

3-11-.17, should be implemented and enforced in place of the EPA's 40 CFR part 61, subpart H, and 40 CFR part 61, subpart Q, respectively. The State of Tennessee's submittal is available for public review and comment.

DATES: This action will be effective on June 10, 1996 unless adverse or critical comments are received by May 28, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the State of Tennessee's submittal are available during normal business hours at the following addresses for inspection and copying:

Division of Air Pollution Control,
Tennessee Department of
Environment and Conservation, L & C
Annex, 9th Floor, 401 Church Street,
Nashville, Tennessee;

U.S. EPA Headquarters Library, PM
211A, 401 M Street, SW., Washington,
DC 20460, Phone: (202) 382-5926;
and

U.S. EPA Region 4, Regional Library,
345 Courtland St., NE., Atlanta, GA
30365, Phone: (404) 347-3555, x6050.

Written comments should be sent to
Douglas Neeley, EPA Region 4, Air
Programs Branch, 345 Courtland St,
NE., Atlanta, GA 30365, Phone: (404)
347-3555, x4176, and should be
submitted concurrently to Mr. John
W. Walton, P.E., Director, Division of
Air Pollution Control, Tennessee
Department of Environment and
Conservation, L & C Annex, 9th Floor,
401 Church Street, Nashville,
Tennessee 37243-1531, Phone: (615)
532-0554.

FOR FURTHER INFORMATION CONTACT:
Lee Page, EPA Region 4, Air Programs
Branch, 345 Courtland St, NE., Atlanta,
GA 30365, Phone: (404) 347-3555,
x4199.

SUPPLEMENTARY INFORMATION:

A. Background.

Section 112(l) of the Clean Air Act as amended in 1990, enables the EPA to approve State air toxics programs or rules to operate in place of the Federal air toxics program. Approval is granted by the EPA if the Agency finds that the State program or rule: (1) is "no less stringent" than the corresponding Federal rule or program, (2) provides adequate authority and resources, (3) provides a schedule for implementation and compliance that is sufficiently expeditious, and (4) is otherwise in compliance with Federal guidance.

B. The State of Tennessee rule 1200-3-11-.08, Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities, and rule 1200-3-11-.17,

National Emission Standards for Radon Emissions From Department of Energy Facilities, are verbatim the Federal rules 40 CFR part 61, subpart H, and 40 CFR part 61, subpart Q, respectively.

EPA is approving the State of Tennessee's rule No. 1200-3-11-.08 and rule No. 1200-3-11-.17, as a direct final rule without prior proposal because the Agency views this as a noncontroversial delegation request and anticipates no adverse comments. If no adverse comments are received in response to this direct final rule, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent action. Any parties interested in commenting on this action should do so at this time.

List of Subjects in 40 CFR Part 63

Environmental protection, Air
Pollution control, Hazardous
substances, Reporting and
recordkeeping requirements.

Authority: This notice is issued under the authority of Title III of the Clean Air Act as amended, 42 U.S.C. 2399.

Dated: March 12, 1996.

Bruce P. Miller,

Acting Division Director.

[FR Doc. 96-10099 Filed 4-24-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

[FRL-5459-2]

**Alabama; Final Authorization of
Revisions to State Hazardous Waste
Management Program**

AGENCY: Environmental Protection
Agency.

ACTION: Immediate final rule.

SUMMARY: Alabama has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Alabama's revisions consist of Section B "Corrective Action Beyond Facility Boundary" and Section C "Corrective Action for Injection Wells" of the HSWA Codification Rule in HSWA Cluster II, "Burning of Hazardous Waste in Boilers and Industrial Furnaces Corrections and Technical Amendment", "Burning of Hazardous Waste in Boilers and Industrial Furnaces Technical Amendment II", and "Boilers and Industrial Furnaces; Administrative Stay for Coke Ovens" which are provisions in RCRA Cluster II and "Corrective Action Management Units

and Temporary Units" (CAMU), a RCRA Cluster III provision. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed Alabama's applications and has made a decision, subject to public review and comment, that Alabama's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Alabama's hazardous waste program revisions. Alabama's applications for program revisions are available for public review and comment.

DATES: Final authorization for Alabama's program revisions shall be effective June 24, 1996 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Alabama's program revision applications must be received by the close of business, May 28, 1996.

ADDRESSES: Copies of Alabama's program revision applications are available during 8:00 am to 4:30 pm at the following addresses for inspection and copying: Alabama Department of Environmental Management, 1751 Congressman W. L. Dickinson Drive, Montgomery, Alabama 36109-2608, (334) 271-7700; U.S. EPA, Region 4, Library, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347-4216. Written comments should be sent to Al Hanke at the address listed below.

FOR FURTHER INFORMATION CONTACT: Al Hanke, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347-2234 vmx 2018.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under Section

3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260-268 and 124 and 270.

B. Alabama

Alabama initially received final authorization for its base RCRA program effective on December 22, 1987.

Alabama received authorization for revisions to its program on January 28, 1992, July 12, 1992, December 21, 1992, May 17, 1993, November 23, 1993, April 4, 1994, January 13, 1995 and October 13, 1995. On July 1, 1991, and June 25, 1993, Alabama submitted program revision applications for additional program approvals. Today, Alabama is

seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Alabama's applications and has made an immediate final decision that Alabama's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Alabama. The public may submit written comments on EPA's immediate final decision up until May 28, 1996.

Copies of Alabama's applications for these program revisions are available for inspection and copying at the locations indicated in the "Addresses" section of this notice. Approval of Alabama's program revisions shall become effective June 24, 1996, unless an adverse comment pertaining to the State's revisions discussed in this notice

is received by the end of the comment period.

If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Alabama is today seeking authority to administer the following Federal requirements.

| Federal requirement | FR reference | FR promulgation date | State authority |
|---|------------------|----------------------|--|
| Checklist 44 B HSWA Codification Rule; Corrective Action Beyond Facility Boundary | 52 FR 45788 | 12/1/87 | 335-14-5-.06(11)(e),(e)1,2 335-14-5.06(12)(c) |
| Checklist 44 C HSWA Codification Rule; Correction Action for Injection Wells | 52 FR 45788 | 12/1/87 | 335-6-8-.07 335-14-6-.01(1)(c) |
| Checklist 94 Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I | 56 FR 32688 | 7/17/9 | 335.1401(3)(c)2.(ii)(II) 335-14-.01(6)(a)2.2.(ii) 335-14-6-.16(1) 335-14-7-.05(1)(c)(d) 335-14-7-.08 (1-8),(9)(a)(c),(10) 335-14-7-Appendix I-IV, Appendix VII-X 335-14-8-.02(13)(a) 2.(ii)(II)(III) 335-14-8-.02(13)(a)5.(vii) 335-14-8-.02(13)(a)6.(b)1 335-14-8-.06(5)(b)1,4 335-14-8-.06(5)(c)2.(i),2.(ii), 3.(vi),3.(vii) 335-14-8-.07(4)(f)(g) |
| Checklist 96 Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II | 56 FR 42504 | 8/27/91 | 335-14-2-.01(2)(d)2,2.(i-iii) 335-14-6-.07(3)(d)2, (d)2.(i),(ii) 335-14-6-.07(4)(a)(b) 335.14.7-.08(1)(3)(4)(5), (9)(a)2(10-13) 335-14-7-Appendix IX,XI,XII |
| Checklist 98 Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II | 56 FR 43874 | 9/5/91 | 335-14-7-.08(1) |

| Federal requirement | FR reference | FR promulgation date | State authority |
|--|------------------|----------------------|---|
| Burning of Hazardous Waste in Boilers and Industrial Furnaces; Administrative Stay for Coke Ovens Checklist 121 | 58 FR 8658 | 2/16/93 | 335-14-1-.02(1) 335-14-5-.01(3) 335-14-5-.06(12)(b) 335-14-5-.19(1)(a),(1)(a)1,2 335-14-5-19(1)(b)1,(1)(b)1.(i),(ii) 335-14-5-.19(1)(b)2,(1)(c), (1)(c)1-(7),(1)d,(1)(e), (1)(e)1,2,3,3.(i).3.(ii), (1)(e)4,(1)(f),(1)(g),(1)(h) 335-14-5-.19(2)(a-g) 335-14-6-.01(1)(a) 335-14-9-.01(2) 335-14-1-.02(2) 335-14-8-.04(3)(b) |
| Corrective Action Management Units and Temporary Units | | | |

Alabama's applications for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Alabama is granted final authorization to operate its hazardous waste program as revised.

Alabama now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision applications and previously approved authorities. Alabama also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. When a written statement is needed for an EPA rule, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory

alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local and tribal governments, in the aggregate, or the private sector in any one year. EPA does not anticipate that the approval of Alabama's hazardous waste program referenced in today's notice will result in annual costs of \$100 million or more.

EPA's approval of state programs generally has a deregulatory effect on the private sector because once it is determined that a state hazardous waste program meets the requirements of RCRA section 3006(b) and the regulations promulgated thereunder at 40 CFR Part 271, owners and operators of hazardous waste treatment, storage, or disposal facilities (TSDFs) may take

advantage of the flexibility that an approved state may exercise. Such flexibility will reduce, not increase compliance costs for the private sector. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR Parts 264, 265, and 270. Once EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs with increased levels of flexibility provided under the approved state program.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Alabama's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Environmental protection,
Administrative practice and procedure,

Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 6974(b)).

Dated: April 4, 1996.

John H. Hankinson, Jr.,
Regional Administrator.

[FR Doc. 96-10102 Filed 4-24-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

[FRL-5459-1]

North Carolina; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: North Carolina has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). North Carolina's revisions consist of the provisions contained in rules promulgated between July 1, 1993, and June 30, 1994, otherwise known as RCRA Cluster IV. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed North Carolina's application and has made a decision, subject to public review and comment, that North Carolina's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve North Carolina's hazardous waste program revisions. North Carolina's application for program revisions is available for public review and comment.

DATES: Final authorization for North Carolina's program revisions shall be effective June 24, 1996, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on North Carolina's

program revision application must be received by the close of business, May 28, 1996.

ADDRESSES: Copies of North Carolina's program revision application are available during normal business hours at the following addresses for inspection and copying: North Carolina Department of Environment, Health, and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 27611-7687; U.S. EPA Region 4, Library, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347-4216. Written comments should be sent to Al Hanke at the address listed below.

FOR FURTHER INFORMATION CONTACT: Al Hanke, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347-2234.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program.

In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260-268 and 124 and 270.

B. North Carolina

North Carolina initially received final authorization for its base RCRA program effective on December 31, 1984, (49 FR 48694). North Carolina most recently received final authorization effective November 27, 1995, for the provisions of RCRA Cluster III. Today, North Carolina is seeking approval of additional program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed North Carolina's application and has made an immediate final decision that North Carolina's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to North Carolina. The public may submit written comments on EPA's immediate final decision up until May 28, 1996.

Copies of North Carolina's application for these program revisions are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of North Carolina's program revisions shall become effective June 24, 1996, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

North Carolina is today seeking authority to administer the following Federal requirements promulgated between July 1, 1993, and June 30, 1994.