

notice to and a limited opportunity for input by "appropriate governmental entities," which the Agency has defined as states, tribes and other federal entities located contiguous to the tribe applying for eligibility. See generally 63 FR at 7267 (citing 56 FR 64876, 64884 (Dec. 12, 1991)). This practice recognized, in part, that to the extent genuine reservation boundary or non-reservation jurisdictional disputes exist, the assertion of such disputes is an inherently government-to-government process. EPA further explained that "the part of the process that involves notifying 'appropriate governmental entities' and inviting them to review the tribal applicant's jurisdictional assertion is designed to be a fact-finding procedure to assist EPA in making these statutorily-prescribed determinations regarding the tribes' jurisdiction; it is not in any way to be understood as creating or approving a state or non-tribal oversight role for a statutory decision entrusted to EPA." 63 FR at 7267.

In the preamble to its final rule, EPA made clear, however, that others who might have information germane to the tribe's jurisdictional assertions would have the opportunity to provide that information to EPA through "appropriate governmental entities." The preamble stated: "Nonetheless, EPA seeks to make its notification [of the tribe's application for eligibility] sufficiently prominent to inform local governmental entities, industry and the general public * * *." 63 FR at 7267. EPA also stated that it "will consider relevant factual information from these sources as well, provided * * * they are submitted through the identified 'appropriate governmental entities'." *Id.*

II. Clarification

Concerns have been raised about whether this process potentially inhibits EPA's receipt of pertinent information on a tribe's jurisdictional claims. One expressed concern is that the "appropriate governmental entity" may not always pass the comments along to EPA. In order to avoid potential confusion and ensure that EPA receives all potentially relevant information regarding a tribe's jurisdiction, EPA wishes to clarify its position on receiving information under the TAR from persons other than "appropriate governmental entities."

EPA continues to recognize that the tribal eligibility determination process is an inherently government-to-government process. Normally, most of the relevant information on jurisdictional boundaries resides with those sovereign entities most concerned

with the specific jurisdictional claims. However, private citizens may at times possess information relevant to jurisdictional determinations. In such cases, EPA believes that nothing in the nature of the government-to-government relationship between the U.S. and the tribe requires involvement of a third sovereign—the state—in order to facilitate EPA's receipt of information. It has been EPA's general practice in making TAS eligibility determinations to accept all relevant information regarding such issues, whether or not it comes from "appropriate governmental entities." In other words, when a member of the public has submitted relevant information on a tribe's jurisdictional claims directly to EPA, it has been EPA's practice to consider those comments in making its final determination.

Consequently, for purposes of the TAR, on those occasions when a member of the public may have relevant information on a tribe's jurisdictional claim, that information may be submitted directly to the appropriate EPA Regional office. In this context, "relevant information" is limited to information related to the tribe's jurisdictional assertions, e.g., the geographic boundaries of the reservation, the status of areas outside the reservation boundaries, agreements that may limit the tribe's jurisdiction, etc. However, given the government-to-government nature of the process, as well as the need to inform all affected parties about relevant comments that are submitted, where a member of the public elects to submit comments directly to EPA, EPA suggests that the commenter also send a copy to its "appropriate governmental entity." EPA will treat such information in the same way it treats all information received during the process and respond accordingly. All other aspects of the TAS tribal eligibility process, as described in the preamble and regulatory section of the TAR, remain unchanged.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a rule, for purposes of 5 U.S.C. 804(3).

Dated: January 3, 2000.

Carol M. Browner,

Administrator.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[WY-001-0005; FRL-6521-1]

Standards of Performance for New Stationary Sources; Supplemental Delegation of Authority to the State of Wyoming

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule and delegation of authority.

SUMMARY: The purpose of this document is to inform the public that, on June 3, 1999, EPA updated its delegation of authority to the State of Wyoming for implementation and enforcement of the Federal new source performance standards (NSPS) as in effect on July 1, 1997. EPA granted delegation in response to a May 21, 1999 request from the Governor of Wyoming. EPA is also updating the table in 40 CFR part 60 regarding the NSPS delegation status for EPA Region VIII States, and EPA is updating the Region VIII address listed in 40 CFR part 60.

EFFECTIVE DATE: This action will be effective February 9, 2000. The delegation of authority to Wyoming became effective on June 3, 1999.

ADDRESSES: Copies of the documents relative to this delegation are available for inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466. Copies of the State documents relevant to this delegation are available for public inspection at the Air Quality Division, Department of Environmental Quality, 122 West 25th Street, Cheyenne, Wyoming 82002.

FOR FURTHER INFORMATION CONTACT: Vicki Stamper, EPA Region VIII, (303) 312-6445.

SUPPLEMENTARY INFORMATION:

I. What Is the Purpose of This Document?

EPA provides notice that, on June 3, 1999, we delegated authority to the State of Wyoming to implement and enforce the NSPS of 40 CFR part 60 as in effect on July 1, 1997. EPA is also updating the table in 40 CFR 60.4 regarding the NSPS delegation status for Region VIII States. Last, EPA is updating the Region VIII address listed in 40 CFR 60.4.

EPA considers these changes to 40 CFR 60.4 to be minor amendments. Section 553 of the Administrative

Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. Because these regulatory changes are minor in nature, EPA has determined that there is good cause for making today's changes to 40 CFR 60.4 final without prior proposal and opportunity for comment. Thus, notice and public procedure are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

II. What Is EPA's Authority for Granting Delegation?

Sections 110, 111(c)(1) and 301, of the Clean Air Act (Act), as amended, authorize EPA to delegate authority to implement and enforce the NSPS standards set out in 40 CFR part 60.

III. How Was the Delegation of Authority Granted by EPA?

On May 21, 1999, the Governor of Wyoming submitted a request for delegation of authority for the NSPS in effect as of July 1, 1997. This delegation request was submitted subsequent to the State revising its adoption of the Federal NSPS by reference in section 22 of the Wyoming Air Quality Standards and Regulations (WAQSR). With this adoption of the NSPS as in effect on July 1, 1997, the State adopted four new NSPS subparts: large municipal waste combustors for which construction is commenced after September 20, 1994 or for which modification or reconstruction is commenced after June 19, 1996 (subpart Eb), volatile organic compound emissions from synthetic organic chemical manufacturing industry reactor processes (subpart RRR), calciners and dryers in mineral industries (subpart UUU), and municipal solid waste landfills (subpart WWW).

EPA granted delegation of authority to the State of Wyoming to implement and enforce the NSPS in effect as of July 1, 1997 in the following letter dated June 3, 1999:

Honorable Jim Geringer,
Governor of Wyoming, State Capitol,
Cheyenne, Wyoming 82002

Dear Governor Geringer: On May 21, 1999, you requested delegation of authority for revisions to the New Source Performance Standards (NSPS) in Section 22 of the Wyoming Air Quality Standards and Regulations (WAQSR). The State revised its NSPS to reflect the Federal NSPS in effect as of July 1, 1997.

Subsequent to states adopting NSPS regulations, EPA delegates the authority for

the implementation and enforcement of those NSPS, so long as the State's regulations are equivalent to the Federal regulations. EPA reviewed the pertinent statutes and regulations of the State of Wyoming and determined that they provide an adequate and effective procedure for the implementation and enforcement of the NSPS by the State of Wyoming. Therefore, pursuant to Section 111(c) of the Clean Air Act (Act), as amended, and 40 CFR Part 60, EPA hereby delegates its authority for the implementation and enforcement of four NSPS to the State of Wyoming as follows:

(A) Responsibility for all sources located, or to be located, in the State of Wyoming subject to the standards of performance for new stationary sources promulgated in 40 CFR Part 60. The categories of new stationary sources covered by this delegation are as follows: large municipal waste combustors for which construction is commenced after September 20, 1994 or for which modification or reconstruction is commenced after June 19, 1996 (Subpart Eb), volatile organic compound emissions from synthetic organic chemical manufacturing industry reactor processes (Subpart RRR), calciners and dryers in mineral industries (Subpart UUU), and municipal solid waste landfills (Subpart WWW).

(B) Not all authorities of NSPS can be delegated to states under Section 111(c) of the Act, as amended. The EPA Administrator retains authority to implement those sections of the NSPS that require: (1) approving equivalency determinations and alternative test methods, (2) decision making to ensure national consistency, and (3) EPA rulemaking to implement. Therefore, of the NSPS of 40 CFR Part 60 being delegated in this letter, the following sections are not delegated to the State of Wyoming:

(i) 40 CFR 60.703(e), pertaining to volatile organic compound emissions from synthetic organic chemical manufacturing industry reactor processes (Subpart RRR); and
(ii) 40 CFR 60.754(a)(5), pertaining to municipal solid waste landfills (Subpart WWW).

(C) As 40 CFR Part 60 is updated, Wyoming should revise its regulations accordingly and in a timely manner.

This delegation is based upon and is a continuation of the same conditions as those stated in EPA's original delegation letter of August 2, 1977, except that condition 6, relating to Federal facilities, was voided by the Clean Air Act Amendments of 1977. Please also note that EPA retains concurrent enforcement authority as stated in condition 3. In addition, if at any time there is a conflict between a State and Federal NSPS regulation, the Federal regulation must be applied if it is more stringent than that of the State, as stated in condition 9. EPA published its August 2, 1977 delegation letter in the notices section of the September 15, 1977 **Federal Register** (42 FR 46386), along with an associated rulemaking notifying the public that certain reports and applications required from operators of new or modified sources shall be submitted to the State of Wyoming (42 FR 46304). Copies of the **Federal Register** are enclosed for your convenience.

Since this delegation is effective immediately, there is no need for the State

to notify the EPA of its acceptance. Unless we receive written notice of objections from you within ten days of the date on which you receive this letter, the State of Wyoming will be deemed to accept all the terms of this delegation. EPA will publish an information notice in the **Federal Register** in the near future to inform the public of this delegation, in which this letter will appear in its entirety.

If you have any questions on this matter, please contact me or have your staff contact Richard Long, Director of our Air and Radiation Program, at (303) 312-6005.

Sincerely yours,

William P. Yellowtail,
Regional Administrator.

Enclosures

cc: Dan Olson, Administrator, Wyoming Air Quality Division

IV. How Do I Know Which NSPS Subparts Have Been Delegated by EPA to the States?

We publish a table in 40 CFR 60.4 for Region VIII States that identifies, for each State, the NSPS subparts for which EPA has delegated authority to implement. In this document, we update that table to reflect the NSPS subparts delegated to Wyoming. We are also correcting an error in that table to identify that subpart E—Incinerators has been delegated to Wyoming.

V. What Are the Administrative Requirements Associated With This Document?

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute (see section I. of this document), it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255,

August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This minor action does not involve technical standards; thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the

Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 60

Environmental protection, Air pollution control, Aluminum, ammonium sulfate plants, Beverages, Carbon monoxide, Cement industry, Coal, Copper, Drycleaners, Electric power plants, Fertilizers, Fluoride, Gasoline, Glass and glass products, Grains, Graphic arts industry, Household appliances, Insulation, Intergovernmental relations, Iron, Lead, Lime, Metallic and nonmetallic mineral processing plants, Metals, Motor vehicles, Natural gas, Nitric acid plants, Nitrogen dioxide, Paper and paper products industry, Particulate matter, Petroleum, Phosphate, Plastics materials and synthetics, Reporting and recordkeeping requirements, Sewage disposal, Steel, Sulfur oxides, Tires, Urethane, Vinyl, Waste treatment and disposal, Wool, Zinc.

Dated: December 22, 1999.

William P. Yellowtail,
Regional Administrator, Region VIII.

Part 60, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 60—[AMENDED]

1. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7414, 7416, and 7601 as amended by the Clean Air Act Amendments of 1990, Pub. L. 101-549, 104 Stat. 2399 (November 15, 1990; 402, 409, 415 of the Clean Air Act as amended, 104 Stat. 2399, unless otherwise noted).

Subpart A—General Provisions

2. Section 60.4 is amended by:
a. Revising the address listed for "Region VIII" in paragraph (a) to read as follows; and

b. Amending the table entitled "Delegation Status of New Source Performance Standards [(NSPS) for Region VIII]" by adding a new entry for "Eb—Large Municipal Waste Combustors" and by revising the entries for "E—Incinerators," "RRR—VOC Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Process," "UUU—Calciners and Dryers in Mineral Industries," and "WWW—Municipal Solid Waste Landfills" to read as follows:

§ 60.4 Address.

(a) * * *

Region VIII (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming), Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, 999 18th Street, Suite 500, Denver, CO 80222-2466.

* * * * *

(c) * * *

DELEGATION STATUS OF NEW SOURCE PERFORMANCE STANDARDS [(NSPS) for Region VIII]

| Subpart | CO | MT ¹ | ND | SD ¹ | UT ¹ | WY |
|--|-----|-----------------|-----|-----------------|-----------------|-----|
| E—Incinerators | (*) | (*) | (*) | (*) | (*) | (*) |
| Eb—Large Municipal Waste Combustors | | | | | | (*) |
| RRR—VOC Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Process | (*) | | (*) | | (*) | (*) |
| UUU—Calciners and Dryers in Mineral Industries | (*) | | (*) | | (*) | (*) |
| WWW—Municipal Solid Waste Landfills | | | (*) | | (*) | (*) |

(*) Indicates approval of State regulation.

¹ Indicates approval of State regulation as part of the State Implementation Plan (SIP).

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GENERAL SERVICES ADMINISTRATION

41 CFR Parts 301-11 and 301-74

[FTR Amdt. 89]

RIN 3090-AH02

Federal Travel Regulation; Conference Planning

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration (GSA) is amending the Federal Travel Regulation (FTR) governing conference planning. Because conferences have different requirements than routine temporary duty (TDY) travel, GSA is providing specific guidance to minimize overall Government expenses associated with conferences. This amendment will reduce agency costs by easing the administrative burden of conference planning and processing.

EFFECTIVE DATE: This final rule is effective January 14, 2000.

FOR FURTHER INFORMATION CONTACT: Jim Harte, Travel Team Leader, Travel Management Policy Division (MTT), telephone 202-501-0483.

SUPPLEMENTARY INFORMATION:

A. Background

A proposed rule with request for comments was published in the **Federal Register** on September 15, 1999 (64 FR 50051). All comments received were considered in the formulation of the final rule. GSA received a total of 176 comments from the Federal Government and the private sector. Of those, 171 expressed support of the proposed changes and five asked for clarification and/or offered suggested improvements.

What are the Significant Comments and Changes?

Comments and adopted changes are:

(a) *Government policy usage.* A private sector organization stated that the proposed change constitutes "good, common sense." Additionally, it questioned whether it is prudent to include this level of detail in the FTR, since Government and contractor organizations are confronted with a myriad of different circumstances, and some flexibility is needed. It also stated that when the FTR lists examples and such language as "not limited to," the user tends to adopt role compliance in

lieu of judgment. While it is unclear what "role compliance" is, GSA recognizes that some contractors mirror the FTR in developing their own travel rules, but only Federal employees and agencies are subject to the FTR. No significant change, therefore, has been made in the FTR policy.

(b) *Federal Management Regulation (FMR) versus the FTR.* Because this policy encompasses a much broader range of agency management than the travel function, i.e., procurement, facilities, general and administrative services, an agency questioned why this guidance isn't issued as an FMR. This final rule focuses on the total costs involved in employee travel to conferences and, therefore, is appropriate as part of the FTR.

(c) *Interagency Travel Management Committee (ITMC).* One comment questioned how the ITMC will serve as a resource for planning a conference when it is not directly involved in making conference arrangements. GSA has organized the ITMC as a forum of approximately 100 Federal travel policy and financial managers. Active communication and sharing of information will ease conference planning for those Federal agencies that have an infrequent need to plan a conference.

(d) *Rules to co-sponsor a conference with an outside organization.* One comment suggested that the final rule should address situations in which a Federal agency co-sponsors a conference with an outside organization. Depending on who the co-sponsor is, the conference planners may have to consider ethics guidelines, financial assistance regulations, and acquisition laws and regulations. For policy regarding acceptance of payment from a non-Federal source, GSA refers users to FTR Chapter 304 which is written in consultation with the Office of Government Ethics.

(e) *Conference information package.* The third sentence of Appendix E to Chapter 301, "Conference Information Package," states that "You should finalize the package and send it to the printer at least 4 weeks in advance of the starting date." It was suggested that this is an ideal but unrealistic time frame for preparing materials since many conferences need to be planned with only one month's notice. GSA agrees, and has amended the sentence to allow the time frame as an option.

(f) *Light refreshments.* To eliminate the possibility of agency or individual abuse, specific guidance was requested to define "light refreshments." While GSA does not want to limit agencies to a specific menu of light refreshments

(intended only as a refresher, not intended to serve as a meal), § 301-74.10 is revised to add a suggested list of considerations. The serving of light refreshments for conference attendees during morning, afternoon and evening breaks, authorized by 5 U.S.C. 5702, is a common business practice, and should not be prohibited for Government-sponsored conferences.

(g) *Retention of records.* One comment recommended that this rule set a threshold based on number of attendees for the retention of records. The comment stated that without specific guides, any event of whatever size that had one or more attendees in travel status would appear to be subject to the record retention requirements. Such an all-encompassing rule would run counter to the overall Federal goal of reducing unnecessary paperwork and would have no apparent benefit for small events. GSA agrees, and has revised § 301-74.19 to require records for each conference the agency sponsors or funds, in whole or in part for 30 or more attendees. The National Archives and Records Administration issues the General Record Schedules to provide Governmentwide authority to destroy records common to several or all agencies of the Federal Government. The General Accounting Office has responsibility for approving the disposal of certain Federal records, including those relating to claims or demands by or against the Government, and those subject to audit. If Federal agencies need assistance to ensure adherence for the retention of records, GSA suggests that agencies contact their agency records officers.

B. Executive Order 12866

GSA has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993.

C. Regulatory Flexibility Act

This final rule is not required to be published in the **Federal Register** for notice and comment; therefore, the Regulatory Flexibility Act does not apply.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the final rule does not impose recordkeeping or information collection requirements, or the collection of information from offerors, contractors, or members of the public which require the approval of the Office of Management and Budget under 44 U.S.C. 501 *et seq.*