

to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

Conditional approvals of SIP submittals under section 110 and subchapter I, part D of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, EPA certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action

approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

Under 5 U.S.C. 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. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action, pertaining to the final conditional interim approval of the 15% plan for the Northern Virginia portion of the metropolitan Washington D.C. area, must be filed in the United States Court of Appeals for the appropriate circuit by August 25, 1997. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Hydrocarbons, Ozone.

Dated: June 13, 1997.

**W. Michael McCabe,**

*Regional Administrator, Region III.*

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 VV—Virginia**

2. Section 52.2450 is amended by adding paragraph (e) to read as follows:

**§ 52.2450 Conditional approval.**

\* \* \* \* \*

(e) The Commonwealth of Virginia's May 15, 1995 submittal for the 15 Percent Rate of Progress Plan (15% plan) for the Northern Virginia portion of the Metropolitan Washington D.C. ozone nonattainment area, is conditionally approved based on certain

contingencies, for an interim period. The conditions for approvability are as follows:

(1) Virginia's 15% plan must be revised to account for growth in point sources from 1990–1996.

(2) Virginia must meet the conditions listed in the November 6, 1996 proposed conditional interim Inspection and Maintenance Plan (I/M) rulemaking notice, remodel the I/M reductions using the following two EPA guidance memos: "Date by which States Need to Achieve all the Reductions Needed for the 15 Percent Plan from I/M and Guidance for Recalculation," note from John Seitz and Margo Oge, dated August 13, 1996, and "Modeling 15 Percent VOC Reductions from I/M in 1999—Supplemental Guidance", memorandum from Gay MacGregor and Sally Shaver, dated December 23, 1996.

(3) Virginia must remodel to determine affirmatively the creditable reductions from RFG, and Tier 1 in accordance with EPA guidance.

(4) Virginia must submit a SIP revision amending the 15% plan with a demonstration using appropriate documentation methodologies and credit calculations that the 54.5 tons/day reduction, supported through creditable emission reduction measures in the submittal, satisfies Virginia's 15% ROP requirement for the Metropolitan Washington D.C. nonattainment area.

[FR Doc. 97–16510 Filed 6–23–97; 8:45 am]  
BILLING CODE 6560–50-P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 271**

[FRL–5845–1]

**Maine; Final Authorization of State Hazardous Waste Management Program Revisions**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Immediate final rule.

**SUMMARY:** The State of Maine has applied for final authorization for revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Maine's revisions address many of the rules that were promulgated by the Environmental Protection Agency (EPA) between July 1, 1984 and June 30, 1990. These rules are contained in Non-HSWA Clusters I through VI and HSWA Clusters I and II. The specific RCRA program revisions for which Maine is seeking authorization are listed in the table in section C of this document.

Region I EPA has reviewed Maine's application and has made a decision, subject to public review and comment, that Maine's hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Also, the EPA views these revisions as non-controversial and anticipates no adverse comments. Thus, EPA is approving Maine's hazardous waste program revisions, effective in sixty (60) days, unless adverse comments pertaining to the State's revisions are received within the next thirty (30) days.

**DATES:** Final authorization for Maine shall be effective on August 25, 1997 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Maine's program revision application must be received by the close of business on July 24, 1997.

**ADDRESSES:** Copies of Maine's program revision application are available for inspection and copying at the following addresses: (1) Maine Department of Environmental Protection, Hospital Street, Augusta, Maine, 94333. Phone: (207) 287-2651. Business Hours: 8:00 A.M. to 5:00 P.M., Monday through Friday, and (2) U.S. EPA Region I Library, One Congress Street, 11th Floor, Boston, Massachusetts, 02203. Phone: (617) 565-3300. Business Hours: 8:30 A.M. to 4:30 P.M., Monday through Friday. Written comments should be sent to Geri Mannion at the address below.

**FOR FURTHER INFORMATION CONTACT:** Geri Mannion, U.S. EPA Region I, (CHW), J.F.K. Federal Building, Boston, Massachusetts, 02203-2211, Phone: (617) 565-3607.

**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, no less stringent than, and consistent with 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 authorities are 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, 273, and 279.

**B. Maine's Application**

The State of Maine received final authorization to implement its hazardous waste management program on May 6, 1988 with an effective date of May 20, 1988. (See: 53 FR 16264, May 6, 1988.) Between November 1994 and August 1995 Maine submitted a draft program revision application for many of the rules promulgated by the EPA between July 1, 1984 and June 30, 1990 and adopted by Maine in March 1994. Maine submitted its final application for these revisions on February 28, 1997 and is today seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

The EPA has carefully reviewed the submitted Maine regulations and has determined that they are equivalent to, no less stringent than, and consistent with the Federal program. During the review process, EPA noted three typographical errors that Maine, in its Memorandum of Agreement (MOA) (required under 40 CFR part 271) with the EPA, has agreed to correct during its next rulemaking. This agreement, and EPA's determination that the State's typographical errors do not materially impact the Agency's equivalency determination, support EPA's decision to grant Maine final authorization at this time. The errors noted in the MOA that are to be corrected in Maine's next rulemaking are described below:

(1) The spelling of "diisocyanate" and "toluenediamine" in the listing for K116 at Hazardous Waste Management Rules, 06-096 CMR 850.3C3;

(2) The spelling of "absorbent" in the description of K132 at 06-096 CMR 850.3C3 and,

(3) The numbering of "U159" 2-Butanone (I,T) at 06-096 CMR 850.3C4f.

In addition to the EPA's review of the State's revised hazardous waste regulations, EPA consulted closely with the State regarding its draft Attorney General's Statement, draft Program Description, and its MOA with EPA, all required under 40 CFR part 271. On February 28, 1997, pursuant to 40 CFR part 271, the State submitted its final authorization application to EPA. The Region has reviewed Maine's final application, and has made a decision

that Maine's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA is granting final authorization to Maine for the program revisions contained in its final authorization application, subject to further review if there are adverse public comments. The public may submit written comments on EPA's immediate final rule up until the close of business on July 24, 1997. Copies of Maine's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

Approval of Maine's program revision shall become effective in sixty (60) days unless adverse comments pertaining to the State's program revisions are received by the end of the thirty day (30-day) comment period. If adverse comments are 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.

To be considered equivalent to the Federal program, a state is required to control all hazardous wastes identified under 40 CFR 261 at least as stringently as the Federal program; however, states, under section 3009 of the Resource Conservation and Recovery Act (RCRA), are entitled to be more stringent than the Federal program. Provisions that are more stringent are federally enforceable. The Maine program is more stringent than the Federal program in several respects. On January 4, 1985 (50 FR 614) EPA promulgated a rule clarifying the extent of EPA's jurisdiction over hazardous waste recycling activities and set the regulatory regime for recycling activities subject to the Agency's jurisdiction and indicated in its regulations that certain types of recycled hazardous secondary materials are not RCRA solid or hazardous wastes (50 FR 614). Maine's definition of waste at CMR 850.3A2 is more stringent because it regulates all hazardous wastes in the same manner and makes no distinctions as to whether they are recycled, reused, disposed of, or treated. Any material which is defined as hazardous waste is regulated by Maine as a hazardous waste (unless it is specifically excluded in CMR 850.3A4). Further Maine's regulations do not grant variances from the classification of solid was for certain recycled wastes as provided in 40 CFR 260.30 (a)-(c) or variances for wastes being accumulated for recycling as provided in 40 CFR 260.40 and 260.42.

Maine's revised program is also more stringent than the Federal program in

the following areas: (1) Maine has not adopted the exemption for used oil established at 40 CFR 261.6(a)(3)(iii), (2) Maine did not adopt the Resource Recovery Facility provision under household hazardous wastes exclusion at 40 CFR 261.4(b)1, and (3) it did not adopt the delisting of federally listed wastes provision at 40 CFR 260.22(a).

Some portions of Maine's revised program are broader in scope than the Federal program, and thus are not federally enforceable. For example, at CMR 850.3C2b Maine lists Polychlorinated biphenyl (PCBs) as a hazardous waste; EPA does not. At CMR 850.3C4e and 850.3C4f, Maine lists certain discarded commercial chemical products as hazardous wastes which are not listed by EPA at 40 CFR 261.33(e) and (f). These wastes are indicated with an asterisk in Maine's listing. Additionally, the following wastes are listed in CMR 850.3C4e and f by Maine as hazardous, but not by the EPA: P154, P158, P145, P107, P139, U139.

*Status of Federal Permits*

EPA will suspend the further issuance of RCRA and HSWA permits in the State of Maine for those provisions for which the State receives final authorization on the effective date of this authorization.

EPA will retain lead responsibility for the issuance, administration, and enforcement of those HSWA provisions in the State of Maine for which the State does not receive authorization. In addition, EPA will continue to administer and enforce any RCRA and HSWA permits, or portions of permits, it has issued in Maine until the State, after receiving authorization for those provisions, issues permits for these facilities which are equivalent to the federal permits, or until the State incorporates the terms and conditions of the federal permits into the State RCRA permits in accordance with its authorized program.

The State of Maine will assume lead responsibility for issuing permits in the State for those program areas authorized today. The State will review all State issued permits, and modify or reissue

these permits as necessary to require compliance with its approved program.

**C. Program Elements**

The specific RCRA program revisions for which the State of Maine is authorized today are listed in the Table below. The Federal requirements in the Table are identified by their checklist numbers and rule descriptions. The following abbreviations are used in the Table: CFR = Code of Federal Regulations; MOA = Memorandum of Agreement between the State of Maine and the EPA; MRSA = Maine Revised Statutes Annotated; AG = Attorney General Statement. The state analogues listed in the table below are taken from Maine's 06-096 Code of Maine Regulations (CMR) Chapters 850-857, Hazardous Waste Management Rules; Chapter 860, Waste Oil Management Rules; Chapter 2, Rules Concerning the Processing of Applications; and Chapter 30, Special Regulations for Hearings on Applications of Significant Public Interest.

Federal requirements	State authorities
<b>NON-HSWA Cluster I</b>	
(AI) State Availability of Information, HSWA §3006(f), 11/8/84 .....	1 MRSA §§ 402.3, 408, 409, 38 MRSA § 1310-B, MOA.
(9) Household Waste: 49 FR 44978-44980, 11/13/84 .....	850.3A4avii.
(11) Corrections to Test Methods Manual: 49 FR 47390-47391, 12/4/84 .....	850 Appendix III, XI, 850.3B1c, 2ai, iii, 3ai, ii, 5a.
(12) Satellite Accumulation: 49 FR 49568-49572, 12/20/84 .....	851.8C.
(13) Definition of Solid Waste: 50 FR 614-668, 1/4/85; as amended on 4/11/85 at 50 FR 14216-14220 and 8/20/85, 50 FR 33541-33543.	854.3M, 850.3A2, 856.11A5av, 850.3A4xiii, xvi, xviii, xv; Basis Statement, 850.3A5, 856.11A4, 5, 850.3A2, 6, 10, 11; 856.11A6, 9, 860, 853, 857, 851, 854, 850.3C2, 4, 856.4A, C, 5A; 854.13, 855.9J, 860.4D, 856.11A9.
(15) Interim Status Standards for Treatment, Storage, and Disposal Facilities: 50 FR 16044-16048, 4/23/85.	855.9E, G, H.
<b>NON-HSWA Cluster II</b>	
(24) Financial Responsibility: Agreement: See 24 (Amended) at Non-HSWA VI: Maine is adopting the amended version of this checklist, CL 24A	
(26) Listing of Spent Pickle Liquor (K062): 51 FR 19320-19322, 5/28/86; as amended 9/22/86 at 51 FR 33612.	850.3C3.
<b>Non-HSWA Cluster III</b>	
(MW) Radioactive Mixed Waste: 51 FR 24504, 7/3/86 .....	AG Statement, 850.3Aaiib, 850.4Aav.
(27) Liability Coverage; Corporate Guarantee: 51 FR 25350-25356, 7/11/86 .....	854.6C16, 16e.
(28N) Standards for Hazardous Waste Storage and Treatment Tank Systems: 51 FR 25422-25486, 7/14/86; as amended on 8/15/86 at 51 FR 29430-29431.	854.3A, C, E, G, I, P, Q, U, Y, Z, HH, KK, PP, QQ; 851.8B2, 11, 851, 854.6C5, 9b, 15, 16; 854.12B1, C2, 5, 7, 9, 13; D, E3, G, 855.9A3, 5, 9b, 15, 16; 855.9D, 856.10B, E.
(29) Corrections to Listing of Commercial Chemical Products and Appendix VIII Constituents: 51 FR 28296-28310, 8/6/86.	Superseded by CL 46 at Non-HSWA IV.
(35) Revised Manual SW-846; Amended Incorporation by Reference: 52 FR 8072-8073, 3/16/87.	850 Appendix I through XI.
(36) Closure/Post-closure Care for Interim Status Surface Impoundments: 52 FR 8704-8709, 3/19/87.	855.9E2, 3.
(37) Definition of Solid Waste; Technical Corrections: 52 FR 21306-21307, 6/5/87	850.3A2, 3C4.
(38) Amendments to Part B Information Requirements for Disposal Facilities: 52 FR 23447-23450, 6/22/87; as amended on 9/9/87 at 52 FR 33936.	856.10B16g, h.
<b>Non-HSWA Cluster IV</b>	
(40) List (Phase 1) of Hazardous Constituents for Ground-Water Monitoring: 52 FR 25942-25953, 7/9/87.	854.8D2, 854 Appendix IX, 856.10B16dii.
(41) Identification and Listing of Hazardous Waste: 52 FR 26012, 7/10/87 .....	850.3C4c.
(43) Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee: 52 FR 44314-44321, 11/18/87.	854.6C16e, 855.9A16.
(45) Hazardous Waste Miscellaneous Units: 52 FR 46946-46965, 12/10/87 .....	854.5E, 854.3R, W, 854.6A, 6C5, 6C9b, 6C15, 6C16, 854.7A, 854.15A, B, C, D, 856.10B, 856.10J1, a, b, c, 10J2.

Federal requirements	State authorities
(46) Technical Corrections; Identification and Listing of Hazardous Waste: 53 FR 13382-13393, 4/22/88.	850.3C4, 3C4f, 850 Appendix VIII.
<b>Non-HSWA Cluster V</b>	
(49) Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption: 53 FR 27290-27302, 7/19/88.	850.3A4b, bi, bii, biii, 3A4c.
(52N) Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems: 53 FR 34079-34087, 9/2/88.	856.3B.6D, 854.6C15, 12B, 12E3, 5, 855.9A15, 9D.
(53) Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification: 53 FR 35412-35421, 9/13/88.	850.3C3, 850 Appendix VII.
(55) Statistical Methods for Evaluating Ground-Water Monitoring Data from Hazardous Waste Facilities: 53 FR 39720-39731, 10/11/88.	854.8D2, 4, 854.8A3.
(58) Standards for Generators of Hazardous Waste: 53 FR 45089-45093, 11/8/88	857.4.
(59) Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators: 54 FR 615-617, 1/9/89.	856.10B.
(60) Amendment to Requirements for Hazardous Waste Incinerator Permits: 54 FR 4286-4288, 1/30/89.	856.10D2.
(61) Changes to Interim Status Facilities for Hazardous Waste Management Permits; Procedures for Post-closure Permitting: 54 FR 9596-9609, 3/7/89.	856.5F, 10A1, 10A12, 12A3, 12B, 12C, 12G, 38 MRSA § 1319-R(6), S(5), 855.6, 6B, 6D, 6D1, 2, 855.7E, F.
<b>Non-HSWA Cluster VI</b>	
(24A) Financial Responsibility; Settlement Agreement: 51 FR 16422-16459, 5/2/86.	854.3B, 3J, 3N, 3AA, 6C15, 6C16, 855.9A15, 9A15e, f, g, 9A16, 855.6B, 856.10B, 13A11.
(65) Mining Waste Exclusion I: 54 FR 36592-36642, 9/1/89 .....	850.3A3bii, biii, 3A4aix NOTE, 200.1H, UU.
(67) Testing and Monitoring Activities: 54 FR 40260-40269, 9/29/89 .....	850 Appendix III, Appendix III Table 2, Table 3.
(70) Changes to Part 124 Not Accounted for by Present Checklists: 48 FR 14146-14295, 4/1/83; 48 FR 30113-30115, 6/30/83; 53 FR 28118-28157, 7/26/88; 53 FR 37396-37414, 9/26/88; 54 FR 246-258, 1/4/89.	856.5A, B, C, D, 10A1, 2, 3, 12, 13, 14, 15, 16, 20, 12A, B, C, I, 13A, A7, 13C, 15 13A7, 13C, 2.18, 30.5B, C, 7, 21, 856.5A, B.
<b>HSWA Cluster I</b>	
(SR1) Existing and newly regulated surface impoundments; HSWA § 3005(j)(1)&(6), 11/8/84.	AG Statement XVI.1(1).
(SR2) Variance under § 3005(j) (2)-(9) & (13); HSWA § 3005(j) (2)-(9), 11/8/84 ...	AG Statement XVI.1(3).
(14) Dioxin Waste Listing and Management Standards: 50 FR 1978-2006, 1/14/85.	850.3A5c, 3C, 3C4, 3A7, 850 Appendix III, VII, VIII, X, 854.8C, 10C10, 11B1, 12B1, 12B3, 9E, 855.5B6, 9I, 9J, 856.10B, C, E, F, G.
(16) Paint Filter Test: 50 FR 18370-18375, 4/30/85 .....	854.6C3, 5, 9, 855.9A3, 9, 855.9H.
(SI) Sharing of Information with Agency for Toxic Substances and Disease Registry; HSWA § 3019(b), 7/15/85.	AG Statement XVIII.B.
(17) HSWA Codification Rule, 50 FR 28702-28755, 7/15/85:	
(17A) Small Quantity Generators .....	17(A) Superseded by CL 23.
(17D) Waste Minimization .....	17(D) 851.9E1, 857.4, 5B, 854.6C9, 9b, 856.13A10b, 855.5, 5B8.
(17E) Location Standards for Salt Domes, Salt beds, Underground Mines and Caves.	17(E) 855.5B7.
(17F) Liquids in Landfills .....	17(F) 854.8C5, 855.9H, 856.10C1.
(17G) Dust Suppression .....	17(G) 850.3A8.
(17H) Double Liners .....	17(H) 854.8B, 9B1, 2, 18, 855.6C.
(17I) Ground-Water Monitoring .....	17(I) 854.8C, H, 9F2, G, 11C.
(17J) Cement Kilns .....	17(J) 850.3A9, 3C4.
(17L) Corrective Action .....	17(L) 854.5E, 854.6A, C18, 8D2, 3, 4, 9B16, 855.9B, 856.11A2aii, 10B16, 17.
(17M) Pre-construction Ban .....	17(M) 856.4A.
(17N) Permit Life .....	17(N) 856.5C, D, 12E.
(17O) Omnibus Provision .....	17(O) 856.12E.
(17P) Interim Status .....	17(P) 855.5B, 5B8, 7E, 7F, 856.10A1, 12, 13A10.
(17R) Hazardous Waste Exports .....	17(R)(superseded by CL 31).
(17S) Exposure Information .....	17(S) 856.10C13.
(18) Listing of TDI, DNT, and TDA Wastes: 50 FR 42936-42943, 10/23/85 .....	850.3C3, 3C4f, 850 Appendix III, VII, VIII.
(20) Listing of Spent Solvents: 50 FR 53315-53320, 12/31/85; as amended on 1/21/86 at 51 FR 2702.	850.3C2.
(21) Listing of EDB Wastes: 51 FR 5327-5331, 2/13/86 .....	850.3C3, Appendix III, VII.
(22) Listing of Four Spent Solvents: 51 FR 6537-6542, 2/25/86 .....	850.3C2, 3C4, Appendix III, VII, VIII.
(23) Generators of 100 to 1000kg Hazardous Waste: 51 FR 10146-10176, 3/24/86.	850.3A5, 3A5a, b, c, d, e, 3C4f, 851.8B, 9, 855.5B2, 856.6A, 857, 857.7G, 11.
(25) Codification Rule; Technical Correction: 51 FR 19176-19177, 5/28/86 .....	850 Appendix XI, 854.8C5, 855.9H.
(28H) Standards for Hazardous Waste Storage and Treatment Tank Systems: 51 FR 25422-25486, 7/14/86; as amended on 8/15/86 at 51 FR 29430-29431.	See 28N under Non-HSWA III.
(30) Biennial Report Correction: 51 FR 28556, 8/8/86 .....	854.6C11, 855.9A11.
(31) Exports of Hazardous Waste: 51 FR 28664-28686, 8/8/86 .....	850.3A4a, 3A5d, 851.9E1, 10, 857.4, 5B, 6D, 7C, 7D.
(32) Standards for Generators—Waste Minimization Certifications: 51 FR 35190-35194, 10/1/86.	857.5B
(33) Listing of EBDC: 51 FR 37725-37729, 10/24/86 .....	850.3C3, Appendix III, VII.

Federal requirements	State authorities
(34) Land Disposal Restrictions: 51 FR 40572–40654, 11/7/86; as amended on 6/4/87 at 52 FR 21010–21018.	850.3A1, 3A4xii, 3A5, c, d, 3A7, 3B1b, 3C1b, 851.4A, 5, 852.2, 3, 3B, 3C, 3E, 5, 6, 7A1, 2, 7A2a, 7A3, 7A5, 8B, 9A, 9B, 10, 12, 12A1, A2, 12, 12B, 12C, 12D, 13A, B, 14A, B, 852 Appendix I, II, 854.6C3, 6C9b, 855.9A3, 9A9, 856.4A, 10B, 12E, 38 MRSA § 1310–B2, 4, 5 MRSA Administrative Procedures Act § 8055, AG Statement.
<b>HSWA Cluster II</b>	
(39) California List Waste Restrictions: 52 FR 25760–25792, 7/8/87; as amended on 10/27/87 at 52 FR 41295–41296.	850.3B2ai, 850 Appendix III, 852.3A, 3C, 3C, 5, 6, 7, 7B, 10, 12, 13A, 13C, 13C3, 13C4, 13C5, 13C6, 14, 852 Appendix III, 854.6C3, 855.6D, 9A3, 856.4A, 5C, 5D, 857, 857.7F, 7G.
(42) Exception Reporting for Small Quantity Generators of Hazardous Waste: 52 FR 35894–35899, 9/23/87.	
(44) HSWA Codification Rule 2: 52 FR 45788–45799, 12/1/87	
(44A) Permit Application .....	(44A)856.10B16, B17, B17a, b, c, d, e, f.
Requirements Regarding Corrective Action:	
(44B) Corrective Action Beyond .....	(44B) 854.6C18, 854.8D2.
Facility Boundary:	
(44C) Corrective Action for .....	(44C) 854.5E.
Injection Wells:	
(44D) Permit Modification .....	(44D) 856.13A7.
(44E) Permit as a Shield .....	(44E) 856.4C1, 4D.
Provision:	
(44F) Permit Conditions to Protect Human Health and the Environment .....	(44F) 856.10B18.
(44G) Post-Closure Permits .....	(44G) 856.5F.
(47) Identification and Listing of Hazardous Waste; Technical Correction: 53 FR 27162–27163, 7/19/88.	850.3A5c.
(48) Farmer Exemptions; Technical Corrections: 53 FR 27164–27165, 7/19/88 .....	851.10, 852.5, 856.6B.
(50) Land Disposal Restrictions for First Third Scheduled Wastes: 53 FR 31138–31222, 8/17/88 as amended on 2/27/89 at 54 FR 8264–8266.	850.3A2, 852.5, 7A, 7A2a, b, c, d, 852.10, 11, 12D, 13A, 13B, 13C, 13D, 14, 854.6C3, 6C9b, 855.9A3, 9A9b.
(52H) Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems: 53 FR 34079–34087, 9/2/88.	See (52N) at Non-HSWA V.
(62) Land Disposal Restriction Amendments to First Third Scheduled Wastes: 54 FR 18836–18838, 5/2/89.	852.14A.
(63) Land Disposal Restrictions for Second Third Scheduled Wastes: 54 FR 26594–26652, 6/23/89.	852.13D, 14A.
(66) Land Disposal Restrictions; Corrections to the First Third Scheduled Wastes: 54 FR 36967, 9/6/89, as amended on 6/13/90 at 55 FR 23935.	852.5, Note to 852.5, 10, 11, 12D, 13C, 13D.
(68) Reportable Quantity Adjustment Methyl Bromide Production Wastes: 54 FR 41402–41408, 10/6/89.	850.3C3, Appendix III, VII.

**D. Decision**

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

Maine now has responsibility for permitting treatment, storage, and disposal facilities within its jurisdiction and for carrying out the other aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Maine also has primary RCRA enforcement responsibility in the State for its authorized program, 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.

**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. Before promulgating an EPA rule for which a written statement is needed, 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, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector. The Act excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program, except in certain cases where a "federal intergovernmental mandate" affects an annual federal entitlement program of \$500 million or more that are not applicable here. Maine's request for approval of

hazardous waste program revisions to its authorized hazardous waste program is voluntary and imposes no Federal mandate within the meaning of the Act. Rather, by having its hazardous waste program approved, the State will gain the authority to implement the program within its jurisdiction, in lieu of EPA, thereby eliminating duplicative State and Federal requirements. If a State chooses not to seek authorization for administration of a hazardous waste program under RCRA Subtitle C, RCRA regulation is left to EPA.

In any event, EPA has determined that this rule does not contain a Federal mandate that may result in expenditures \$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 Maine's hazardous waste program as referenced in today's document will result in annual costs of \$100 million or more. EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector since the State, by virtue of the approval, may now administer the program in lieu of EPA and exercise primary enforcement. Hence, owners and operators of treatment, storage, or disposal facilities (TSDFs) generally no longer face dual Federal and State compliance requirements, thereby reducing overall compliance costs. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

#### **Certification Under the Regulatory Flexibility Act**

EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness 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 Maine'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.

#### **Submission to Congress and the General Accounting Office Under the Small Business Regulatory Enforcement Fairness Act**

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended 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 section 804(2) of the APA as amended.

#### **Compliance With Executive Order 12866**

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

#### **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 document is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Resource Conservation and Recovery Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: June 6, 1997.

**John P. DeVillars,**

*Regional Administrator, Region I.*

[FR Doc. 97-16212 Filed 6-23-97; 8:45 am]

BILLING CODE 6560-50-P

#### **GENERAL SERVICES ADMINISTRATION**

#### **41 CFR Parts 101-43, 101-44, 101-45, and 101-46**

[FPMR Amendment H-196]

RIN 3090-AG46

#### **Discontinuation of Interagency Reporting Requirements 0015-GSA-AN, 1528-GSA-AN, and 1529-GSA-A**

**AGENCY:** Office of Governmentwide Policy, GSA.

**ACTION:** Final rule.

**SUMMARY:** This amendment eliminates the requirements that agencies submit to GSA annual reports on the utilization and disposal of excess and surplus personal property (interagency report control (IRC) number 0015-GSA-AN), exchange/sale transactions (IRC number 1528-GSA-AN) and the recovery of precious metals (IRC number 1529-GSA-A). GSA has carefully reviewed the requirements of these reports and concluded that in light of shrinking Governmentwide resources and in the

interest of streamlining, the reports should be discontinued.

**EFFECTIVE DATE:** June 24, 1997.

**FOR FURTHER INFORMATION CONTACT:** Martha Caswell, Director, Personal Property Management Policy Division (MTP), 202-501-3846.

**SUPPLEMENTARY INFORMATION:** The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866.

**REGULATORY FLEXIBILITY ACT:** This rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

#### **List of Subjects in 41 CFR Parts 101-43, 101-44, 101-45, and 101-46**

Government property management, Reporting and recordkeeping requirements, Surplus Government property.

For the reasons set forth in the preamble, 41 CFR Parts 101-43, 101-44, 101-45, and 101-46 are amended as follows:

1. The authority citation for parts 101-43, 101-44, 101-45, and 101-46 continues to read as follows:

**Authority:** Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)).

#### **PART 101-43—UTILIZATION OF PERSONAL PROPERTY**

##### **Subpart 101-43.47—Reports**

2. Section 101-43.4701 is amended by removing and reserving paragraph (a) and by revising the introductory text of paragraph (c) to read as follows:

##### **§ 101-43.4701 Performance reports.**

\* \* \* \* \*

(c) In accordance with section 202(e) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 483), an annual report, in letter form, of personal property obtained as excess property or as property not excess to the owning agency but determined to be no longer required for the purposes of the appropriation from which it was purchased, and subsequently furnished to a recipient other than a Federal agency in any manner within the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, shall be submitted by each executive agency to the General Services Administration (FBP), Washington, DC 20406, within 90