

Substances	Limitations
<p>Sodium 2,2'-methylenebis(4,6-di-<i>tert</i>-butylphenyl)phosphate (CAS Reg. No. 85209-91-2).</p>	<p>For use only:</p> <ol style="list-style-type: none"> 1. * * * 2. As a clarifying agent at levels not exceeding 0.10 percent by weight of polypropylene complying with § 177.1520(c) of this chapter, items 1.1(a) or 1.1(b) and of olefin polymers complying with § 177.1520(c) of this chapter, items 3.1(a), 3.1(b), 3.1(c), 3.2(a), or 3.2(b) (where the copolymers contain not less than 85 weight percent of the polymer units derived from polypropylene.) The finished polymers shall be used in contact with foods only under conditions of use A through H described in Table 2 of § 176.170(c) of this chapter.

Dated: December 1, 1998.

William K. Hubbard,

*Associate Commissioner for Policy
Coordination.*

[FR Doc. 98-32907 Filed 12-10-98; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF STATE

22 CFR Part 42

[Public Notice 2935]

Documentation of Immigrants Under the Immigration and Nationality Act—International Organization and NATO Civilian Employee Special Immigrants

AGENCY: Bureau of Consular Affairs, State.

ACTION: Final rule.

SUMMARY: This final rule amends the Department's regulations to comply with new statutory authority. The rule extends fourth preference special immigrant classification to civilian employees of the North Atlantic Treaty Organization (NATO) provided they meet certain qualifying criteria.

EFFECTIVE DATE: The rule was effective as of October 21, 1998.

FOR FURTHER INFORMATION CONTACT: H. Edward Odom, Chief, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520-0106, (202) 663-1204.

SUPPLEMENTARY INFORMATION: Section 421 of Subtitle B of the American Competitiveness and Workforce Improvement Act of 1998 in the Omnibus Appropriations Act of 1998 (Pub. L. 105-277) enacted on October 21, 1998 amends the Immigration and Nationality Act (INA) by adding a new section (L) under section 101(a)(27). This new section entitles civilian NATO

employees, who meet certain requirements, to apply for special immigrant status under INA 203(b)(4) as defined under INA 101(a)(27)(L). Subsection (L) extends special immigrant status to NATO civilian employees who meet the same criteria as that required by international organization employees under subsection (I). The Department regulation at 22 CFR 42.32(d)(5) permits international organization employees who are beneficiaries of a petition approved by the Immigration and Naturalization Service to be classified as a fourth preference special immigrant under INA 203(b)(4). The Department is, therefore, amending the regulation to include civilian NATO employees who have approved special immigrant petitions granting status under INA 101(a)(27)(L).

Final Rule

The implementation of this rule as a final rule, is based upon the "good cause" exceptions set forth at 5 U.S.C. 553(b)(3)(B) and 553(d)(3). The provision of law being implemented became effective on October 21, 1998, the date of the enactment of the Omnibus Appropriation Act of 1998. Consular officers have been complying with it based on guidance essentially akin to that in this final rule but not yet codified in regulations. It is essential that a formal regulatory order undergird their actions at the earliest possible date. Promulgation of this rule without opportunity for public comment would not be contrary to public interest since it expands the special immigrant category to benefit additional qualified aliens as intended by the Congress.

It has been determined that this rule will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory

Flexibility Act. This rule imposes no reporting or recordkeeping action on the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act requirements. This rule is exempted from E.O. 12866 but has been reviewed to ensure consistency therewith.

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

List of Subjects in 22 CFR Part 42

Aliens, Immigration, Passports and visas.

The Rule

In view of the foregoing, the Department of State amends 22 CFR part 42 as follows:

1. The authority citation for Part 42 continues to read:

Authority: 8 U.S.C. 1104

2. Amend § 42.32(d)(5) by revising paragraph (d)(5) to read as follows:

§ 42.32 Employment-based preference immigrants.

* * * * *

(d) * * *

(5) Certain international organization and NATO civilian employees—(i) Entitlement to status. An alien is classifiable under INA 203(b)(4) as a special immigrant defined in INA 101(a)(27)(I) or (L) if the consular officer has received a petition approved by the INS to accord such classification, or official notification of such approval, and the consular officer is satisfied from the evidence presented that the alien is within one of the classes described therein.

(ii) Timeliness of application.

An alien accorded status under INA 203(b)(4) because of qualification under

INA 101(a)(27)(I) or (L) must appear for the final visa interview and issuance of the immigrant visa within six months of establishing entitlement to status.

* * * * *

Dated: December 12, 1998.

Donna J. Hamilton,

Acting Assistant Secretary for Consular Affairs.

[FR Doc. 98-32758 Filed 12-10-98; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[Docket# ME-057-01-7006a; FRL-6201-1]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Maine; Plan for Controlling MWC Emissions From Existing MWC Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The United States Environmental Protection Agency (EPA) approves the sections 111(d)/129 State Plan submitted by the Maine Department of Environmental Protection on April 15, 1998, for implementing and enforcing the Emissions Guidelines (EG) applicable to existing Municipal Waste Combustors (MWCs) units with capacity to combust more than 250 tons/day of municipal solid waste (MSW). See 40 CFR part 60, subpart Cb.

DATES: This direct final rule is effective on February 9, 1999 without further notice unless EPA receives adverse comment by January 11, 1999. If adverse comment is received by the above date, 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: John Courcier, Office of Ecosystem Protection (CAP), U.S. EPA-New England, Region 1, JFK Federal Building, Boston, Massachusetts 02203-2211.

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 submitted to EPA relative to this action may be examined during normal business hours at the following locations. 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.

Environmental Protection Agency-New England, Region 1, Air Permits Unit, Office of Ecosystem Protection, 11th floor, One Congress Street, Boston, Massachusetts 02203.

Maine Department of Environmental Protection, Bureau of Air Quality, Ray Building, Hospital Street, Augusta, Maine 04333.

FOR FURTHER INFORMATION CONTACT: John Courcier at (617) 565-9462.

SUPPLEMENTARY INFORMATION:

I. Background

On December 19, 1995, pursuant to sections 111 and 129 of the Clean Air Act (Act), the EPA promulgated new source performance standards (NSPS) applicable to new MWCs and EG applicable to existing MWCs. The NSPS and EG are codified at 40 CFR part 60, subparts Eb and Cb, respectively. See 60 FR 65387. Subparts Cb and Eb regulate the following: particulate matter, opacity, sulfur dioxide, hydrogen chloride, oxides of nitrogen, carbon monoxide, lead, cadmium, mercury, and dioxin and dibenzofurans.

On April 8, 1997, the United States Court of Appeals for the District of Columbia Circuit vacated subparts Cb and Eb as they apply to MWC units with capacity to combust less than or equal to 250 tons/day of MSW (small MWCs), consistent with its opinion in *Davis County Solid Waste Management and Recovery District v. EPA*, 101 F.3d 1395 (D.C. Cir. 1996), *as amended*, 108 F.3d 1454 (D.C. Cir. 1997). As a result, subparts Eb and Cb apply only to MWC units with individual capacity to combust more than 250 tons/day of municipal solid waste (large MWC units).

Under section 129 of the Act, emission guidelines are not federally enforceable. Section 129(b)(2) of the Act requires States to submit to the EPA for approval State Plans that implement and enforce the emission guidelines. State Plans must be at least as protective as the emission guidelines, and become federally enforceable upon approval by EPA. The procedures for adoption and submittal of State Plans are codified in 40 CFR part 60, subpart B. EPA originally promulgated the subpart B provisions on November 17, 1975. EPA amended subpart B on December 19, 1995, to allow the subparts developed under section 129 to include specifications that supersede the general provisions in subpart B regarding the schedule for submittal of State Plans, the stringency of the emission

limitations, and the compliance schedules. See 60 FR 65414. This action approves the State Plan submitted by Maine to implement and enforce subpart Cb, as it applies to large MWC units only.

II. Discussion

The Maine Department of Environmental Protection (DEP) submitted to EPA on April 15, 1998 the following sections 111(d)/129 State Plan components for implementing and enforcing the emission guidelines for existing MWCs in the State: Legal Authority; Emission Standards and Limitations; Compliance Schedule; MWC Emissions and MWC Plant/Unit Inventories; Procedures for Testing and Monitoring Sources of Air Pollutants; Source Surveillance, Compliance Assurance and Enforcement; Demonstration That the Public Had Adequate Notice and Opportunity to Submit Written Comments and Public Hearing Summary; and applicable State regulations (DEP regulations Chapter 121). DEP submitted its Plan after the Court of Appeals vacated subpart Cb as it applies to small MWC units. Thus, the Maine State Plan covers only large MWC units. Small units are not subject to the requirements of subpart Cb and not subject to this approval.

The approval of DEP's State Plan is based on EPA's finding that: (1) DEP provided adequate public notice of public hearings for the proposed rulemaking which allows Maine to implement and enforce provisions that are at least as protective as the EG for large MWCs, and (2) DEP also demonstrated legal authority to adopt emission standards and compliance schedules applicable to the designated facilities; enforce applicable laws, regulations, standards and compliance schedules; seek injunctive relief; obtain information necessary to determine compliance; require record keeping; conduct inspections and tests; require the use of monitors; require emission reports of owners and operators; and make emission data publicly available.

In section 1.1 and appendix D of Maine's Plan, the DEP cites the following in support of its demonstration of legal authority: State of Maine Attorney General's Demonstration of the Legal Authority to Implement and Enforce MWC NSPS and Emissions Guidelines; Attorney General's Legal Opinion to Operate the Title V Operating Permit Program; 38 MRSA section 344; 38 MRSA section 585, Establishment of Emission Standards; 38 MRSA section 585-B, Hazardous Air Pollutant Standards; 38 MRSA section 590, Licensing. In