

## V. Regulatory Assessment Requirements

### A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

### B. Regulatory Flexibility Act

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 6, 1996.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

## PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

1. The authority citation for part 180 continues to read as follows:  
Authority: 21 U.S.C. 346a and 371.

2. In subpart D, by adding § 180.1159, to read as follows:

### § 180.1159 Pelargonic acid.

Pelargonic acid is exempt from the requirement of a tolerance on apples and pears provided it is used as a blossom thinner only and is in a dilution of 100 gallons of water applied to blooms at a rate not to exceed 4.2 lbs/acre with the maximum number of applications not exceeding two per year.

[FR Doc. 96-3278 Filed 2-13-96; 8:45 am]

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## 40 CFR Part 271

[FRL-5420-5]

### Alabama; Final Authorization of a Revision to State Hazardous Waste Management Program

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** Alabama has applied for final authorization of a revision to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Alabama's revision consists of the Corrective Action provision contained in HSWA Cluster I. This requirement is listed in Section B of this document. The Environmental Protection Agency (EPA) has reviewed Alabama's application and has made a decision, subject to public review and comment, that Alabama's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Alabama's hazardous waste program revision. Alabama's application for program revision is available for public review and comment.

**DATES:** Final authorization for Alabama's program revision shall be effective April 15, 1996, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Alabama's program revision application must be received by the close of business, March 15, 1996.

**ADDRESSES:** Copies of Alabama's program revision application 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 (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 124, 260-268 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 March 1, 1990, Alabama submitted a program revision application for additional program approvals. Today, Alabama is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Alabama's application and has made an immediate final decision that Alabama's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently,

EPA intends to grant final authorization for the additional program modification to Alabama. The public may submit written comments on EPA's immediate final decision up until March 15, 1996.

Copies of Alabama's application for this program revision 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 April 15, 1996, unless an adverse comment pertaining to the

State's revision 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 requirement promulgated on July 15, 1985, for Corrective Action.

Federal requirement	FR reference	FR promulgation date	State authority
Checklist 17L HSWA Codification Rule; Corrective Action .....	50 FR 28702 .....	7/15/85	335-14-5-.06(1)(a). 335-14-5-.06(12)(a)(b). 335-14-8-.06.

Alabama's application for this program revision meets 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 application 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.

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: January 31, 1996.

Phyllis P. Harris,

*Acting Regional Administrator.*

[FR Doc. 96-3026 Filed 2-13-96; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Public Land Order 7184

[OR-958-1430-01; GP6-0038; OR-50500]

#### Withdrawal of National Forest System Lands to Protect the Elk River Wild and Scenic Corridor; Oregon

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order withdraws 4,921 acres of National Forest System lands in the Siskiyou National Forest from mining for a period of 20 years to protect the recreational and visual resources of the Elk River Wild and Scenic Corridor. The lands have been and will remain open to such forms of disposition as may by law be made of National Forest System lands and to mineral leasing.

**EFFECTIVE DATE:** February 14, 1996.

#### FOR FURTHER INFORMATION CONTACT:

Betty McCarthy, BLM, Oregon/ Washington State Office, P.O. Box 2965, Portland, Oregon 97208-2965, 503-952-6155.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System lands are hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect the significant recreational and visual resources along the Elk River Wild and Scenic Corridor:

Willamette Meridian

*Siskiyou National Forest*

Tracts of land located within the following described townships and sections as more particularly identified and described below:

T. 33 S., R. 13 W.,

Secs. 13 to 24, inclusive, secs. 29 and 30.

T. 33 S., R. 14 W.,

Secs. 7, 8, 13, 15, 16, 17, and secs. 20 to 24, inclusive; Beginning at the northeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of sec. 7, T. 33 S., R. 14 W.; Thence westerly to the northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of sec. 7; Thence southerly to the south quarter corner of sec. 7; Thence easterly to the southeast corner of sec. 7; Thence southerly along the west boundary of sec. 17 to the northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 17; Thence easterly to the southwest corner of the E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 17; Thence northerly to the northwest corner of the E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 17; Thence easterly to the northeast corner of the W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 17; Thence southerly to the southeast corner of the W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  of sec. 17; Thence