

(b) By removing the words "USPS Records Office is deemed" and adding, in their place, the words "office of Administration and FOIA is deemed."

#### § 265.12 [Amended]

19. Section 265.12(b)(7) is amended by removing the words "Records Office, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-5243, telephone (202) 268-2608" and adding, in their place, the words "Freedom of Information/Privacy Acts Officer, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-5202, telephone (202) 268-2608."

### PART 266—PRIVACY OF INFORMATION

20. The authority citation for part 266 continues to read as follows:

**Authority:** 39 U.S.C. 401; 5 U.S.C. 552a.

21. In Section 266.3 paragraphs (a), (c), and (d)(2) are revised to read as follows:

#### § 266.3 Responsibility.

(a) *Freedom of Information/Privacy Acts Officer.* The USPS Freedom of Information/Privacy Acts Officer, under the Manager, Administration and FOIA, will ensure Postal Service-wide compliance with this policy.

\* \* \* \* \*

(c) Information System Executive. These managers are responsible for reporting to the office of Administration and FOIA the existence or proposed development of Privacy Act systems of records. They also must report any change that would alter the systems description as published in the **Federal Register**. They establish the relevancy of the information within those systems.

\* \* \* \* \*

(d) \* \* \*

(2) *Composition.* The Privacy Act requires that the senior official responsible for implementation of agency Privacy Act policy and the Inspector General serve on the Board. The Manager, Administration and FOIA, as administrator of Postal Service Privacy Act policy, serves as Secretary of the Board and performs the administrative functions of the Board. The Board is composed of these and other members designated by the Postmaster General, as follows:

- (i) Chief Financial Officer and Senior Vice President (Chairman).
- (ii) Chief Postal Inspector.
- (iii) Inspector General.
- (iv) Vice President, Human Resources.
- (v) Senior Vice President, General Counsel.
- (vi) Manager, Administration and FOIA.

#### § 266.4 [Amended]

22. In Section 266.4 paragraph (b)(6)(i) is amended by removing the words "USPS Records Officer" and adding, in their place, the words "Freedom of Information/Privacy Acts Officer," and paragraphs (b)(6)(iii) and (iv) are amended by removing "Records Officer" and adding "Freedom of Information/Privacy Acts Officer" in their place.

#### § 266.5 [Amended]

23. Section 266.5(d) is amended by removing the words "Records Office" and adding, in their place, the words "office of Administration and FOIA."

#### § 266.6 [Amended]

24. Section 266.6(a)(1) is amended by removing the words "Washington, DC 20260-5243, telephone (202) 268-2608" and adding, in their place, the words "Washington, DC 20260-5202, telephone (202) 268-2608."

#### § 266.7 [Amended]

25. Section 266.7 is amended by removing, in paragraph (a)(4), the words "Records Office" and adding, in their place, the words "office of Administration and FOIA."

#### § 266.10 [Amended]

26. Section 266.10(b) is amended by removing the words "Washington, DC 20260-5243" and adding, in their place, the words "Washington, DC 20260-5202."

### PART 267—PROTECTION OF INFORMATION

27. The authority citation for part 267 continues to read as follows:

**Authority:** 39 U.S.C. 401; Pub. L. 93-579, 88 Stat. 1896.

#### § 267.5 [Amended]

28. Section 267.5(e)(3)(i) is amended by removing the words "Manager, Payroll Accounting and Records, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-5243" and adding, in their place, the words "Manager, Administration and FOIA, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-5202."

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 99-19465 Filed 7-29-99; 8:45 am]

BILLING CODE 7710-12-P

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 62

[Docket# WA-1-0001; FRL-6408-6]

#### Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Washington

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final rule.

**SUMMARY:** The United States Environmental Protection Agency (EPA) approves the sections 111(d)/129 State Plan submitted by the State of Washington, Department of Ecology (WADOE) on January 4, 1999, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing large Municipal Waste Combustors (MWCs) with capacity to combust more than 250 tons/day of municipal solid waste (MSW). See 40 CFR part 60, subpart Cb.

**DATES:** This action is effective on September 28, 1999 unless significant, material, and adverse comments are received by August 30, 1999. If significant, material, and adverse comments are received by the above date, this direct final rule will be withdrawn, and timely notice will be published in the **Federal Register**.

**ADDRESSES:** Written comments should be addressed to: Catherine Woo, Office of Air Quality (OAQ-107), EPA, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of materials related to this action may be examined during normal business hours. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the day of the visit. These documents can be viewed at: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ-107), Seattle, Washington 98101, and at Washington State Department of Ecology, P.O. Box 47600, Olympia, Washington 98504-7600.

**FOR FURTHER INFORMATION CONTACT:** Catherine Woo, Office of Air Quality (OAQ-107), EPA, Seattle, Washington 98101, (206) 553-1814.

#### SUPPLEMENTARY INFORMATION:

I. What action is being taken by EPA today?

- II. Why do we need to regulate MWCs emissions?
- III. What is a State Plan?
- IV. What does the Washington State Plan contain?
- V. Is my MWC subject to these regulations?
- VI. What steps do I need to take?
- VII. Administrative Requirements.

### **I. What Action Is Being Taken by the EPA Today?**

We are approving the Washington State Plan, as submitted on January 4, 1999, for the control of air emissions from large MWC's, except for those large MWCs located in Indian Country. When we developed our New Source Performance Standards (NSPS) for large MWC's, we also developed an EG to control air emissions from older, existing MWC's. See 60 FR 65387 (December 19, 1995), and as subsequently amended, 62 FR 45116 and 45124 (August 25, 1997). The WDOE developed a State Plan, as required by sections 111(d)/129 of the Clean Air Act (the Act), 42 U.S.C. 4211(d)/ 4229, to adopt the EG into their body of regulations, and we are acting today to approve it.

This approval action will supercede the requirements of the EPA's Federal Plan, developed for sources in States which did not have an approved State Plan by December 19, 1996. In the review of the State of Washington's Plan, EPA determined that the requirements were at least as protective as the emission guidelines as well as the requirements promulgated into 40 CFR part 60, subpart FFF, which is the Federal Plan for Large Municipal Waste Combustors. As of the effective date of this action, September 28, 1999, the Federal Plan will no longer apply to the sources in the State of Washington. Sources must comply with the requirements found within this State Plan.

We are publishing this action without prior proposal because we view this as a noncontroversial approval and anticipate no adverse comments. However, in a separate document in this **Federal Register** publication, we are proposing to approve the revision, should significant, material and adverse comments be filed. This action is effective September 28, 1999, unless we received any significant, material or adverse comments by August 30, 1999. If we receive such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will be addressed 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 on this action should do so at this time.

### **II. Why Do We Need To Regulate MWC Emissions?**

When burned, municipal waste emits various air pollutants, including dioxin/furan, sulfur dioxide, hydrogen chloride and toxic metals (lead, cadmium and mercury.) Mercury is highly hazardous and is of particular concern because it persists in the environment and bioaccumulates through our food sources. Serious developmental effects in humans, primarily damage to the nervous system, have been associated with exposures to mercury.

Exposure to particulate matter has been linked with adverse health effects, including aggravation of existing respiratory and cardiovascular disease and increased risk of premature death. Hydrochloric acid is a clear colorless gas. Chronic exposure to hydrochloric acid has been reported to cause gastritis, chronic bronchitis, dermatitis, and photosensitization.

Exposure to dioxin and furan can cause skin disorders, cancer, and reproductive effects such as endometriosis. These pollutants can also affect the immune system.

For a more detailed background related to the hazards of exposure to the air emissions from large MWC's, contact the EPA's Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina, 27711.

### **III. What Is a State Plan?**

Sections 111(d)/129 of the Act require that pollutants controlled under the NSPS must also be controlled at older, existing sources in the same source categories. Section 129 of the Act provides additional requirements for incineration sources. Once an NSPS is promulgated for a specific source category, we then publish an EG applicable to the control of the same pollutants from the existing (designated) facilities. States with designated facilities must then develop a State Plan to adopt the EG into their body of regulations. States must also include in this State Plan other elements, such as emission inventories, legal authority, and public participation documentation, and demonstration of the ability to enforce the State Plan.

### **IV. What Does the Washington State Plan Contain?**

The WADOE submitted regulations, as promulgated by the Spokane County Air Pollution Control Agency (SCAPCA) and adopted into State regulations on June 4, 1999. The WADOE adopted and submitted local regulations, because

there is only one identified existing source for this specific category. This designated source, located in Spokane, Washington, is directly regulated by the local authority, SCAPCA. When the State adopted the local regulation, these requirements also became State-enforceable. Any additional existing designated sources identified at a later date must also comply with the requirements of the SCAPCA rule, as adopted by the State, unless the State revises its regulation and resubmits its revised State Plan to the EPA for approval. The Washington State Plan contains:

1. A demonstration of the State's legal authority to implement the section 111(d) State Plan;
2. SCAPCA rule, Regulation I, section 6.17 (Amending WSR 98-01-037), as adopted by reference by WADOE;
3. An inventory of the known, designated facility, along with estimates of their toxic air emissions;
4. Emission limits that are as protective as the EG;
5. A compliance date 1 year from the date of SCAPCA's rule effective date;
6. Testing, monitoring, reporting and recordkeeping requirements for the designated facility;
7. Records from the public hearing; and
8. Provisions for progress report to EPA.

The Washington 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 60.30b through 60.39b, *subpart Cb—Emission Guidelines and Compliance Times for Municipal Waste Combustors*. Based upon our review of the submission, EPA has determined that the Washington State Plan for existing large MWC's satisfies all the requirements for section 111(d) of the Clean Air Act approval. Accordingly, we are approving this State Plan. A detailed discussion of our evaluation of the Washington State Plan is included in our technical support document, located in the official file for this action.

### **V. Is My MWC Subject to These Regulations?**

The EG for existing MWCs affect any MWC built on or before September 20, 1994 and which combust at least 250 tons of municipal solid waste a day. If your facility meets this criterion, you are subject to these regulations.

### **VI. What Steps Do I Need To Take?**

If you are a designated source, as defined under 40 CFR part 60, subpart

Cb, you must comply with the all the requirements as adopted under SCAPCA regulations, section 6.17. In general, you must comply with all the requirements of regulations listed within the State Plan within one year from the date we approve it; however, there are provisions to extend your compliance date. See 40 CFR 60.39b.

## VII. Administrative Requirements

### A. Executive Order 12866

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

### B. Executive Order 12875

Under E.O. 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies 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, 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 rules on any of these entities. This action does not create any new requirements but simply approves requirements that the State is already imposing. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

### C. Executive Order 13045

Executive Order 13045, entitled "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.

The EPA interprets E.O. 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-501 of the Order has the potential to influence the regulation. This final rule is not subject to E.O. 13045 because it approves a State program.

### D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies 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

Under the Regulatory Flexibility Act, 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 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.

Pursuant to section 605(b) of the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities. This Federal action approves pre-existing requirements under federal, State or local law, and imposes no new requirements on any entity affected by this rule, including small entities. Therefore, these amendments will not have a significant 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 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 on by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated 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 pre-existing 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. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major" rule as defined by 5 U.S.C. 804(2). This rule will be effective September 28, 1999.

#### H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 28, 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 effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2)).

#### List of Subjects in 40 CFR Part 62

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Municipal Waste Combustors, Reporting and recordkeeping requirements.

Dated: July 19, 1999.

**Randall F. Smith,**

*Acting Regional Administrator, Region 10.*

**Note:** Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of Federal Register on July 1, 1982.

40 CFR Part 62 of the Code of Federal Regulations is amended as follows:

1. The authority citation for Part 62 continues to read as follows:

**Authority:** 42 U.S.C. 7401-7642.

#### Subpart WW—Washington

2. Sections 62.11860 and 62.11870 are added, along with undesignated centerheads, to subpart WW, reading as follows:

#### Plans for the Control of Designated Pollutants From Existing Facilities (Section 111(d) Plan)

##### § 62.11860 Identification of Plan.

(a) *Identification of Plan.* Washington State Designated Facility Plan (Section 111(d) Plan).

(b) The plan was officially submitted as follows:

(1) Control of metals, acid gases, organic compounds and nitrogen oxide emissions from existing municipal waste combustors was submitted by State of Washington Department of Ecology on January 4, 1999.

(2) RESERVED.

(c) *Designated Facilities.* The plan applies to existing facilities in the following category of sources:

(1) Existing municipal waste combustors.

(2) [RESERVED]

#### Metals, Acid Gases, Organic Compounds and Nitrogen Oxide Emissions From Existing Municipal Waste Combustors With the Capacity to Combust Greater Than 250 Tons Per Day of Municipal Solid Waste

##### § 62.11870 Identification of sources.

The plan applies to existing facilities at the following municipal waste combustor sites:

(1) Spokane Regional Solid Waste System, Spokane, WA.

(2) [RESERVED]

[FR Doc. 99-19431 Filed 7-29-99; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 180

[OPP-300899; FRL-6093-3]

RIN 2070-AB78

#### Propiconazole; Extension of Tolerances for Emergency Exemptions

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

**ACTION:** Final rule.

**SUMMARY:** This regulation extends time-limited tolerances for combined residues of the fungicide propiconazole and its metabolites in or on blueberries, cranberries and raspberries at 1.0 part per million (ppm) for an additional 1-year period. The tolerance for cranberries will expire and is revoked on July 31, 2000; the tolerances for blueberries and raspberries will expire and are revoked on December 31, 2000. This action is in response to EPA's granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on blueberries, cranberries and raspberries. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act requires EPA to establish a time-limited tolerance or exemption from the

requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18.

**DATES:** This regulation becomes effective July 30, 1999. Objections and requests for hearings must be received by EPA, on or before September 28, 1999.

**ADDRESSES:** Written objections and hearing requests, identified by the docket control number [OPP-300899], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP-300899], must also be submitted to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 119, Crystal Mall 2 (CM #2), 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epa.gov. Copies of electronic objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1/6.1 or ASCII file format. All copies of electronic objections and hearing requests must be identified by the docket control number [OPP-300899]. No Confidential Business Information (CBI) should be submitted through e-mail. Copies of electronic objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

**FOR FURTHER INFORMATION CONTACT:** By mail: Stephen Schaible, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Rm. 271, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 308-9362, schaible.stephen@epa.gov.