

apply the rules in paragraphs (e) through (g) of this section.

**PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED**

**Subpart N—[Amended]**

3. The authority citation for subpart N of part 416 continues to read as follows:

**Authority:** Secs. 702(a)(5), 1631, and 1633 of the Social Security Act (42 U.S.C. 902(a)(5), 1383, and 1383b); 31 U.S.C. 3720A.

4. Section 416.1461 is revised to read as follows:

**§ 416.1461 Prehearing and posthearing conferences.**

(a) *What are the types of conferences that we may hold?* We may hold a prehearing or posthearing conference. There are two types of prehearing conferences, an informal prehearing conference and a formal prehearing conference. There is only one type of posthearing conference, a formal posthearing conference. We explain the different types of conferences in the remaining paragraphs of this section.

(b) *When may we decide to hold an informal prehearing conference?* We may decide on our own, at your request, or at the request of any other party to the hearing, to hold an informal prehearing conference. We may hold an informal prehearing conference to clarify an issue or issues in your claim, or to decide whether more evidence is needed. If you do not have a representative, we may hold an informal prehearing conference to tell you about your right to representation and to determine if you want a representative. We may also hold an informal prehearing conference for any other reason that we decide is appropriate.

(c) *How will we hold an informal prehearing conference?* (1) We may hold an informal prehearing conference with you or your representative, or with other parties to the hearing, or the representative(s) of those parties.

(2) If we hold an informal prehearing conference, we will generally hold it by telephone. However, we may also decide to hold the conference with you or your representative in person or by videoconference. We will reach agreement with you, directly or through your representative, regarding the time, place and purpose of the conference. We may arrange a conference by telephone, in person, or in writing. At the conference, we may consider matters in addition to those that were agreed to in arranging the conference, if the persons participating in the conference agree to consider the additional matters. We will

record the information that we get at the conference by any method that we decide accurately reflects the information.

(3) If you do not have a representative, we will explain your right to representation, and give you a list of groups in your community that can give you help in finding a representative. If you state at the conference that you do not want a representative, you may still be represented if you decide at any time that you want a representative.

(4) If you do not have a representative, we will not make any agreements with you at the informal prehearing conference.

(d) *When may we decide to hold a formal prehearing conference?* After we assign a case to an administrative law judge, the administrative law judge may decide on his or her own, at your request, or at the request of any other party to the hearing, to hold a formal prehearing conference. If the administrative law judge decides to hold a formal prehearing conference, he or she may conduct it, or may request that an attorney adviser designated by the hearing office conduct it. We will not designate an attorney adviser to hold a formal prehearing conference if you do not have a representative. Only an administrative law judge may hold a formal prehearing conference with you if you do not have a representative.

(e) *How will we hold a formal prehearing conference?* We will hold a formal prehearing conference by telephone, in person, or by videoconference. The administrative law judge or the attorney adviser designated by the hearing office will determine the appropriate method. The administrative law judge or the attorney adviser designated by the hearing office will give you and any other parties to the hearing advance written notice of the time, place, and purpose of the conference, unless you and any other parties state in writing that you do not want written notice of the conference. We will mail a required written notice to you at least seven days before the date of the conference, unless we have already gotten the written notice to you in another way. The administrative law judge may enter into agreements with your representative at the conference. The attorney adviser designated by the hearing office may enter into agreements with your representative at the conference, which are subject to the approval of the administrative law judge under paragraph (g) of this section. We will make a record of the formal prehearing conference by any method that we decide accurately reflects the information we get at the conference.

(f) *May we consider other matters at the formal prehearing conference?* At the formal prehearing conference, the administrative law judge, or an attorney adviser designated by the hearing office to hold the conference, may consider matters in addition to the ones that we stated in the notice, if you and the other parties to the hearing agree in writing.

(g) *What will we do after a formal prehearing conference?* If we hold a formal prehearing conference that results in one or more agreements or actions, the administrative law judge will issue an order to state all of the agreements and actions that resulted from the conference. If an attorney adviser designated by the hearing office has held the conference, any agreements made by the attorney adviser are subject to approval by the administrative law judge. The agreements and actions in the administrative law judge's order will become binding on all the parties to the hearing and be made part of the hearing record, unless you or another party to the hearing objects in writing to the administrative law judge's order and the administrative law judge rules favorably on your objection.

(h) *When will we hold a posthearing conference?* If the administrative law judge decides that it is necessary, he or she may hold a posthearing conference. If the administrative law judge decides to hold a posthearing conference, he or she may conduct it, or may request that it be conducted by an attorney adviser designated by the hearing office. If we hold a posthearing conference, we will apply the rules in paragraphs (e) through (g) of this section.

Dated: June 9, 2000.

**Kenneth S. Apfel,**

*Commissioner of Social Security.*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 60**

[FRL-6717-4]

**Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Colorado, Montana, South Dakota, Utah, Wyoming; Control of Emissions From Existing Hospital/Medical/Infectious Waste Incinerators**

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

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to approve the Colorado, Montana, South Dakota,

Utah, and Wyoming State Plans for control of air emissions from existing Hospital/Medical/Infectious Waste Incinerators (HMIWI). The plans provide for implementation and enforcement of the Emissions Guidelines applicable to each existing HMIWI for which construction was commenced on or before June 20, 1996. In the Final Rules section of this **Federal Register**, EPA is approving the State's Plans, as a direct final rule without prior proposal because the Agency views these as a noncontroversial actions and anticipates no adverse comments. A detailed rationale for the approvals is set forth in the direct final rule. If we receive no adverse comments in response to that direct final rule, we plan to take no further activity in relation to this proposed rule. If EPA receives significant adverse comments, in writing, which have not been addressed, we will withdraw the direct final rule and address all public comments received in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please see the direct final rule of this action located elsewhere in today's **Federal Register** for detailed descriptions of the Colorado, Montana, South Dakota, Utah, and Wyoming State Plans.

**DATES:** We must receive comments on this proposed rule by July 24, 2000.

**ADDRESSES:** Send written comments to: Richard R. Long, EPA Region 8, Office of Air and Radiation (8P-AR), 999 18th Street, Suite 500, Denver, Colorado 80202.

You may inspect copies of the documents relevant to this action during normal business hours at the following location: EPA Region 8 offices, 999 18th Street, Suite 500, Denver, Colorado 80202. Please contact Meredith Bond at (303) 312-6438 before visiting the Region 8 office.

Copies of the State documents relevant to this action are available for public inspection at the respective State offices:

1. *Colorado*—Air Pollution Control Division, Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530.

2. *Montana*—Department of Environmental Quality, 1520 East 6th Avenue, P.O. Box 200901, Helena, Montana 59620-0901.

3. *South Dakota*—Department of Environment and Natural Resources, Joe

Foss Building, 523 East Capitol, Pierre, South Dakota 57501-3181.

4. *Utah*—Division of Air Quality, Department of Environmental Quality, 150 North 1950 West, P.O. Box 144820, Salt Lake City, Utah 84114-4820.

5. *Wyoming*—Department of Environmental Quality, Herschler Building, 122 West 25th Street, Cheyenne, Wyoming 82002.

Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

**FOR FURTHER INFORMATION CONTACT:** Meredith Bond, EPA Region 8, Air and Radiation Program, at the above address, telephone (303) 312-6438.

**SUPPLEMENTARY INFORMATION:** This Supplementary Information section is organized as follows:

- A. What Action is EPA Taking Today?
- B. Where Can I Find More Information About This Proposal and the Corresponding Direct Final Rule?

#### A. What Action Is EPA Taking Today?

In this action, we are proposing to approve the Colorado, Montana, South Dakota, Utah, and Wyoming State Plans for control of air emissions from existing Hospital/Medical/Infectious Waste Incinerators (HMIWI). The plans provide for implementation and enforcement of the Emissions Guidelines applicable to each existing HMIWI for which construction was commenced on or before June 20, 1996.

#### B. Where Can I Find More Information About This Proposal and the Corresponding Direct Final Rule?

For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: June 2, 2000.

**Rebecca W. Hanmer**,  
*Acting Regional Administrator, Region VIII.*  
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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 62

[AZ 025-MWib; FRL-6717-8]

### Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Arizona; Control of Emissions from Existing Hospital/Medical/Infectious Waste Incinerators

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve the Arizona State Plan for implementing the emissions guidelines applicable to existing hospital/medical/infectious waste incinerators (HMIWIs). The Plan was submitted by the Arizona Department of Environmental Quality (ADEQ) for the State of Arizona to satisfy requirements of sections 111(d) and 129 of the Federal Clean Air Act. In the Final Rules section of this **Federal Register**, EPA is approving the Arizona State Plan as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates that it will not receive any significant, material, and adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no significant, material, and adverse comments are received in response to this action, no further activity is contemplated in relation to this proposed rule. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action.

**DATES:** Comments must be received in writing by July 24, 2000.

**ADDRESSES:** Written comments should be addressed to Andrew Steckel, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the documents relevant to this proposed rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted State Plan are also available for inspection at the following location: Air Quality Division, Arizona Department of Environmental Quality, 3033 N. Central Avenue, Phoenix, Arizona 85012.

#### FOR FURTHER INFORMATION CONTACT:

Patricia A. Bowlin, (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1188.

**SUPPLEMENTARY INFORMATION:** See the information provided in the Direct Final action which is located in the Rules section of this **Federal Register**.

Dated: June 5, 2000.

**Laura Yoshii**,  
*Acting Regional Administrator, Region IX.*  
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