

Federal requirement	State authority
Corrective Action Management Units and Temporary Units; Corrective Action Provisions Under Subtitle C (58 FR 8658, February 16, 1993).	ARS 49-922.A + B; AAC R18-8-260.C + E, 264.A, 265.A, 268 and 270.A + C.
Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance (58 FR 28506, May 14, 1993).	ARS 49-922.A + B; AAC R18-8-268.
Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated (58 FR 29860, May 24, 1993).	ARS 49-922.A + B; AAC R18-8-264.A, 265.A, 268 and 270.A.

Arizona has agreed to review all State hazardous waste permits which have been issued under State law prior to the effective date of this authorization.

Arizona has agreed to then modify or revoke and reissue such permits as necessary to require compliance with the amended State program. The modifications or revocation and reissuance will be scheduled in the annual State Grant Work Plan.

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

C. Decision

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

Arizona is now responsible for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984) ("HSWA"). Arizona also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013 and 7003 of RCRA.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 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 Arizona's program, thereby eliminating duplicative requirements for handlers of

hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Environmental Protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: April 3, 1995.

John C. Wise,

Acting Regional Administrator.

[FR Doc. 95-8877 Filed 4-10-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

[FRL-5189-5]

Nevada: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

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

DATES: Final authorization for Nevada is effective June 12, 1995, unless EPA publishes a prior **Federal Register**

action withdrawing this immediate final rule. All comments on Nevada's program revision application must be received by the close of business May 11, 1995.

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

Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, 123 W. Nye Lane, Carson City, NV 89710, Phone: 702/687-5872, Contact L.H. Dodgion, Administrator

U.S. EPA Region IX Library-Information Center, 75 Hawthorne Street, San Francisco, CA 94105, Phone: 415/744-1510

Written comments should be sent to April Katsura, U.S. EPA Region IX (H-4), 75 Hawthorne Street, San Francisco, CA 94105 Phone: 415/744-2030.

FOR FURTHER INFORMATION CONTACT: April Katsura, U.S. EPA Region IX (H-4), 75 Hawthorne Street, San Francisco, CA 94105 Phone: 415/744-2030.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 124, 260-266, 268, 270 and 279.

B. Nevada

Nevada initially received final authorization for the base program on November 1, 1985. On May 27, 1994, Nevada received final authorization for revisions to its hazardous waste program, which included substantially all the Federal RCRA implementing

regulations published in the **Federal Register** through July 1, 1993. On March 13, 1995, Nevada submitted an application for additional revision approvals. Today, Nevada is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Nevada's application, and has made an immediate final decision that Nevada's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to approve final

authorization for Nevada's hazardous waste program revisions. The public may submit written comments on EPA's immediate final decision up until May 11, 1995. Copies of Nevada's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Nevada's program revisions is effective in 60 days unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment

period. If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

Nevada is applying for authorization for changes and additions to the Federal RCRA implementing regulations that occurred between July 1, 1993 and July 1, 1994, including the following Federal hazardous waste regulations:

Federal requirement	State analog
Requirements for Preparation, Adoption, and Submittal of Implementation Plans (58 FR 38816, July 20, 1993).	Nevada Revised Statutes (NRS) 459.485 and 459.490; Nevada Administrative Code (NAC) 444.8632-.8634.
Hazardous Waste Management System; Testing and Monitoring Activities (58 FR 46040, August 31, 1993).	NRS 459.485 and 459.490; NAC 444.8632-.8634.
Burning of Hazardous Waste in Boilers and Industrial Furnaces (58 FR 59598, November 9, 1993).	NRS 459.485 and 459.490; NAC 444.8632-.8634.
Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Wastes from Wood Surface Protection (59 FR 458, January 4, 1994).	NRS 459.485 and 459.490; NAC 444.8632-.8634.
Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Treatability Studies Sample Exclusion (59 FR 8362, February 18, 1994).	NRS 459.485 and 459.490; NAC 444.8632-.8634.
Hazardous Waste Identification and Listing of Hazardous Waste; Recycled Used Oil Management Standards (59 FR 10550, March 4, 1994).	NRS 459.485 and 459.490; NAC 444.8632-.8634.
Recordkeeping Instructions (59 FR 13891, March 24, 1994)	NRS 459.485, 459.490, + 459.550; NAC 444.8632-.8634.
Hazardous Waste Management System; Identification and Listing of Hazardous Wastes; Wastes from Wood Surface Protection; Correction (59 FR 28484, June 2, 1994).	NRS 459.485 and 459.490; NAC 444.8632-.8634.
Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Underground Storage Tanks, Underground Injection Control Systems; Financial Assurance; Letter of Credit (59 FR 29958, June 10, 1994).	NRS 459.485 and 459.490; NAC 444.8632-.8634.
Hazardous Waste Management System; Correction of Beryllium Powder (PO15) Listing (59 FR 31551, June 20, 1994).	NRS 459.485 and 459.490; NAC 444.8632-.8634.

Note: NRS 459.485 effective 1981, amended 1991; NRS 459.490 effective 1981, amended 1987; NRS 459.550 effective 1981, amended 1985, 1987, and 1989; and NAC 444.8632, effective 1987, amended 1990, 1992, 1993, and 1994; NAC 444.8632 adopts by reference 40 CFR part 2, subpart A; 124, subparts A and B; 260 through 270, inclusive; and 279, as modified by NAC 444.8633, NAC 444.8634, and NAC 444.86325.

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

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

C. Decision

I conclude that Nevada's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly,

Nevada is granted final authorization to operate its hazardous waste program as revised.

Nevada is now responsible for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984) ("HSWA"). Nevada also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013 and 7003 of RCRA.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 USC 605(b), I hereby certify that this

authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Nevada's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: April 3, 1995.

John C. Wise,

Acting Regional Administrator.

[FR Doc. 95-8878 Filed 4-10-95; 8:45 am]

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40 CFR Part 271

Louisiana; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule; administrative correction.

SUMMARY: This document corrects administrative errors published in a *Federal Register* (FR) document on January 23, 1995. That document contained EPA's response to public comments received during the public review and comment period of an immediate final rule EPA published in the FR on November 7, 1994, and affirmed the Agency's prior decision to grant final authorization to the Louisiana Department of Environmental Quality (LDEQ) effective January 23, 1995.

DATES: This correction of administrative errors in the FR document published by EPA to respond to public comments received regarding LDEQ's final authorization [60 FR 4380, January 23, 1995], affirms the Agency's immediate final rule previously published [59 FR 55368, November 7, 1994], and notifies the public that the final authorization was effective January 23, 1995.

FOR FURTHER INFORMATION CONTACT: Dick Thomas, Region 6 Authorization Coordinator, Grants and Authorization Section, RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 665-8528.

SUPPLEMENTARY INFORMATION:

Background

On November 7, 1994, EPA published a FR document granting final authorization to LDEQ for most rules referred to by EPA as Hazardous and Solid Waste Amendments of 1984 (HSWA) Cluster I. EPA received adverse written comments during the public review and comment period associated with that document. On January 23, 1995, EPA published a second FR document with its response to the comments, and affirmed its decision to grant authorization to LDEQ for the published rules. After publication, EPA realized it published a draft version of the FR document which contained

language deleted or modified in the final version. To correct this administrative error, and for the convenience of the reader, EPA is hereby publishing corrections to the prior FR document that affirmed the Agency's immediate final rule implementing final authorization to LDEQ, effective January 23, 1995.

Correction of Publication

On page 4380, in the last column, in the first paragraph under **SUMMARY**, the last sentence is corrected to read "As such, EPA published an immediate final rule in the *Federal Register* (FR) on November 7, 1994, with a 45-day public review and comment period, to be effective on January 23, 1995."

On page 4381, in the first column, in the first paragraph under Response to Public Comments, the second sentence is corrected to read "One supplied LDEQ with an independent environmental audit report of conditions at Bayou Steel to support both commentors' claims, and the commentor believed LDEQ's lack of enforcement response to those and other complaints demonstrated the State's inability to take on additional program revisions, and unwillingness to appropriately address complaints."

The third sentence in the same paragraph is corrected to read "Also, the commentors questioned whether LDEQ had adequate resources to enforce the RCRA corrective action provisions in this program revision."

The second paragraph under Response to Public Comments is corrected to read "EPA reviewed the commentors' assertions and LDEQ's actions regarding complaints about Bayou Steel. EPA noted LDEQ's files contained numerous complaints regarding Bayou Steel's activities, including those from the commentors. The files showed LDEQ initiated investigations to address all but one complaint within seven days of receipt, and in that instance the investigation was initiated within seven days of a records review. State records further revealed that LDEQ investigated all Bayou Steel complaints in an appropriate and timely manner. LDEQ's inspection reports were in permanent files and available for public review. Copies of requested portions of the files were available to the public."

In the third paragraph under Response to Public Comments, the first sentence is corrected to read "State records also showed that the various Divisions of LDEQ had conducted 29 inspections at Bayou Steel since 1993."

In the third paragraph under Response to Public Comments, the

second sentence is corrected to read "Some resulted in enforcement actions, including penalties, for the facility's violations of Louisiana's environmental regulations."

The fourth paragraph under Response to Public Comments is corrected to read "EPA determined that LDEQ has adequate resources to take on the additional portions of RCRA included in this program revision. As noted above, various LDEQ Divisions conducted numerous inspections at Bayou Steel since 1993, dedicating significant resources to the inspections. These inspections, covering all media, were in addition to inspections and investigations performed by LDEQ at other facilities in the State. Because of the number and variety of complaints LDEQ received regarding Bayou Steel, LDEQ requested that EPA, with its authority, resources, and experience, perform a complete multi-media facility inspection. EPA considered this an appropriate referral. EPA conducted the Bayou Steel multi-media inspection in June 1994. After EPA completed and analyzed the inspection and sampling reports, it recognized the need for additional information on Bayou Steel's waste management practices. This detailed and thorough investigation is almost complete, and EPA will issue a report of the results in the future. Until the report is complete, EPA will not be able to present any findings regarding the facility."

The fifth paragraph under Response to Public Comments is corrected to read "Additionally, some complaints to the State about Bayou Steel concerned LDEQ's lack of sufficient resources to enforce RCRA's prohibition of unlicensed burial of hazardous waste. The commentor wrote that LDEQ admitted it lacked sufficient resources to enforce RCRA corrective action requirements. At the time of LDEQ's inspections of the facility, EPA had not authorized the State to regulate or address waste subject to Federal corrective action authority under HSWA in lieu of EPA."

The ninth paragraph under Response to Public Comments is corrected to read "EPA considered Louisiana's 'de novo review' provision not to be the same as 'trial de novo' (new trial) recognized and defined in the Pardue Court, but that under the de novo review provisions the reviewing court can exercise only appellate jurisdiction (review of the record). The Louisiana legislature enacted laws that authorize only the Secretary of LDEQ to grant or deny permits, not the judiciary. Louisiana Revised Statutes, (R.S.) § 30:2011(D)(2). Additionally, R.S.