

Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. section 804(2).

#### *Paperwork Reduction Act*

Under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

#### 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: July 29, 1996.

Valdas V. Adamkus,  
Regional Administrator.

[FR Doc. 96-21174 Filed 8-19-96; 8:45 am]

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#### **40 CFR Part 271**

[FRL-5552-4]

#### **Indiana: Final Authorization of Revisions to State Hazardous Waste Management Program**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** Indiana has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976 as amended (hereinafter RCRA). Indiana's revisions consist of provisions contained in rules promulgated between January 14, 1985, and June 26, 1992, otherwise known as HSWA Clusters I and II, Non-HSWA Clusters III, IV, V, and VI, and RCRA Clusters 1 and 2. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed Indiana's application and has made a decision, subject to public review and comment, that Indiana's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus,

EPA intends to approve Indiana's hazardous waste program revisions, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (hereinafter HSWA). Indiana's application for program revision is available for public review and comment.

**EFFECTIVE DATE:** Final authorization for Indiana shall be effective October 21, 1996 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Indiana's program revision application must be received by the close of business September 19, 1996.

**ADDRESSES:** Copies of Indiana's program revision application are available for inspection and copying, from 9 a.m. to 4 p.m., at the following addresses: Indiana Department of Environmental Management, 100 North Senate, P.O. Box 6015, Indianapolis, Indiana 46206-6015, contact: Lynn West (317) 232-3593; U.S. EPA, Region 5, DR-7J, 77 W. Jackson Blvd., Chicago, Illinois 60604, contact: Gary Westefer (312) 886-7450. Written comments should be sent to Mr. Gary Westefer, Indiana Regulatory Specialist, U.S. EPA, Office of RCRA, DR-7J, 77 W. Jackson Blvd., Chicago, Illinois 60604, phone 312/886-7450.

**FOR FURTHER INFORMATION CONTACT:** Mr. Gary Westefer, U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Phone: 312/886-7450.

#### **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. 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.

In accordance with 40 CFR 271.21, 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, 260-266, 268, 270, 273 and 279.

##### **B. Indiana**

Indiana initially received final authorization for its program effective January 31, 1986. (51 FR 3955, January 30, 1986). Indiana received authorization for revisions to its program effective on December 31, 1986 (51 FR 39752, October 31, 1986), January 19, 1988 (53 FR 128, January 5, 1988), September 11, 1989 (54 FR 29557, July 13, 1989), September 23, 1991 (56 FR 33717, July 23, 1991), September 23, 1991 (56 FR 33866, July 24, 1991), September 27, 1991 (56 FR 35831, July 29, 1991), and September 30, 1991 (56 FR 36010, July 30, 1991). On June 10, 1996, Indiana submitted a program revision application for additional program approvals. Today, Indiana is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Indiana's application, and has made an immediate final decision that Indiana'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 Indiana. The public may submit written comments on EPA's immediate final decision up until September 19, 1996. Copies of Indiana's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Indiana's program revision shall become effective in 60 days 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.

On October 21, 1996, Indiana will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the following provisions of the Federal program:

Federal requirement	Analogous State authority
Dioxin Listing and Management Standards; January 14, 1985 (CL 14), 50 FR 01978–2006. <sup>1</sup> Paint Filter Test; April 30, 1985 (CL 16), 50 FR 18370–18375. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2; 3.1–9–1; 3.1–9–2; 3.1–9–3; 3.1–10–1; 3.1–10–2; 3.1–13–1; 3.1–13–2. Effective December 17, 1989. Rules 329 IAC 3.1–9–1; 3.1–9–2; 3.1–10–1; 3.1–10–2. Effective December 17, 1989.
HSWA Codification Rule—Small Quantity Generators; July 15, 1985 (CL 17A), 50 FR 28702–28755. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective December 17, 1989.
HSWA Codification Rule—Household Waste; July 15, 1985 (CL 17C), 50 FR 28702–28755. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective December 17, 1989.
HSWA Codification Rule—Waste Minimization; July 15, 1985 (CL 17D), 50 FR 28702–28755. <sup>1</sup>	Rules 329 IAC 3.1–7–1; 3.1–7–2; 3.1–7–14; 3.1–9–1; 3.1–13–1. Effective December 17, 1989.
HSWA Codification Rule—Location Standards for Salt Domes, Salt Beds, Mines and Caves; July 15, 1985 (CL 17E), 50 FR 28702–28755. <sup>1</sup>	Rule 329 IAC 3.1–10–1. Effective December 17, 1989.
HSWA Codification Rule—Liquids in Landfills; July 15, 1985 (CL 17F), 50 FR 28702–28755. <sup>1</sup>	Rules 329 IAC 3.1–9–1; 3.1–10–1; 3.1–10–2; 3.1–13–1. Effective December 17, 1989.
HSWA Codification Rule—Dust Suppression; July 15, 1985 (CL 17G), 50 FR 28702–28755. <sup>1</sup>	Rule 329 IAC 3.1–11–1. Effective December 17, 1989.
HSWA Codification Rule—Double Liners; July 15, 1985 (CL 17H), 50 FR 28702–28755. <sup>1</sup>	Rules 329 IAC 3.1–9–1; 3.1–9–2; 3.1–10–1; 3.1–10–2. Effective December 17, 1989.
HSWA Codification Rule—Ground Water Monitoring; July 15, 1985 (CL 17I), 50 FR 28702–28755. <sup>1</sup>	Rule 329 IAC 3.1–9–1. Effective December 17, 1989.
HSWA Codification Rule—Cement Kilns; July 15, 1985 (CL 17J), 50 FR 28702–28755. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2; 3.1–11–1. Effective December 17, 1989.
HSWA Codification Rule—Fuel Labeling; July 15, 1985 (CL 17K), 50 FR 28702–28755. <sup>1</sup>	Rule 329 IAC 329 IAC 3.1–11–1. Effective December 17, 1989.
HSWA Codification Rule—Corrective Action; July 15, 1985 (CL 17L), 50 FR 28702–28755. <sup>1</sup>	Rule 329 IAC 3.1–9–1. Effective December 17, 1989.
HSWA Codification Rule—Pre-Construction Ban; July 15, 1985 (CL 17M), 50 FR 28702–28755. <sup>1</sup>	Rule 329 IAC 3.1–13–3. Effective December 17, 1989.
HSWA Codification Rule—Permit Life; July 15, 1985 (CL 17N), 50 FR 28702–28755. <sup>1</sup>	Rules 329 IAC 3.1–13–1; 3.1–13–2; 3.1–13–15. Effective December 17, 1989.
HSWA Codification Rule—Omnibus Provision; July 15, 1985 (CL 17O), 50 FR 28702–28755. <sup>1</sup>	Rule 329 IAC 3.1–13–1. Effective December 17, 1989.
HSWA Codification Rule—Interim Status; July 15, 1985 (CL 17P), 50 FR 28702–28755. <sup>1</sup>	Rules 329 IAC 3.1–13–1; 3.1–13–2. Effective December 17, 1989.
HSWA Codification Rule—Research and Development Permits; July 15, 1985 (CL 17Q), 50 FR 28702–28755. <sup>1</sup>	Rules 329 IAC 3.1–13–1; 3.1–13–2. Effective December 17, 1989.
HSWA Codification Rule—Hazardous Waste Exports; July 15, 1985 (CL 17R), 50 FR 28702–28755. <sup>1</sup>	Rules 329 IAC 3.1–13–2; 3.1–13–15. Effective December 17, 1989.
HSWA Codification Rule—Exposure Information; July 15, 1985 (CL 17S), 50 FR 28702–28755. <sup>1</sup>	Rules 329 IAC 3.1–13–2; 3.1–13–3. Effective December 17, 1989.
Listing of TDI, TDA, and DNT Wastes; July 15, 1985 (CL 18), 50 FR 28702–28755. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces; November 29, 1985 (CL 19), 50 FR 49164–49211; <sup>1</sup> as amended April 13, 1987 (CL 19.1), 52 FR 11819–11822. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2; 3.1–9–1; 3.1–10–1; 3.1–11–1. Effective February 24, 1992.
Listing of Spent Solvents; December 31, 1985 (CL 20), 50 FR 53315–53320; <sup>1</sup> as amended January 21, 1986, 51 FR 02702 <sup>1</sup> (CL 20.1)	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Listing of EDB Wastes; February 13, 1986 (CL 21), 51 FR 5327–5331. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Listing of Four Spent Solvents; February 25, 1986 (CL 22), 51 FR 6537–6542. <sup>1</sup>	Rules 329 IAC 3.1–4–1; 3.1–6–1; 3.1–6–2; 3.1–7–1; 3.1–7–2; 3.1–7–3; 3.1–7–7; 3.1–7–8; 3.1–7–9; 3.1–7–10; 3.1–7–11; 3.1–7–12; 3.1–7–13; 3.1–8–1; 3.1–8–2; 3.1–13–2. Effective February 24, 1992.
Generators of 100 to 1000 Kilograms of Hazardous Waste; March 24, 1986 (CL 23), 51 FR 10146–10176. <sup>1</sup>	Rule 329 IAC 3.1–10–1. Effective February 24, 1992.
Codification Rule, Technical Correction; May 28, 1986 (CL 25), 51 FR 19176–19177. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Correction to Listing of Commercial Chemical Products and Appendix VIII, Constituents; August 6, 1986 (CL 29), 51 FR 28296–28310.	Rules 329 IAC 3.1–9–1; 3.1–9–2; 3.1–10–1; 3.1–10–2. Effective February 24, 1992.
Biennial Report Correction; August 8, 1986 (CL 30), 51 FR 28556. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2; 3.1–7–1; 3.1–7–14; 3.1–7–16; 3.1–8–1. Effective February 24, 1992.
Exports of Hazardous Waste; August 8, 1986 (CL 31), 51 FR 28664–28686. <sup>1</sup>	Rules 329 IAC 3.1–7–7; 3.1–7–8; 3.1–7–9; 3.1–7–10; 3.1–7–11; 3.1–7–12; 3.1–7–13. Effective December 17, 1989.
Standards for Generators—Waste Minimization Certifications; October 1, 1986 (CL 32), 51 FR 35190–35194. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Listing of EDBC; October 24, 1986 (CL 33), 51 FR 37725–37729. <sup>1</sup>	Rules 329 IAC 3.1–1–1; 3.1–1–2; 3.1–2–1; 3.1–3–1; 3.1–4–1; 3.1–5–1; 3.1–5–2; 3.1–6–1; 3.1–6–2; 3.1–7–1; 3.1–8–1; 3.1–9–1; 3.1–10–1; 3.1–10–2; 3.1–12–1; 3.1–12–2; 3.1–13–1. Effective February 24, 1992.
Land Disposal Restrictions; November 7, 1986 (CL 34), 51 FR 40572–40654; <sup>1</sup> as amended June 4, 1987 (CL 34.1), 52 FR 21010–21018. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2; 3.1–11–1. Effective February 24, 1992.
Definition of Solid Waste; Technical Corrections; June 5, 1987 (CL 37), 52 FR 21306–21307.	Rule 329 IAC 3.1–13–1. Effective February 24, 1992.
Amendments to Part B Information Requirements for Land Disposal Facilities; June 22, 1987 (CL 38), 52 FR 23447–23450; as amended September 9, 1987, 52 FR 33936 (CL 38.1).	

Federal requirement	Analogous State authority
California List Waste Restrictions; July 8, 1987 (CL 39), 52 FR 25760–25792; <sup>1</sup> as amended October 27, 1987, 52 FR 41295–41296 <sup>1</sup> (CL 39.1).	Rule 329 IAC 3.1–4–1; 3.1–7–1; 3.1–9–1; 3.1–10–1; 3.1–12–1; 3.1–12–2; 3.1–13–1. Effective February 24, 1992.
List (Phase 1) of Hazardous Constituents for Ground-Water Monitoring; July 9, 1987 (CL 40), 52 FR 25942–25953.	Rules 329 IAC 3.1–9–1; 3.1–13–1. Effective December 17, 1989.
Identification and Listing of Hazardous Waste; July 10, 1987 (CL 41), 52 FR 26012.	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Listing of Spent Pickle Liquor Correction 2; August 3, 1987 (CL 26.2), 52 FR 28697.	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective December 17, 1989.
Exception Reporting for Small Quantity Generators of Hazardous Waste; September 23, 1987 (CL 42), 52 FR 35894–35899. <sup>1</sup>	Rules 329 IAC 3.1–7–1; 3.1–7–2. Effective February 24, 1992.
Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee; November 18, 1987 (CL 43), 52 FR 44314–44321.	Rules 329 IAC 3.1–14–9; 3.1–14–24; 3.1–14–34; 3.1–15–8; 3.1–15–10. Effective February 24, 1992.
HSWA Codification Rule 2—Permit Application Requirements Regarding Corrective Action; December 1, 1987 (CL 44A), 52 FR 45788–45799. <sup>1</sup>	Rule 329 IAC 3.1–13–1. Effective February 24, 1992.
HSWA Codification Rule 2—Corrective Action Beyond the Facility Boundary; December 1, 1987 (CL 44B), 52 FR 45788–45799. <sup>1</sup>	Rule 329 IAC 3.1–9–1. Effective February 24, 1992.
HSWA Codification Rule 2—Permit Modification; December 1, 1987 (CL 44D), 52 FR 45788–45799. <sup>1</sup>	Rule 329 IAC 3.1–13–1. Effective February 24, 1992.
HSWA Codification Rule 2—Permit as a Shield Provision; December 1, 1987 (CL 44E), 52 FR 45788–45799. <sup>1</sup>	Rule 329 IAC 3.1–13–1. Effective February 24, 1992.
HSWA Codification Rule 2—Permit Conditions to Protect Human Health and the Environment; December 1, 1987 (CL 44F), 52 FR 45788–45799. <sup>1</sup>	Rules 329 IAC 3.1–13–2; 3.1–13–3. Effective February 24, 1992.
HSWA Codification Rule 2—Post-Closure Permits; December 1, 1987 (CL 44G) 52 FR 45788–45799. <sup>1</sup>	Rules 329 IAC 3.1–13–1; 3.1–13–2. Effective February 24, 1992.
Closure, Post-Closure Financial Responsibility Requirements—Correction 1; March 10, 1988 (CL 24.1), 53 FR 07740; as amended June 26, 1990, 55 FR 25976 (CL 24.0A).	Rules 329 IAC 3.1–4–1; 3.1–9–1; 3.1–10–1; 3.1–10–2; 3.1–13–1; 3.1–14–1; 3.1–14–2; 3.1–14–3; 3.1–14–5; 3.1–14–6; 3.1–14–7; 3.1–14–8; 3.1–14–9; 3.1–14–12; 3.1–14–13; 3.1–14–15; 3.1–14–16; 3.1–14–17; 3.1–14–18; 3.1–14–19; 3.1–15–6; 3.1–14–24; 3.1–15–8; 3.1–15–10. Effective February 24, 1992.
Technical Corrections; Identification and Listing of Hazardous Waste; April 22, 1988 (CL 46), 53 FR 13382–13393.	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Identification and Listing of Hazardous Waste; Technical Correction; July 19, 1988 (CL 47), 53 FR 27162–27163. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Farmer Exemptions; Technical Corrections (CL 48); July 19, 1988, 53 FR 27164–27165. <sup>1</sup>	Rules 329 IAC 3.1–7–1; 3.1–9–1; 3.1–10–1; 3.1–10–2; 3.1–12–1; 3.1–12–2; 3.1–13–1; 3.1–13–2. Effective February 24, 1992.
Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption; July 19, 1988 (CL 49), 53 FR 27290–27302.	Rules 329 IAC 3.1–4–1; 3.1–6–1; 3.1–6–2 Effective February 24, 1992
Land Disposal Restrictions for First Third Scheduled Wastes; August 17, 1988 (CL 50), 53 FR 31138–31222 <sup>1</sup> ; as amended February 27, 1989, 54 FR 8264–8266 <sup>1</sup> (CL 50.1).	Rules 329 IAC 3.1–9–1; 3.1–10–1; 3.1–11–1; 3.1–12–1; 3.1–12–2. Effective February 24, 1992.
Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems; September 2, 1988 (CL 52), 53 FR 34079–34087. <sup>1</sup>	Rules 329 IAC 3.1–4–1; 3.1–9–1; 3.1–10–1; 3.1–13–1. Effective February 24, 1992.
Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification; September 13, 1988 (CL 53), 53 FR 35412–35421.	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Permit Modifications for Hazardous Waste Management Facilities; September 28, 1988 (CL 54), 53 FR 37912–37942; as amended October 24, 1988, 53 FR 41649 (CL 54.1).	Rules 329 IAC 3.1–9–1; 3.1–10–1; 3.1–10–2; 3.1–13–1; 3.1–13–7. Effective February 24, 1992.
Statistical Methods for Evaluating Ground Water Monitoring Data from Hazardous Waste Facilities; October 11, 1988 (CL 55), 53 FR 39720–39731.	Rule 329 IAC 3.1–9–1. Effective February 24, 1992.
Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes; October 31, 1988 (CL 56), 53 FR 43878–43881.	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Identification and Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes; October 31, 1988 (CL 57), 53 FR 43881–43884.	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Standards for Generators of Hazardous Waste; November 8, 1988 (CL 58), 53 FR 45089–45093.	Rules 329 IAC 3.1–7–3; 3.1–7–7; 3.1–7–8; 3.1–7–9; 3.1–7–10; 3.1–7–11; 3.1–7–12; 3.1–7–13. Effective February 24, 1992.
Amendment to Requirements for Hazardous Waste Incinerator Permits; January 30, 1989 (CL 60), 54 FR 4286–4288.	Rule 329 IAC 3.1–13–1. Effective February 24, 1992.
Changes to Interim Status Facilities for Hazardous Waste Management Permits; Procedures for Post-Closure Permitting; March 7, 1989 (CL 61), 54 FR 9596–9609.	Rules 329 IAC 3.1–13–1; 3.1–3–2; 3.1–13–3. Effective February 24, 1992.
Land Disposal Restrictions—Amendments to First Third Scheduled Wastes; May 2, 1989 (CL 62), 54 FR 18836–18838. <sup>1</sup>	Rule 329 IAC 3.1–12–1. Effective February 24, 1992.
Land Disposal Restrictions for Second Third Scheduled Wastes; June 23, 1989 (CL 63), 54 FR 26594–26652 <sup>1</sup>	Rules 329 IAC 3.1–12–1; 3.1–12–2. Effective February 24, 1992.
Delay of Closure Period for Hazardous Waste Management Facilities; August 14, 1989 (CL 64), 54 FR 33376–33398.	Rules 329 IAC 3.1–9–1; 3.1–10–1; 3.1–10–2; 3.1–13–1. Effective February 24, 1992.

Federal requirement	Analogous State authority
Mining Waste Exclusion I; September 1, 1989 (CL 65), 54 FR 36592–36642.	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Land Disposal Restrictions; Correction to the First Third Scheduled Wastes; September 6, 1989 (CL 66), 54 FR 36967 <sup>1</sup> ; as amended June 13, 1990 (CL 66.1), 55 FR 23935. <sup>1</sup>	Rules 329 IAC 3.1–11–1; 3.1–12–1; 3.1–12–2. Effective February 24, 1992.
Testing and Monitoring Activities; September 29, 1989 (CL 67), 54 FR 40260–40269.	Rules 329 IAC 3.1–4–1; 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Reportable Quantity Adjustment—Methyl Bromide Production Wastes; October 6, 1989 (CL 68), 54 FR 41402–41408. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Reportable Quantity Adjustment; December 11, 1989 (CL 69), 54 FR 50968–50979. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Changes to Part 124 Not Accounted for by Present Checklists; April 1, 1983 (CL 70), 48 FR 14146–14295; June 30, 1983, 48 FR 30113–30115; July 26, 1988, 53 FR 28118–28157; September 26, 1988, 53 FR 37396–37414; January 4, 1989, 54 FR 246–258.	Rules 329 IAC 3.1–13–6; 3.1–13–7; 3.1–13–8; 3.1–13–10; 3.1–13–12. Effective February 24, 1992.
Mining Waste Exclusion II; January 23, 1990 (CL 71), 55 FR 2322–2354.	Rules 329 IAC 3.1–4–1; 3.1–6–1; 3.1–6–2; 3.1–7–6. Effective February 24, 1992.
Modifications of F019 Listing; February 14, 1990 (CL 72), 55 FR 05340	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Testing and Monitoring Activities; Technical Corrections; March 9, 1990 (CL 73), 55 FR 8948–8950.	Rules 329 IAC 3.1–4–1; 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Toxicity Characteristic Revisions; March 29, 1990 (CL 74), 55 FR 11798–11877 <sup>1</sup> as amended June 29, 1990, 55 FR 26986–26998 <sup>1</sup> (CL 74.1).	Rules 329 IAC 3.1–6–1; 3.1–6–2; 3.1–9–1; 3.1–10–1; 3.1–12–1. Effective February 24, 1992.
Listing of 1,1-Dimethylhydrazine Production Wastes; May 2, 1990 (CL 75), 55 FR 18496–18506. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Criteria for Listing Toxic Wastes; Technical Amendment; May 4, 1990 (CL 76), 55 FR 18726.	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
HSWA Codification Rule, Double Liners; Correction; May 9, 1990 (CL 77), 55 FR 19262–19264. <sup>1</sup>	Rule 329 IAC 3.1–9–1. Effective February 24, 1992.
Land Disposal Restrictions for Third Third Scheduled Wastes; June 1, 1990 (CL 78), 55 FR 22520–22720. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2; 3.1–7–1; 3.1–9–1; 3.1–10–1; 3.1–10–2; 3.1–12–1; 3.1–12–2; 3.1–13–1. Effective February 24, 1992.
Organic Air Emissions Standards for Process Vents and Equipment Leaks; June 21, 1990 (CL 79), 55 FR 25454–25519. <sup>1</sup>	Rules 329 IAC 3.1–4–1; 3.1–6–1; 3.1–6–2; 3.1–9–1; 3.1–10–1; 3.1–13–1. Effective February 24, 1992.
Toxicity Characteristic; Hydrocarbon Recovery Operations; October 5, 1990 (CL 80), 55 FR 40834–40837 <sup>1</sup> ; as amended February 1, 1991, 56 FR 3978 <sup>1</sup> (CL 80.1); as amended April 2, 1991, 56 FR 13406–13411 <sup>1</sup> (CL 80.2).	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038); November 2, 1990 (CL 81), 55 FR 46354–46397 <sup>1</sup> ; as amended December 17, 1990, 55 FR 51707 <sup>1</sup> (CL 81.1).	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective November 22, 1992.
Wood Preserving Listings; December 6, 1990 (CL 82), 55 FR 50450–50490. <sup>1</sup>	Rules 329 IAC 3.1–4–1; 3.1–6–1; 3.1–6–2; 3.1–7–1; 3.1–9–1; 3.1–9–3; 3.1–10–1; 3.1–13–1. Effective November 22, 1992.
Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendments (CL 83); January 31, 1991, 56 FR 3864–3928. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2; 3.1–7–1; 3.1–12–1; 3.1–12–2; 3.1–13–1. Effective February 24, 1992.
Toxicity Characteristic; Chlorofluorocarbon Refrigerants; February 13, 1991 (CL 84), 56 FR 5910–5915. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Removal of Strontium Sulfide from the List of Hazardous Wastes; Technical Amendment; February 25, 1991 (CL 86), 56 FR 7567–7568.	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment; April 26, 1991 (CL 87), 56 FR 19290. <sup>1</sup>	Rules 329 IAC 3.1–9–1; 3.1–10–1; 3.1–13–1. Effective February 24, 1992.
Administrative Stay for K069 Listing; May 1, 1991 (CL 88), 56 FR 19951.	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Revision to F037 and F038 Listings; May 13, 1991 (CL 89), 56 FR 21955–21960. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Mining Waste Exclusion III; June 13, 1991 (CL 90), 56 FR 27300–27330.	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective February 24, 1992.
Administrative Stay for F032, F034, and F035 Listings; June 13, 1991 (CL 91), 56 FR 27332–27336. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2; 3.1–9–1; 3.1–10–1. Effective February 24, 1992.
Wood Preserving Listings; Technical Corrections; July 1, 1991 (CL 92), 56 FR 30192–30198. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2; 3.1–7–1; 3.1–9–1; 3.1–10–1; 3.1–13–1. Effective November 22, 1992.
Land Disposal Restrictions for Electric Arc Furnace Dust (K061); August 19, 1991 (CL 95), 56 FR 41164–41178. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2; 3.1–12–1; 3.1–12–2. Effective February 24, 1992.
Exports of Hazardous Waste; Technical Correction; September 4, 1991 (CL 97), 56 FR 47304. <sup>1</sup>	Rule 329 IAC 3.1–7–16. Effective February 24, 1992.
Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations; December 23, 1991 (CL 99), 56 FR 66365–66369.	Rules 329 IAC 3.1–4–1; 3.1–10–1; 3.1–10–2. Effective February 24, 1992.
Liners and Leak Detection Systems for Hazardous Waste Disposal Systems; January 29, 1992 (CL 100), 57 FR 03462–03497. <sup>1</sup>	Rules 329 IAC 3.1–4–1; 3.1–9–1; 3.1–9–2; 3.1–10–1; 3.1–13–1. Effective November 22, 1992.
Second Correction to the Third Third Land Disposal Restrictions; March 6, 1992 (CL 102), 57 FR 8086–8089. <sup>1</sup>	Rules 329 IAC 3.1–9–1; 3.1–10–1; 3.1–12–1; 3.1–12–2. Effective November 22, 1992.

Federal requirement	Analogous State authority
Hazardous Debris Case by Case Capacity Variance; May 15, 1992 (CL 103), 57 FR 20766–20770. <sup>1</sup>	Rule 329 IAC 3.1–12–1. Effective November 22, 1992.
Used Oil Filter Exclusion; May 20, 1992 (CL 104), 57 FR 21524–21534. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2. Effective November 30, 1992.
Recycled Coke By Product Exclusion; June 22, 1992 (CL 105), 57 FR 27880–27888. <sup>1</sup>	Rules 329 IAC 3.1–6–1; 3.1–6–2; 3.1–11–1. Effective November 30, 1992.
Lead Bearing Hazardous Materials Case by Case Capacity Variance; June 26, 1992 (CL 106), 57 FR 28628–28632. <sup>1</sup>	Rules 329 IAC 3.1–12–1. Effective November 30, 1992.

<sup>1</sup> Indicates HSWA Provision.  
CL=Checklist.

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. EPA has previously suspended issuance of permits for the other provisions on January 31, 1986, January 5, 1988, July 13, 1989, July 29, 1991, and July 30, 1991, the effective dates of Indiana's final authorizations for the RCRA base program and for the subsequent program revisions, respectively.

This authorization includes authorization for Indiana to impose certain land disposal prohibitions. Under 40 CFR 268.6, EPA may grant petitions of specific duration to allow land disposal of certain hazardous wastes provided certain criteria are met. States that have authority to impose land disposal prohibitions may ultimately be authorized under RCRA Section 3006 to grant petitions for such exemptions. However, EPA is currently requiring that these petitions be handled at EPA Headquarters. It should be noted that Indiana has its own procedures for petition submission and approval to allow land disposal of a prohibited waste. Therefore, the petitioner must satisfy both Federal and Indiana requirements, and be granted approval by both EPA and the State.

Indiana is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

#### C. Decision

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

Indiana now has responsibility 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 HSWA. Indiana 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.

#### D. Incorporation by Reference

EPA incorporates by reference, authorized State programs in 40 CFR Part 272, to provide notice to the public of the scope of the authorized program in each State. Incorporation by reference of the Indiana program will be completed at a later date.

#### *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), Public Law 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 Indiana'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 have 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*

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. EPA recognizes that small entities may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, since such small entities which own and/or operate TSDFs are already subject to the requirements in 40 CFR Parts 264, 265 and 270, this authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would result in an administrative change (i.e., whether EPA or the state administers the RCRA Subtitle C program in that state), rather than result in a change in the substantive requirements imposed on small entities. Once EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small entities will be able to own and operate their TSDFs under the approved state program, in lieu of the federal program. Moreover, this authorization, in approving a state program to operate in lieu of the federal program, eliminates duplicative requirements for owners and operators of TSDFs in that particular state.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 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 approves the Indiana program to operate in lieu of the federal 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.

#### *Submission to Congress and the General Accounting Office*

Under 5 U.S.C. section 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. section 804(2).

#### *Paperwork Reduction Act*

Under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

#### *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: July 29, 1996.

Valdas V. Adamkus,  
Regional Administrator.

[FR Doc. 96-21173 Filed 8-19-96; 8:45 am]

BILLING CODE 6560-50-P

## **FEDERAL COMMUNICATIONS COMMISSION**

### **47 CFR Part 1**

[CS Docket No. 96-166; FCC 96-327]

### **Implementation of Section 703 of the Communications Act of 1996**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** By adopting this Order, the Commission implements the self-effectuating additions and revisions made by Section 703 of the Telecommunications Act of 1996 to Section 224 of the Communications Act of 1934, as amended. The pole attachment provisions of Section 224 of the Communications Act of 1934, as

amended, initially only applied to cable television system operators. However, Section 703 of the Telecommunications Act of 1996 expanded the scope of the pole attachment provisions under Section 224 to include telecommunications carriers as well as cable television system operators.

**DATES:** Effective August 20, 1996.

Written comments by the public on the information collections contained herein are due October 21, 1996.

**ADDRESSES:** Comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, N.W., Washington, DC 20554, or via the Internet to [dconway@fcc.gov](mailto:dconway@fcc.gov), and to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725-17th Street, N.W., Washington, DC 20503 or via the Internet to [fain\\_t@al.eop.gov](mailto:fain_t@al.eop.gov).

#### **FOR FURTHER INFORMATION CONTACT:**

Michael T. McMenamin, Cable Services Bureau, (202) 418-7200. For additional information concerning the information collections contained in this Order contact Dorothy Conway at 202-418-0217, or via the Internet at [dconway@fcc.gov](mailto:dconway@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Order, CS Docket No. 96-166, adopted August 2, 1996 and released August 6, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 1919 M Street, NW, Washington, D.C. 20554.

#### **Synopsis of the Order**

Section 703 of the 1996 Act added and amended several provisions of Section 224 of the Communications Act of 1934, as amended ("Section 224"). Specifically, Section 703 amended Sections 224 (a)(1), (a)(4), (c)(1) and (c)(2)(B), and added new Sections 224 (a)(5), (d)(3), (e), (f), (g), (h) and (i). Many of these additions and revisions to existing federal statutory provisions are self-effectuating. This Order conforms our rules to meet these new statutory requirements. We are revising these rules without providing prior public notice and an opportunity for comment because the rule modifications do not involve discretionary action on the part of the Commission but rather, simply conform our rules to the applicable provisions of the 1996 Act. We find that notice and comment procedures are unnecessary, and that this action falls