

section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations only applies to sources covered by the part 70 program.

This interim approval, which may not be renewed, extends until July 27, 1998. During this interim approval period, the State of Texas is protected from sanctions, and EPA is not obligated to promulgate, administer, and enforce a Federal Operating Permits program in the State of Texas. Permits issued under a program with source category-limited interim approval have full standing with respect to part 70, and the one year time period for submittal of permit applications by subject sources begins upon the effective date of this interim approval. The State's transition schedule requires the State to take final action on applications for 400 sites each of the first two years, 1,000 sites the third year, and 600 sites each of the last two years.

If Texas fails to submit a complete corrective program for full approval by January 26, 1998, EPA will start an 18-month clock for mandatory sanctions. If Texas then fails to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA will apply sanctions as required by section 502(d)(2) of the Act, which will remain in effect until EPA determines that the State of Texas has corrected the deficiency by submitting a complete corrective program.

If EPA disapproves Texas' complete corrective program, EPA will apply sanctions as required by section 502(d)(2) on the date 18 months after the effective date of the disapproval, unless prior to that date Texas has submitted a revised program and EPA has determined that it corrected the deficiencies that prompted the disapproval.

In addition, discretionary sanctions may be applied where warranted any time after the expiration of an interim approval period if the State of Texas has not timely submitted a complete corrective program or EPA has disapproved its submitted corrective program. Moreover, if EPA has not granted full approval to the Texas program by the expiration of this interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer, and enforce a Federal permits program for the State of Texas upon interim approval expiration.

### III. Administrative Requirements

#### A. Docket

Copies of the State's submittal, other information relied upon for the final source category-limited interim approval, including the 27 public comment letters received and reviewed by EPA on the proposal, and information referenced in this notice, are contained in docket number OPP-7-9-1 maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final source category-limited interim approval. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

#### B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

#### C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address Operating Permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

#### D. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995, 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 the 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.

The EPA has determined that the approval action promulgated today 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 Federal requirements. Accordingly, no additional costs to

State, local, or tribal governments, or to the private sector, result from this action.

#### List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

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

Dated: June 13, 1996.

Jane N. Saginaw,

Regional Administrator (6RA).

Part 70, title 40 of the Code of Federal Regulations, is amended as follows:

#### PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Appendix A to part 70 is amended by adding the entry for the State of Texas in alphabetical order to read as follows:

#### Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

\* \* \* \* \*

#### Texas

(a) The TNRCC submitted its Operating Permits program on September 17, 1993, and supplemental submittals on October 28, 1993, and November 12, 1993, for approval. Source category-limited interim approval is effective on July 25, 1996. Interim approval will expire July 27, 1998. The scope of the approval of the Texas part 70 program excludes all sources of air pollution over which an Indian Tribe has jurisdiction.

(b) (Reserved)

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[FR Doc. 96-16126 Filed 6-24-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 271

[FRL-5524-9]

#### Final Authorization of State Hazardous Waste Management Program: Nebraska

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

**ACTION:** Immediate final rule.

**SUMMARY:** Nebraska 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). Nebraska's revisions consist of provisions contained in rules promulgated between July 1, 1985 and June 30, 1990, otherwise known as Non-

HSWA Cluster II and III; and HSWA Cluster I and II. These requirements are listed in Section B of this document. The EPA has reviewed Nebraska's application and has made a decision, subject to public review and comment, that Nebraska's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, the EPA intends to approve Nebraska's hazardous waste program revisions, subject to authority retained by the EPA under the Hazardous and Solid Waste Amendments of 1984 (hereinafter HSWA). Nebraska's application for program revision is available for public review and comment.

**DATES:** *Effective Dates:* Final authorization for Nebraska shall be effective August 26, 1996, unless the EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Nebraska's program revision application must be received by the close of business July 25, 1996.

**ADDRESSES:** Written comments should be sent to Ms. Pat Price, Iowa RCRA & State Programs Branch, U.S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101, Phone (913/551-7592). Copies of the Nebraska program revision application are available for inspection and copying during normal business hours at the following addresses: Hazardous Waste Section, Nebraska Department of Environmental Quality, P.O. Box 98922, Lincoln, Nebraska 68509-8922 (402/471-4217); U.S. EPA Headquarters Library, PM 211A, 401 M Street, S.W., Washington, D.C. 20460 (202/382-5926); U.S. EPA Region 7 Library, 726 Minnesota Avenue, Kansas City, Kansas 66101 (913/551-7241). A

copy of the applicable state statutes and regulations is also available at the Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. 20005.

**FOR FURTHER INFORMATION CONTACT:** Ms. Pat Price, U.S. EPA Region 7, 726 Minnesota Avenue, Kansas City, Kansas 66101, Phone: 913/551-7592.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

States with final authorization under 3006(b) of RCRA, 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. The Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereafter HSWA) allow states to revise their programs and seek authorization for program components that are 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 the EPA's regulations in 40 CFR Parts 124, 260-266, 268, 270, 273 and 279.

##### **B. Nebraska**

Nebraska initially received final authorization for its base RCRA Program effective February 7, 1985 (50 FR 3345,

January 24, 1985). Nebraska received authorization for revisions to its program effective December 3, 1988 (53 FR 38950, October 4, 1988). Nebraska submitted a draft application for additional program elements on March 1, 1990, and a final application on April 13, 1992. Nebraska is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

The EPA has reviewed Nebraska's application and has made an immediate final decision that Nebraska's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, the EPA intends to grant final authorization for the additional program modifications to Nebraska. The public may submit written comments on the EPA's immediate final decision up until July 25, 1996. Copies of Nebraska's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

Approval of the Nebraska program revision shall become effective sixty (60) days from today, unless an adverse comment pertaining to the state's revisions discussed in this document is received by the end of the comment period. If such an adverse comment is received, the EPA will publish either: (1) a withdrawal of the immediate final decision, or (2) a document containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

On August 26, 1996, Nebraska 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
Checklist 26—Listing of Spent Pickle Liquor (K062), May 28, 1986, 51 FR 19320-19322, as amended on September 22, 1986, 51 FR 33612, as amended on August 3, 1987, 52 FR 28697.	Rule 15 005.
Checklist 27—Liability Coverage; Corporate Guarantee, July 11, 1986, 51 FR 25350-25356.	Rules 21 001; 16 022.02B.
Checklist 28—Standards for Hazardous Waste Storage and Treatment Tank Systems, July 14, 1986, 51 FR 25422-25486, as amended on August 15, 1986, 51 FR 29430-29431.	Rules 1 001; 1 005; 1 013; 1 018; 1 035; 1 054; 1 058; 1 064; 1 074; 1 075; 1 107; 1 122; 1 123; 1 131; 5 001.08; 19 004.01; 23 006; 21 001; 16 022.02B; 19 004.01B; 16 005.01; 16 005.03; 16 022.03E.
Checklist 29—Corrections to Listing of Commercial Chemical Products and Appendix VIII Constituents, August 6, 1986, 51 FR 28296-28310.	Rules 15 006.05; 15 007, Appendix I.
Checklist 31—Exports of Haz. Waste, August 8, 1986, 51 FR 28664-28686.	Rules 6007.03; 7001.03; 18 003.01A; 19 005; 19 007; 17 002.01; 17 003.01; 17 003.03; 17 003.05B; 17 003.06B; 17,003.07.
Checklist 34—Land Disposal Restrictions, November 7, 1986, 51 FR 40572-40654, as amended on June 4, 1987, 52 FR 21010-21018.	Rules Chapter 1; 19 002.04; 20 006; 16 022.02B; 16 002.02B; 30 001; 16 005.01; 16 011.030; 16 011.0301; 16.011.0303; 16 011.0304.
Checklist 36—Closure/Post Closure Care for Interim Status Surface Impoundments, March 19, 1987, 52 FR 8704-8709.	Rule 16 022.02B.
Checklist 37—Definition of Solid Waste: Technical Corrections, June 5, 1987, 52 FR 21306-21307.	Rules 15 006; 26 003.01A2.

Federal requirement	Analogous state authority
Checklist 38—Amendments to Part B Information Requirements for Disposal Facilities, June 22, 1987, 52 FR 23477–23450, as amended on September 9, 1987, 52 FR 33936.	Rule 16 005.01.
Checklist 39—California List Waste Restrictions, July 8, 1987, 52 FR 25760–25792, as amended on October 27, 1987, 52 FR 41295–41296.	Rules 19 007; 21 001; 16 022B.02B; 30 001; 16 001.0301; 16 001.0302; 16 001.0302(a); 16 011.0302(b); 16 011.03P; 16 011.03P1; 16 011.03P2; 16 011.03P3; 16 022.03E.
Checklist 40—List (Phase 1) of Hazardous Constituents for Ground-Water Monitoring, July 9, 1987, 52 FR 25942–25953.	Rules 21 001; 16 005.01.
Checklist 41—Identification and Listing of Hazardous Waste, July 10, 1987, 52 FR 26012.	Rule 15 006.03.
Checklist 42—Exception Reporting for Small Quantity Generators of Hazardous Waste, September 23, 1987, 52 FR 35894–35899.	Rules 18 003.02A; 18 003.02B; 18 003.02C; 23 003.07.
Checklist 43—Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee, November 18, 1987, 52 FR 44314–44321.	Rules 21 001; 16 022.02B.
Checklist 44E—Permit as a Shield Provision, December 1, 1987, 52 FR 45788–45799.	Rule 16 002.01.
Checklist 44F—Permit Conditions to Protect Human Health and the Environment, December 1, 1987, 52 FR 45788–45799.	Rules 16 008; 16 011.02M.
Checklist 44G—Post Closure Permits, December 1, 1987, 52 FR 45788–45799.	Rules 16 001; 16 001.04.
Checklist 45—Hazardous Waste Miscellaneous Units, December 10, 1987, 52 FR 46946–46965.	Rules Title 122, Chapter 6, Section 001; 1 061; 1 071; 21 001; 16 005.01; 16 003.04.
Checklist 46—Technical Corrections; Identification and Listing of Hazardous Waste, April 22, 1988, 53 FR 13382–13393.	Rules 15 006.05; 15 007, Appendix I.

The state will assume lead responsibility for issuing permits for those program areas authorized today. For those HSWA provisions for which the state is not authorized, the EPA will retain lead responsibility. For those permits which will now change to state lead from the EPA, the EPA will transfer copies of any pending applications, completed permits, or pertinent file information to the state within 30 days of the effective date of this authorization. The EPA will be responsible for enforcing the terms and conditions of previously federally issued permits while they remain in force. The EPA will also be responsible for enforcing the terms and conditions of RCRA permits regarding HSWA requirements until the state has the authority to address the HSWA requirements.

The state has agreed to review all state-issued permits and to modify or reissue them as necessary to require compliance with the currently approved state law and regulations. When the state reissues federally issued permits as state permits, the state will take the lead in enforcing such permits, with the exception of those HSWA requirements for which the state has not received authorization. Nebraska is not authorized to operate the Federal Program on Indian Lands. This authority remains with the EPA unless provided otherwise in a future statute or regulation.

#### C. Decision

I conclude that the Nebraska application for program revisions meets

all of the statutory and regulatory requirements established by RCRA and its amendments. Accordingly, following the public notice and comment period, Nebraska is hereby granted final authorization to operate its hazardous waste management program, as revised. Nebraska now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program described in its revised program application, subject to the requirements of HSWA. Nebraska also has primary enforcement responsibilities, although the 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.

#### Incorporation by Reference

The 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 Nebraska 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, the 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 the 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 the 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 the 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 the EPA regulatory proposals with significant federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements. The 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. The EPA does not anticipate that the approval of Nebraska's hazardous waste program referenced in today's document will result in annual costs of \$100 million or more. The EPA's approval of state programs generally has a deregulatory effect on the private sector because once it is determined that a state hazardous waste program meets the requirements of RCRA Section 3006(b) and the regulations promulgated thereunder at 40 CFR Part 271, owners and operators of hazardous waste treatment, storage, or disposal facilities (TSDFs) may take advantage of the flexibility that an approved state may exercise. Such flexibility will reduce, not increase, compliance costs for the private sector. Thus, today's rule is not subject to the requirements of Sections 202 and 205 of the UMR. The 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 the EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs with increased levels of flexibility provided under the approved state program.

#### Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain federal regulations in favor of Nebraska'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.

#### 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 rulemaking 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: June 11, 1996.

Dennis Grams,

*Regional Administrator.*

[FR Doc. 96-16125 Filed 6-24-96; 8:45 am]

BILLING CODE 6560-50-P

#### 40 CFR Part 716

#### Health and Safety Data Reporting

##### CFR Correction

In title 40 of the Code of Federal Regulations, parts 700 to 789, revised as of July 1, 1995, in § 716.120(d), on pages 79 and 80, the chemical substances under the category Siloxanes should read as follows:

#### § 716.120 Substances and listed mixtures to which this subpart applies.

\* \* \* \* \*

(d) \* \* \*

Category	CAS No. (exemptions for category)	Special Exemptions	Effective Date	Sunset Date
* * *	* * *	* * *	* * *	* * *
Siloxanes:				
Cyclopolydimethylsiloxane .....	69430-24-6 .....		10/12/93	10/12/03
Decamethylcyclopentasiloxane .....	541-02-6 .....		10/12/93	10/12/03
Decamethyltetrasiloxane .....	141-62-8 .....		10/12/93	10/12/03
Dimethyldiphenylsiloxane .....	68083-14-7 .....		10/12/93	10/12/03
Dimethylhydropolyasiloxane .....	68037-59-2 .....		10/12/93	10/12/03
Dimethylmethyl 3,3,3-trifluoropropyl siloxane .....	115361-68-7 .....		10/12/93	10/12/03
Dimethylmethylvinylsiloxane .....	67762-94-1 .....		10/12/93	10/12/03
Dimethylpolysiloxanes .....	68037-74-1 .....	§ 716.20(b)(2) applies	10/12/93	10/12/03
Dimethyl silicones and siloxanes .....	63148-62-9 .....		10/12/93	10/12/03
Dimethyl silicones and siloxane, reaction products with silica .....	67762-90-7 .....	§ 716.20(b)(2) applies	10/12/93	10/12/03
Docosamethylcycloundecasiloxane .....	18766-38-6 .....	§ 716.20(b)(2) applies	10/12/93	10/12/03
Docosamethyldecasiloxane .....	556-70-7 .....	§ 716.20(b)(2) applies	10/12/93	10/12/03
Dodecamethylcyclohexasiloxane .....	540-97-6 .....		10/12/93	10/12/03
Dodecamethylpentasiloxane .....	141-63-9 .....		10/12/93	10/12/03
Dotetracontamethyleicosasiloxane .....	150027-00-2 .....	§ 716.20(b)(2) applies	10/12/93	10/12/03
Dotriacontamethylcyclohexadecasiloxane .....	150026-95-2 .....	§ 716.20(b)(2) applies	10/12/93	10/12/03
Dotriacontamethylpentadecasiloxane .....	2471-11-6 .....	§ 716.20(b)(2) applies	10/12/93	10/12/03
Eicosamethylcyclodecasiloxane .....	18772-36-6 .....	§ 716.20(b)(2) applies	10/12/93	10/12/03