

State agency that submitted the negative declaration	Date of letter to EPA Region 6 Office
City of Albuquerque Environmental Health Department	January 25, 2002.

C. Small Municipal Waste Combustion Units Negative Declarations From the States of Louisiana, New Mexico, and Oklahoma, and the City of Albuquerque (Bernalillo County), New Mexico

The Louisiana Department of Environmental Quality, the New Mexico

Environment Department, the Oklahoma Department of Environmental Quality, and the City of Albuquerque (Bernalillo County) have submitted letters certifying that there are no existing small municipal waste combustion units under their jurisdictions in their

respective States or in Bernalillo County, New Mexico subject to 40 CFR part 60, subpart BBBB. These negative declarations meet the requirements of 40 CFR 62.06. The dates that these letters were submitted are identified in the table below.

State agency that submitted the negative declaration	Date of letter to EPA Region 6 Office
Louisiana Department of Environmental Quality	December 20, 2002.
New Mexico Environment Department	November 13, 2001.
Oklahoma Department of Environmental Quality	October 2, 2001.
City of Albuquerque, Environmental Health Department	September 10, 2002.

D. Commercial and Industrial Solid Waste Incinerators Negative Declaration From the State of New Mexico

The New Mexico Environment Department submitted a letter dated November 13, 2001, certifying that there are no existing commercial and industrial solid waste incinerators subject to 40 CFR part 62, subpart DDDD, under its jurisdiction in the State of New Mexico (excluding tribal lands and Bernalillo County). This negative declaration meet the requirements of 40 CFR 62.06.

III. Final Action

We are approving a negative declaration submitted by the City of Albuquerque (Bernalillo County), New Mexico certifying that there are no existing municipal waste combustion units in Bernalillo County on lands under the jurisdiction of the Albuquerque/Bernalillo County Air Quality Control Board subject to 40 CFR part 60, subpart Cb.

We are approving negative declarations submitted by the New Mexico Environment Department and the City of Albuquerque Environmental Health Department certifying that there are no existing hospital/medical/infectious waste incinerators subject to 40 CFR part 60, subpart Ce.

We are also approving negative declarations submitted by the Louisiana Department of Environmental Quality, the New Mexico Environment Department, the Oklahoma Department of Environmental Quality, and the City of Albuquerque Environmental Health Department certifying that there are no existing small municipal waste combustion units subject to 40 CFR part 60, subpart BBBB, within the

jurisdictions of the respective State and local agencies.

Finally, we are also approving a negative declaration submitted by the New Mexico Environment Department that there are no existing applicable commercial and industrial solid waste incineration units subject to 40 CFR part 60, subpart DDDD, under its jurisdiction in the State of New Mexico (excluding tribal lands and Bernalillo County).

If a designated facility is later found within any of the noted jurisdictions after publication of this **Federal Register** action, then the overlooked facility will become subject to the requirements of the Federal plan for that designated facility, including the compliance schedule. The Federal plan will no longer apply if we subsequently receive and approve the 111(d)/129 plan from the jurisdiction with the overlooked facility.

Since the States of Louisiana, New Mexico, and Oklahoma have not submitted a demonstration of authority over "Indian Country," (as defined in 18 U.S.C. 1151) we are limiting our approval to those areas that do not constitute Indian Country. Under this definition, EPA treats as reservations, trust lands validly set aside for the use of a Tribe even if the trust lands have not been formally designated as a reservation. Any existing designated facility that may exist on "Indian Country" is subject to the Federal plan for the designated facility. See 40 CFR 62.13.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial action and anticipates no adverse comments. However, in the "Proposed Rules" section of this **Federal Register** publication, EPA is publishing a

separate document that will serve as the proposal to approve these rules should relevant adverse comments be filed. This action will be effective August 12, 2003 unless EPA receives adverse written comments by July 14, 2003.

If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on August 12, 2003 and no further action will be taken on the proposed rule.

IV. Statutory and Executive Order Reviews

Under Executive Order (EO) 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to EO 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state and local declarations that rules implementing certain federal standards are unnecessary. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves state and local declarations that rules implementing certain federal standards are