

## PART 13—NATIONAL PARK SYSTEM UNITS IN ALASKA

1. The authority citation for part 13 continues to read as follows:

**Authority:** 16 USC 1, 3, 462(k), 3101 *et seq.*; Sec. 13.65 also issued under 16 USC 1a–2(h), 20, 1361, 1531, 3197; Pub. L. 105–277, 112 Stat. 2681, October 21, 1998; Pub. L. 106–31, 113 Stat. 57, May 21, 1999.

2. Section 13.1 is amended by redesignating paragraphs (j) through (v) as paragraphs (k) through (w) and add new paragraph (j) to read as follows:

### § 13.1 Definitions.

\* \* \* \* \*

(j) The term *motorboat* refers to a motorized vessel other than a personal watercraft.

\* \* \* \* \*

Dated: December 6, 1999.

**Donald J. Barry,**

*Assistant Secretary for Fish and Wildlife and Parks.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 9

[FRL–6560–5]

### OMB Approvals Under the Paperwork Reduction Act; Technical Amendment

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

**ACTION:** Final rule.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table that list the Office of Management and Budget (OMB) control numbers issued under the PRA for Federal Plan Requirements for Municipal Solid Waste Landfills that Commenced Construction Prior to May 30, 1991 and have not been Modified or Reconstructed since May 30, 1991.

**EFFECTIVE DATE:** this final rule is effective March 21, 2000.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mary Ann Warner at (919) 541–1192, Program Implementation and Review Group, Information Transfer and Program Integration Division (MD–12), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

**SUPPLEMENTARY INFORMATION:** EPA is amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. The amendment

updates the table to list those information collection requirements promulgated under the Federal Plan Requirements for Municipal Solid Waste Landfills that Commenced Construction Prior to May 30, 1991 and have not been Modified or Reconstructed since May 30, 1991 which appeared in the **Federal Register** on November 8, 1999 (64 FR 60689–60706). The affected regulation is codified at 40 CFR 62.14350–62.14356. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations. The table lists CFR citations with reporting, recordkeeping, or other information collection requirements, and the current OMB control numbers. This listing of the OMB control numbers and their subsequent codification in the CFR 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.

This ICR was previously subject to public notice and comment prior to OMB approval. Due to the technical nature of the table, EPA finds that further notice and comment is unnecessary. 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.

### I. Administrative Requirements

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. In addition, this action does not impose any enforceable duty, contain any unfunded mandate, or impose any significant or unique impact on small governments as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not require prior consultation with State, local, and tribal government officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993) or Executive Order 13084 (63 FR 27655 (May 10, 1998), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because EPA interprets

Executive Order 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 rule is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

### Congressional Review Act

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 good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of March 21, 2000. 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 9

Environmental protection, Reporting and recordkeeping requirements.

Dated: March 8, 2000.

**Oscar Morales,**

*Director, Collections Strategies Division, Office of Environmental Information.*

For the reasons set out in the preamble, 40 CFR part 9 is amended as follows:

### PART 9—[AMENDED]

1. 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, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. In § 9.1 the table is amended by adding an undesignated heading and

entry in numerical order to read as follows:

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

*	*	*	*	*
40 CFR citation	OMB control No.			
*	*	*	*	*
<b>Approval and Promulgation of State Plans for Designated Facilities and Pollutants</b>				
62.14355	2060-0430			
*	*	*	*	*

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 431**

[FRL-6562-3]

**Amendment to the Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Builders' Paper and Board Mills Point Source Category; Technical Amendment; Removal**

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

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

**SUMMARY:** This action removes duplicative regulatory language for the Builders' Paper and Board Mills Point Source Category. The regulatory requirements for this category are already included in regulations related to the Secondary Fiber, Non-Deink Subcategory of the Pulp, Paper, and Paperboard Point Source Category.

**DATES:** Effective on March 21, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Mark A. Perez, Engineering and Analysis Division (4303), U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460; call (202) 260-2275 or e-mail: perez.mark@epa.gov.

**SUPPLEMENTARY INFORMATION:**

**Need for Removing 40 CFR Part 431**

On April 15, 1998, EPA promulgated effluent limitations guidelines and standards, under the Clean Water Act (CWA), for a portion of the pulp, paper and paperboard industry. 63 FR 18504. EPA also promulgated national emission standards for hazardous air pollutants (NESHAP) under the Clean Air Act (CAA) as amended in 1990, for the pulp and paper production source category.

Id. In that rulemaking, known as the Cluster Rules, EPA reorganized 26 subcategories (formerly found in parts 430 and 431) into 12 new subcategories. See 63 FR 18637. In reorganizing the subcategories, mills formerly in the Builders' Paper and Board Mills Point Source Category (part 431) were placed under the Secondary Fiber Non-Deink Subcategory (part 430, subpart J). EPA did not make any substantive changes to the limitations and standards applicable to mills in this subcategory in the April 15, 1998 rule, but simply reprinted in their entirety the current effluent limitations guidelines and standards applicable to these mills. Thus, the regulations codified under part 431 are now duplicative and are removed by this action.

**Administrative Requirements and Related Government Acts**

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. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because the revisions in this final rule are not substantive. Today's correction removes redundant regulatory language for the Builders' Paper and Board Mills Point Source Category. The same requirements for this category appear in 40 CFR parts 430 and 431. This action removes the redundant part 431 requirements. Thus, notice and public procedure are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B). For the same reason, the Agency has determined that good cause exists to waive the requirement under 5 U.S.C. 553(d) that a rule be published not less than 30 days before its effective date. In this case, the revision in today's final rule is not substantive in nature because it withdraws duplicative requirements. Therefore, the amendments are effective immediately.

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, as described above, 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 significant intergovernmental mandates, 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 technical correction 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). 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.*). EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the April 15, 1998 **Federal Register** document.

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.

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