

approved in this action, the State and any affected local governments have elected to adopt the program provided for under Title I and sections 110, 172, 189, and 190 of the Clean Air Act. The rules and commitments approved in this action may bind state and local governments to perform certain actions and also may ultimately lead to the private sector being required to perform certain duties. To the extent that the rules and commitments being approved by this action will impose or lead to the imposition of any mandate upon the state or local governments either as the owner or operator of a source or as a regulator, or would impose or lead to the imposition of any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State or local governments, or to the private sector, result from this action. Therefore, EPA has determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to the State or local governments in the aggregate or to the private sector.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: March 31, 1996.
Felicia Marcus,
Regional Administrator.

Subpart F of part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (226) and (228) to read as follows:

§ 52.220 Identification of plan.

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(c) * * *
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(226) Air Quality Management Plan for the following APCD was submitted on September 11, 1991, by the Governor's designee.

(i) Incorporation by reference.
(A) Great Basin Unified Air Pollution Control District.

(I) Air Quality Management Plan for the Mammoth Lakes PM-10 Planning Area adopted December 12, 1990.

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(228) Air Quality Management Plans for the following APCD were submitted on January 9, 1992, by the Governor's designee.

(i) Incorporation by reference.
(A) Great Basin Unified Air Pollution Control District.

(I) Revisions to the Air Quality Management Plan for Mammoth Lakes PM-10 Planning Area adopted November 6, 1991.

(j) Rule 431 adopted November 6, 1991.

(ii) Town of Mammoth Lakes Municipal Code Chapter 8.30 dated October 2, 1991.

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40 CFR Part 271

[FRL-5510-9]

Nevada: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The State of Nevada has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. The Environmental Protection Agency (EPA) has completed its review of Nevada's application and has made a decision, subject to public review and comment, that Nevada's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Nevada's hazardous waste program revisions. Nevada's application for program revision is available for public review and comment.

DATES: Final authorization for Nevada is effective August 23, 1996. Unless EPA publishes a prior Federal Register action withdrawing this immediate final

rule. All comments on Nevada's program revision application must be received by the close of business July 24, 1996.

ADDRESSES: Copies of Nevada's program revision application is available during the business hours of 9:00 a.m. to 5:00 p.m. at the following addresses for inspection and copying:

Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, 333 W. Nye Lane, Carson City, NV 89710 Phone: 702/687-5872, Contact L. H. Dodgion, Administrator
U.S. EPA Region IX Library-Information Center, 75 Hawthorne Street, San Francisco, CA 94105 Phone: 415/744-1510.

Written comments should be sent to Lisa McClain-Vanderpool, U.S. EPA Region IX (H-4), 75 Hawthorne Street, San Francisco, CA 94105 Phone: 415/744-2086.

FOR FURTHER INFORMATION CONTACT: Lisa McClain-Vanderpool, U.S. EPA Region IX (H-4), 75 Hawthorne Street, San Francisco, CA 94105 Phone: 415/744-2086.

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. 6929(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. 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 260-266, 268, 124, 270 and 279.

B. Nevada

Nevada initially received final authorization for the base program on November 1, 1985. On June 12, 1995, Nevada received final authorization for revisions to its hazardous waste program, which included substantially all the Federal RCRA implementing regulations published in the Federal Register through July 1, 1994. On March 28, 1996, Nevada submitted an application for additional revision approvals. Nevada is seeking approval of its program revisions in accordance with 40 CFR 271.21.

EPA has reviewed Nevada's application, and has made an immediate final decision that Nevada's hazardous

waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to approve final authorization for Nevada's hazardous waste program revisions. The public may submit written comments on EPA's immediate final decision up until July 24, 1996. Copies of Nevada's applications for program revision are available for inspection and copying at

the locations indicated in the **ADDRESSES** section of this notice. Approval of Nevada's program revisions is effective in 60 days 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 the comment which either affirms that the immediate final decision takes effect or reverses the decision.

Nevada is applying for authorization for changes and additions to the Federal RCRA implementing regulations that occurred between July 1, 1994 and July 1, 1995, including the following Federal hazardous waste regulations:

Federal requirement	State analog
Recovered oil exclusion; (59 <i>FR</i> 38536, July 28, 1994)	Nevada Revised Statutes (NRS) 459.485 and 459.490; Nevada Administrative Code (NAC) 444.8632 through 444.8634 and regulations included as Section 4 of LCB File No. R027-95.
Removal of the conditional exemption for certain slag residues; (59 <i>FR</i> 43496, August 24, 1994)	Same as above.
Universal treatment standards and treatment standards for organic toxicity characteristic wastes and newly listed wastes; (59 <i>FR</i> 47982, September 19, 1994).	Same as above.
Organic air emission standards for tanks, surface impoundments, and containers; amendment; (59 <i>FR</i> 62896, December 6, 1994 and 60 <i>FR</i> 26828, May 19, 1995).	Same as above.
Hazardous Waste Management System; Testing and monitoring activities amendment I; (60 <i>FR</i> 3089, January 13, 1995).	Same as above.
Carbamate production identification and listing of hazardous waste; (60 <i>FR</i> 7824, February 9, 1995)	Same as above.
Hazardous Waste Management System; Testing and monitoring activities amendment II; (60 <i>FR</i> 17001, April 4, 1995).	Same as above.
Universal Waste Rule; (60 <i>FR</i> 25492, May 11, 1995) Removal of legally obsolete rules; (60 <i>FR</i> 33912, June 29, 1995).	Same as above.

NOTE: NRS 459.485 effective 1981, amended 1991; NRS 459.490 effective 1981, amended 1987. NAC 444.8632 adopts by reference 40 CFR part 2, subpart A; part 124, subparts A and B; parts 260 through 270, inclusive; part 273 and part 279 as modified by NAC 444.8633, NAC 444.8634, 444.86325 and the regulations included as Section 4 of LCB file no. R027-95 (filed with the Secretary of State on November 9, 1995).

Nevada agrees to review all State hazardous waste permits which have been issued under State law prior to the effective date of this authorization. Nevada agrees to then modify or revoke and reissue such permits as necessary to require compliance with the amended State program. The modifications or revocation and reissuance will be scheduled in the annual State Grant Work Plan.

Nevada is not being authorized to operate any portion of the hazardous waste program on Indian lands.

C. Decision

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

Nevada is now responsible for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984) ("HSWA").

Nevada 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.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 USC 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 Nevada'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: May 20, 1996.

Felicia Marcus,
Regional Administrator.
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