

(36) Then proceed in an easterly direction along the township line (across the San Felipe Quadrangle), approximately 12.4 miles to the intersection of Township 11 South and Township 12 South and Range 5 East and Range 6 East on the Three Sisters Quadrangle.

(37) Then proceed north along the Range 5 East and Range 6 East range line approximately 5.5 miles to Pacheco Creek on the Pacheco Creek Quadrangle.

(38) Then proceed northeast along Pacheco Creek approximately .5 mile to the beginning point.

Signed: November 19, 1998.

**John W. Magaw,**

Director.

Approved: December 24, 1998.

**John P. Simpson,**

Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 99-1209 Filed 1-19-99; 8:45 am]

BILLING CODE 4810-31-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 9 and 761

[OPPTS-66009D; FRL-6048-8]

RIN 2070-AC01

### Confirmation of Approval and Technical Amendment To Update the EPA Listing of OMB Approval Numbers Under the Paperwork Reduction Act

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

**ACTION:** Final Rule; technical amendment.

**SUMMARY:** This technical amendment updates the table that lists the control numbers issued by the Office of Management and Budget (OMB) to indicate the approval of an information collection related activity pursuant to the Paperwork Reduction Act (PRA). Specifically, this technical amendment confirms the effective date and incorporates into 40 CFR part 9 the OMB approval number for the information collections contained in the final rule on the disposal of polychlorinated biphenyls (PCBs), which published in the **Federal Register** on June 29, 1998 (63 FR 35384)(FRL-5726-1), and became effective on August 28, 1998. EPA announced the approval of this ICR on October 26, 1998 (63 FR 57123)(FRL-6180-2).

**DATES:** This technical amendment is effective January 20, 1999. The information collection requirements of 40 CFR 761.30, 761.35, 761.40, 761.60,

761.61, 761.62, 761.65, 761.71, 761.72, 761.77, 761.79, 761.80, 761.125, 761.180, 761.205, 761.253, 761.274, 761.295, 761.314, 761.357, 7761.359, 761.395 and 761.398 became effective on September 9, 1998.

**ADDRESSES:** To obtain copies of EPA Form 7710-53, Notification of PCB Activity, and EPA Form 7720-12, PCB Transformer Registration, contact the TSCA Hotline by phone at (202) 554-1404, TDD (202) 544-0551, or by e-mail: TSCA-Hotline@epa.gov. For additional sources of these EPA Forms, see "SUPPLEMENTARY INFORMATION."

#### FOR FURTHER INFORMATION CONTACT:

Susan B. Hazen, Director, Environmental Assistance Division (Mail Code: 7408), Office of Pollution Prevention and Toxics, Rm. E-543B, Environmental Protection Agency, 401 M St. SW, Washington, DC 20460, (202) 554-1404, TDD (202) 544-0551, e-mail: TSCA-Hotline@epa.gov. For technical information: Peggy Reynolds, U.S. Environmental Protection Agency, (7404), 401 M St., SW., Washington, DC 20460; telephone: (202) 260-3965; fax: (202) 260-1724; e-mail: "reynold.peggy@epa.gov".

#### SUPPLEMENTARY INFORMATION:

### I. Does this Technical Amendment Apply to Me?

You may be affected by this technical correction if you are required by the final PCB disposal rule to report certain PCB activities either to EPA or a third party and/or to maintain certain PCB records, if you own or operate a PCB Transformer and must register your transformers with EPA, or if you manage PCB waste and must notify EPA of your PCB waste activities. Regulated categories and entities may include, but are not limited to:

Category	Examples of Regulated Entities
Industry .....	Chemical manufacturers, electroindustry manufacturers, end-users of electricity, PCB waste handlers (e.g., storage facilities, landfills and incinerators), waste transporters, general contractors
Utilities and rural electric co-operatives.	Electric power and light companies
Individuals, Federal, State, and Municipal Governments.	Individuals and agencies which own, process, distribute in commerce, use, and dispose of PCBs

This table is not exhaustive, but lists the types of entities that could potentially be regulated by this action. Other types of entities may also be interested in this technical correction. To determine whether your entity is regulated by this action, carefully examine the provisions in the disposal of polychlorinated biphenyls rule (63 FR 35384, June 29, 1998). If you have any questions regarding the applicability of this action to a particular entity, you should consult the applicable regulations, or the technical contact listed in the "FOR FURTHER INFORMATION CONTACT" section.

### II. How Can I Get Additional Information, Copies of this Document, and Support Documents?

1. *Electronically.* You may obtain electronic copies of this document and EPA Forms 7710-53 and 7720-12 from the EPA Home Page at <http://www.epa.gov/fedrgstr/EPA-TOX/1998/> under the "Federal Register-Environmental Documents" listing and the date of publication of this document in the **Federal Register**. You may also obtain copies of the EPA Forms from EPA's PCB Home Page (<http://www.epa.gov/opptintr/PCB>) under PCB Waste Handlers.

2. *Fax-on-Demand.* You may request to receive a faxed copy of the EPA forms by using a faxphone to call 202-401-0527 and selecting item 4047 for a copy of EPA Form 7710-53--Notification of PCB Activity, and item number 4048 for EPA Form 7720-12--PCB Transformer Registration.

3. *In person.* The official record for this technical amendment, including the public version, has been established under docket control number OPPTS-66009D. The official record also includes all material and submissions filed under docket control number OPPTS-66009C, the record for the referenced final rule. The public version of the record, including printed, paper versions of any electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection in the TSCA Nonconfidential Information Center, Rm. NE B-607, 401 M St., SW., Washington, DC. The Center is open from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260-7099.

### III. What Does this Technical Correction Do?

EPA is amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations,

which appears at 40 CFR part 9. This correction updates the table to include the OMB approval number related to a final rule issued on June 29, 1998 (63 FR 35384), which amended the regulations affecting, among other things, the disposal of polychlorinated biphenyls (PCBs). The effective date for the rule was August 28, 1998. At publication, OMB had not officially approved the information collection request for the PCB disposal rule. Under the PRA, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. On September 9, 1998, OMB approved the information collection for a 3-year period and assigned it the clearance number of 2070-0159. In addition to the display of the OMB control number on the forms, this display of the OMB control number and its subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

The OMB approval numbers being incorporated into 40 CFR part 9 are for the information collection requirements in the PCB disposal rule published at 61 FR 35384, June 29, 1998. This document serves to confirm the approval of those information collection requirements in 40 CFR 761.30, 761.35, 761.40, 761.60, 761.61, 761.62, 761.65, 761.71, 761.72, 761.77, 761.79, 761.80, 761.125, 761.180, 761.205, 761.253, 761.274, 761.295, 761.314, 761.357, 761.359, 761.395 and 761.398 which became effective on September 9, 1998.

#### **IV. Why Is this Technical Correction Issued as a Final Rule?**

The ICR itself was subject to public notice and comment in conjunction with the rulemaking, which occurred prior to submission of the final ICR to OMB and OMB's approval. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

#### **V. What Actions Were Required by the Various Regulatory Assessment Mandates?**

This final rule does not impose any requirements. It only implements a technical correction to the Code of Federal Regulations (CFR). As such, this action does not require review by the Office of Management and Budget

(OMB) under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993), the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). For the same reason, it does not require any action under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub.L. 104-4), or Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994). In addition, since this type of action does not require any proposal, no action is needed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*).

#### **VI. Are there Any Impacts on Tribal, State and Local Governments?**

##### *A. Executive Order 12875*

Under Executive Order 12875, entitled *Enhancing Intergovernmental Partnerships* (58 FR 58093, October 28, 1993), 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. If the mandate is unfunded, EPA must 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, Executive Order 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 an unfunded Federal 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 Executive Order 12875 do not apply to this rule.

##### *B. Executive Order 13084*

Under Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998), 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. If the mandate is unfunded, EPA must provide 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, Executive Order 13084 requires EPA to develop an effective process permitting elected 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 Executive Order 13084 do not apply to this rule.

#### **VII. Submission to Congress and the General Accounting Office**

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. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the Congressional Review Act if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary. As previously stated, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of January 20, 1999. 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 this rule in the **Federal Register**. This is a technical correction to the CFR and is not a "major rule" as defined by 5 U.S.C. 804(2).

**List of Subjects**

40 CFR Part 9  
 Environmental protection, Reporting and recordkeeping requirements.  
 40 CFR Part 761  
 Environmental protection, Hazardous substances, Labeling, Polychlorinated biphenyls(PCBs), Reporting and recordkeeping requirements.  
 Dated: January 5, 1999.

Susan H. Wayland,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I is amended as follows:

**PART 9—[AMENDED]**

1. In part 9:  
 a. The authority citation for part 9 continues to read as follows:  
**Authority:** 7 U.S.C. 135 et seq., 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 et seq., 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345(d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g4, 300g5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 et seq., 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

b. Section 9.1 is amended by adding new entries to the table in section number order to read as follows:

**§ 9.1 OMB approvals under the Paperwork Reduction Act.**  
 \* \* \* \* \*

40 CFR Citation	OMB control No.
Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce and Use Prohibitions.	
* * * * *	
761.30(a)(1)(vi) and (xii) .....	2070–0159
761.30(h)(1)(ii) and (iii) .....	2070–0159
761.30(i) .....	2070–0159
761.30(t)(3) .....	2070–0159
761.35 .....	2070–0159
761.40(k) and (l) .....	2070–0159
761.60(b)(5) .....	2070–0159
761.60(j) .....	2070–0159
761.61 .....	2070–0159
761.62 .....	2070–0159
761.65(a)(2) – (4) .....	2070–0159
761.65(c)(1)(iv), (c)(5), (c)(6) and (c)(8) .....	2070–0159
761.65(g)(9) .....	2070–0159

40 CFR Citation	OMB control No.
761.65(j) .....	2070–0159
* * * * *	*
761.71 .....	2070–0159
761.72 .....	2070–0159
* * * * *	*
761.77 .....	2070–0159
* * * * *	*
761.79(d) .....	2070–0159
761.79 (f) .....	2070–0159
761.79 (h) .....	2070–0159
761.80(e) .....	2070–0159
761.80(i) .....	2070–0159
* * * * *	*
761.125(a)(1) .....	2070–0159
761.180(a)(1)(iii) .....	2070–0159
761.180(a)(2)(ix) .....	2070–0159
761.180(a)(4) .....	2070–0159
761.180(b)(1)(iii) .....	2070–0159
761.180(b)(3) .....	2070–0159
* * * * *	*
761.205(f) .....	2070–0159
* * * * *	*
761.253 .....	2070–0159
761.274 .....	2070–0159
761.295 .....	2070–0159
761.314 .....	2070–0159
761.357 .....	2070–0159
761.359 .....	2070–0159
761.395 .....	2070–0159
761.398 .....	2070–0159
* * * * *	*

[FR Doc. 99–1252 Filed 1–19–99; 8:45 am]  
 BILLING CODE 6560–50–F

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 58**

[ORWA–010799–a; FRL–6220–3]

**Modification of the Ozone Monitoring Season for Washington and Oregon**

**AGENCY:** Environmental Protection Agency.  
**ACTION:** Direct final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is amending 40 CFR part 58, Appendix D, section 2.5, to shorten the ozone monitoring season in Washington and Oregon from April 1 through October 31 to May 1 through September 30.

**DATES:** This direct final rule is effective on March 22, 1999 without further notice, unless EPA receives adverse comment by February 19, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register**

and inform the public that the rule will not take effect.

**ADDRESSES:** Written comments should be addressed to: Chris Hall, Office of Air Quality (OAQ–107), EPA Region 10, 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Office of Air Quality, 1200 Sixth Avenue (OAQ–107), Seattle, Washington 98101, and at Washington’s Department of Ecology.

**FOR FURTHER INFORMATION CONTACT:** Chris Hall, Office of Air Quality (OAQ–107), EPA Region 10, 1200 Sixth Avenue, Seattle, Washington 98101, (206) 553–1949.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On July 9, 1998, EPA released a new guidance document concerning ozone monitoring season selection and modification (“Guideline for Selecting and Modifying the Ozone Monitoring Season Based on an 8-Hour Ozone Standard,” July 9, 1998. EPA–454/R–98–001). In the guidance, EPA’s Office for Air Quality Planning and Standards (“OAQPS”) evaluated the ozone monitoring data and seasons for each state, and provided a methodology for calculating new ozone monitoring seasons.

On November 19, 1998, the Washington Department of Ecology (Ecology) submitted a request to EPA Region 10 to shorten its ozone monitoring season per the guidance document’s process and recommendations. Currently the ozone monitoring season for Washington is April 1 through October 31, as required by federal regulations which can be found in the “Ozone Monitoring Season by State” table found in 40 CFR part 58, Appendix D section 2.5, and as required by State Implementation Plan for Washington as approved by EPA. Since 1990 there has been no exceedance of the 8-hour NAAQS (0.08 ppm) in Oregon or Washington during the months of April and October. Ecology requested that EPA modify the monitoring season to May through September, in accordance with EPA’s guidance.

A similar letter of request was submitted by the Oregon Department of Environmental Quality (DEQ) on December 1, 1998. In response to an earlier request from DEQ, EPA already had approved a modification of the Oregon 1-hour ozone monitoring season from May 1 through September 30. EPA’s guidance suggested that a similar