

IV. Analysis under Executive Order (E.O.) 12866, the Unfunded Mandates Reform Act of 1995, the Regulatory Flexibility Act and the Paperwork Reduction Act

Because the withdrawal of these rules from the CFR merely reflects their current obsolescence and thus has no regulatory impact, this action is not a "significant" regulatory action within the meaning of E.O. 12866, and does not impose any Federal mandate on State, local, or tribal governments or the private sector within the meaning of the Unfunded Mandates Reform Act of 1995. For the same reasons, pursuant to the Regulatory Flexibility Act, I certify that this action would not have a significant economic impact on a substantial number of small entities. Finally, because these guidelines have been replaced or addressed by 40 CFR Parts 257 and 258, their deletion from the CFR does not affect requirements under the Paperwork Reduction Act.

List of Subjects in 40 CFR Part 241

Waste treatment and disposal.

Dated: April 17, 1996.

Elliott P. Laws,

Assistant Administrator.

For the reasons set out in the preamble, and under the authority of 42 U.S.C. 6907 and 6912, Title 40, Chapter I of the Code of Federal Regulations is amended as follows:

Part 241—[REMOVED]

1. Part 241 is removed.

[FR Doc. 96-10388 Filed 4-25-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

[5461-1]

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

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: South Carolina has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). South Carolina's revisions consist of the provisions contained in certain rules promulgated between April 24, 1984, and September 2, 1988. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed South Carolina's application and has

made a decision, subject to public review and comment, that South Carolina's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve South Carolina's hazardous waste program revisions. South Carolina's applications for program revisions are available for public review and comment.

DATES: Final authorization for South Carolina's program revisions shall be effective June 25, 1996 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on South Carolina's program revision application must be received by the close of business, May 28, 1996.

ADDRESSES: Copies of South Carolina's program revision applications are available during normal business hours at the following addresses for inspection and copying: South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201; 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. South Carolina

South Carolina initially received final authorization for its base RCRA program effective on November 22, 1985. South Carolina most recently received authorization for revisions to its program effective October 16, 1995, (60 FR 42046, August 15, 1995). Today, South Carolina is seeking approval of additional program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed South Carolina's applications and has made an immediate final decision that South 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 South Carolina. The public may submit written comments on EPA's immediate final decision up until May 28, 1996.

Copies of South 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 South Carolina's program revisions shall become effective June 25, 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.

South Carolina is today seeking authority to administer the following Federal requirements:

Federal requirement	HSWA or FR notice	Promulga- tion	State authority
State Availability of Information	HSWA § 3006(f)	11/8/84	SCHWMA§ 30-4-15, SCHWMA§ 30-4-20(c), SCHWMA§ 30-4-30(a), SCHWMA§ 30-4-30(b), SCHWMA§ 30-4-30(c), SCHWMA§ 30-4-30(t), SCHWMA§ 30-4-40(a)(1), SCHWMA§ 30-4-100, SCHWMA§ 30-4-100(a), SCHWMA§ 30-4-100(b), SCHWMA§ 44-56-80, R.61-79.270.12, R.61-72.201, R.61-72.201(a), R.61-72.260.2(a), R.61-72.260.2(b), SCHWMA§ 44-56-30, R.61-79.260.70(b).
Checklist 6 Permit Rules: Settlement Agreement.	49 FR 17718	4/24/84	SCHWMA§ 44-56-30, SCHWMA§ 44-56-70, R.61-79.265.314(d).
Checklist 25 Codification Rule, Technical Correction.	51 FR 19176	5/28/86	SCHWMA§ 44-56-30, SCHWMA§ 44-56-70, R.61-79.265.314(d).
Checklist 47 Identification and Listing of 1 Hazardous Waste: Technical Correction.	53 FR 27162	7/19/88	SCHWMA§ 44-56-20(5,6,&8), SCHWMA§ 44-56-310, SCHWMA§ 44-56-30, SCHWMA§ 44-56-60(a), SCHWMA§ 44-56-70, SCHWMA§ 44-56-170, R.61-79.261.5(e), R.61-79.261.5(f)(2).
Checklist 48 Farmer Exemptions; Technical Corrections.	53 FR 27164	7/19/88	SCHWMA§ 44-56-20(6), R.61-79.262.10(b), R.61-79.262.10(d), R.61-79.264.1(g)(4), R.61-79.265.1(c)(8), R.61-79.268.1(c)(5), R.61-79.270.1(c)(2)(ii).
Checklist 52 Hazardous Waste Management Systems: Standards for Hazardous Waste Storage and Treatment Tank Systems.	53 FR 34079	9/2/88	SCHWMA§ 44-56-30, SCHWMA§ 44-56-50, R.61-79.260.10, R.61-79.264.114, R.61-79.264.190(a), R.61-79.264.190(b), R.61-79.264.193(f)(3), R.61-79.264.196, R.61-79.265.110(b)(2), R.61-79.265.114, R.61-79.265.190(a)-(b), R.61-79.265.193(f)(3), R.61-79.265.193(g)(3)(iii), R.61-79.265.196, R.61-79.265.201(c)(3), R.61-79.270.2.

C. Decision

I conclude that South Carolina's application for these program revisions meets all of the statutory and regulatory requirements established by RCRA. Accordingly, South Carolina is granted final authorization to operate its hazardous waste program as revised.

South Carolina 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. South Carolina also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 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 South Carolina'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 South Carolina'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 11, 1996.

William Waldrop,

Acting, Regional Administrator.

[FR Doc. 96-10098 Filed 4-25-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

[FRL-5461-5]

Kentucky; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate Final Rule.

SUMMARY: Kentucky has applied for final authorization of revisions to its

hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Kentucky's revisions consist of the provisions contained in rules promulgated between November 8, 1984, through June 30, 1987, otherwise known as HSWA Cluster I. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed Kentucky's application and has made a decision, subject to public review and comment, that Kentucky's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Kentucky's hazardous waste program revisions. Kentucky's application for program revisions is available for public review and comment.

DATES: Final authorization for Kentucky's program revisions shall be effective June 25, 1996 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Kentucky's program revision application must be received by the close of business, May 28, 1996.

ADDRESSES: Copies of Kentucky's program revision application are available during normal business hours at the following addresses for inspection and copying: Kentucky Department for Environmental Protection, Fort Boone Plaza, Building #2, 18 Reilly Road, Frankfort, Kentucky 40601; 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) 347-3555 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. Kentucky

Kentucky initially received final authorization for its base RCRA program effective on January 31, 1985. Kentucky has received authorization for revisions to its program on December 19, 1988, March 20, 1989, May 15, 1989, November 30, 1992, and March 13, 1995. On October 16, 1995, Kentucky submitted a program revision application for additional program approvals. Today, Kentucky is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3). EPA has reviewed Kentucky's application and has made an immediate final decision that Kentucky'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 Kentucky. The public may submit written comments on EPA's immediate final decision up until May 28, 1996.

Copies of Kentucky'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 Kentucky's program revisions shall become effective June 25, 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