999. If we receive any adverse comment, we will publish a timely withdrawal in the Federal Register informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so by this time.

Regulated Entities

The following entities are potentially regulated by this direct final rule.

<table>
<thead>
<tr>
<th>Category</th>
<th>SIC codes</th>
<th>Examples of potentially regulated entities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry ........................................</td>
<td>33, 34, 36, and 37 ..........</td>
<td>Facilities engaging in cleaning operations using halogenated solvent cleaning machines.</td>
</tr>
</tbody>
</table>