of this part, entry into this zone is prohibited except as authorized by the Captain of the Port.

(2) The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band radio Channel 22 (157.1 MHz).

Dated: April 7, 1997.

G.S. Cope,

Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. 97–13196 Filed 5–19–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–5826–4]

Utah: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Utah has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Utah's application and has reached a decision that Utah's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is granting final authorization to Utah to operate its expanded program, subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984.

EFFECTIVE DATE: Final authorization for Utah shall be effective at 1:00 p.m. on July 21, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Kris Shurr (8P2–SA), State Assistance Program, 999 18th Street, Ste 500, Denver, Colorado 80202–2466, Phone: 303/312–6139.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act (''RCRA''), 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 through 268, 270, and 279. These regulatory changes are grouped into clusters.

B. Utah

Utah initially received final authorization in October 1984. Utah received authorization for revisions to its program on March 7, 1989, July 22, 1991, July 14, 1992, April 13, 1993, and December 13, 1994. On March 20, 1995, Utah submitted a final program revision application for additional program approvals. In addition, on April 14, 1995, Utah submitted a final program revision application for the provisions promulgated in the **Federal Register** at 59 FR 47982, September 19, 1994. Utah has been approved for all prerequisite Land Disposal Restriction rules through the Third Third (55 FR 22520, June 1, 1990). Today, Utah is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3). Specific provisions which are included in the Utah program authorization revision sought today are listed in the Table below.

EPA has reviewed both of Utah's applications and has made an immediate final decision that Utah'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 Utah. The public may submit written comments on EPA's immediate final decision up until June 19, 1997. Copies of Utah's application for program revision are available for inspection and copying at the locations indicated in the ''Addresses'' section of this document.

Approval of Utah's program revision shall become effective in 60 days unless a comment opposing the authorization revision discussed in this document 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 document containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

TABLE

HSWA or FR reference	State equivalent [1]
Toxicity Characteristic: Hydrocarbon Recovery Operations, 55 *FR* 40834, 10/05/90; 56 *FR* 3978, 02/01/91; and 56 *FR* 13406, 04/02/91.	R315–2–4.
Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038), 55 *FR* 46354, 11/02/90; and 55 *FR* 51707, 12/17/90.	R315–2–10, R315–50–9.
Wood Preserving Listings, 55 *FR* 50450, 12/06/90	R315–1–1, R315–2–4, R315–2–10, R315–50–8, R315–50–9, R315–50–10, R315–8–10, R315–8–19, R315–7–17, R315–7–28, R315–3–6.12.
Toxicity Characteristic: Chlorofluorocarbon Refrigerants, 56 *FR* 5910, 02/13/91.	R315–2–4.
Burning of Hazardous Waste In Boilers and Industrial Furnaces, 56 *FR* 7134, 02/21/91.	R315–1–1, R315–1–2, R315–2–2, R315–2–4, R315–2–6, R315–8–7, R315–8–15.1, R315–7–14, R315–7–22.1, R315–14–3, R315–14–7, R315–3–6.11, R315–3–15, R315–50–16, R315–3–37, R315–3–31, R315–3–32.
Administrative Stay for K069 Listing, 56 *FR* 19951, 05/01/91	R315–2–10.
Revision to the Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038), 56 *FR* 21955, 05/13/91.	R315–2–10.
Mining Waste Exclusion III, 56 *FR* 27300, 06/13/91	R315–2–4.
Wood Preserving Listings, 56 *FR* 27332, 06/13/91	R315–2–10, R315–8–19, R315–7–28.
Wood Preserving Listings; Technical Corrections, 56 *FR* 30192, 07/01/91.	R315–2–4, R315–2–24, R315–5–10, R315–8–19, R315–7–28, R315–3–6.12.

TABLE—Continued

HSWA or FR reference	State equivalent [1]
Burning of Hazardous Waste In Boilers and Industrial Furnaces; Corrections and Technical Amendments I, 56 *FR* 32688, 07/17/91.	R315–2–3, R315–2–6, R315–7–23.1, R315–14–7, R315–3–6.11, R315–3–15, R315–50–16, R315–3–37, R315–3–32.
Land Disposal Restrictions for Electric Arc Furnace Dust (K061), 56 *FR* 41164, 08/19/91.	R315–2–3, R315–2–4, R315–13–1.
Burning of Hazardous Waste In Boilers and Industrial Furnaces; Technical Amendments II, 55 *FR* 42504, 08/27/91.	R315–2–2, R315–7–14, R315–14–7.
Exports of Hazardous Waste; Technical Correction, 56 *FR* 43704, 09/04/91.	R315–5–13.
Burning of Hazardous Waste In Boilers and Industrial Furnaces; Administrative Stay of Applicability and Technical Amendment, 56 *FR* 43874, 09/05/91.	R315–14–7.
Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations, 56 *FR* 66365, 12/23/91.	R315–1–1, R315–7–13.2.
Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units, 57 *FR* 5859, 02/18/92.	R315–1–1, R315–8–2.6, R315–8–2.10, R315–8–5.3, R315–8–11.2, R315–8–11.9, R315–8–11.10, R315–8–11.3, R315–8–11.5, R315–8–12.2, R315–8–12.8, R315–8–12.9, R315–8–12.3, R315–8–14.2, R315–8–14.12, R315–8–14.3, R315–8–14.13, R315–8–14.5, R315–7–9.6, R315–7–9.10, R315–7–12.4, R315–7–18.9, R315–7–18.2, R315–7–18.10, R315–7–18.5, R315–7–18.6, R315–7–19.9 thru 19.12, R315–7–21.2, R315–7–21.10 thru 21.12, R315–7–21.4, R315–3–13, R315–3–6.3, R315–3–6.4, R312–3,-6.7, R315–50–16.
Administrative Stay for the Requirement that Existing Drip Pads be Impermeable, 57 *FR* 5859, 02/18/92.	R315–8–19, R315–7–28.
Second Correction to the Third Third Land Disposal Restrictions, 57 *FR* 8086, 03/06/92.	R315–8–2.4, R315–13–1.
Hazardous Debris Case-by-Case Capacity Variance, 57 *FR* 20766, 05/15/92.	R315–13–1.
Recycled Coke By-Product Exclusion, 57 *FR* 27880, 06/22/92	R315–2–4, R315–14–7.
Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance, 57 *FR* 28628, 06/26/92.	R315–13–1.
Universal Treatment Standards, 59 *FR* 47982, 09/19/94	R315–2–2(e)(1)(iii), R315–2–18–21, R315–7–8.1(c)(7), R315–8–1(e)(7), R315–13.1, R315–14–2, R315–14–7.

[1] References are to the Utah Administrative Code revised 11/15/94.

Indian Reservations

The program revision does not extend to ''Indian Country'' as defined in 18 U.S.C. Section 1151, including lands within the exterior boundaries of the following Indian reservations located within or abutting the State of Utah:

1. Goshute Indian Reservation
2. Navajo Indian Reservation
3. Northwestern Band of Shoshone Nation of Utah (Washakie) Indian Reservation
4. Paiute Indian Tribe of Utah Indian Reservation
5. Skull Valley Band of Goshute Indians of Utah Indian Reservation
6. Uintah and Ouray Indian Reservation
7. Ute Mountain Indian Reservation

The Agency is cognizant that the State of Utah and the United States Government differ as to the exact geographical extent of Indian Country within the Uintah and Ouray Indian Reservation and are currently litigating this question in Federal Court. Until that litigation is completed and this question is resolved, the Agency will enter into discussions with the Ute Indian Tribe of the Uintah and Ouray Indian Reservation and the State of Utah to determine the best interim approach to managing this program in the disputed area. The Agency will notify the public of the outcome of these discussions.

In excluding Indian Country from the scope of this program revision, EPA is not making a determination that the State either has adequate jurisdiction or lacks jurisdiction over sources in Indian Country. Should the State of Utah choose to seek program authorization within Indian Country, it may do so without prejudice. Before EPA would approve the State's program for any portion of Indian Country, EPA would have to be satisfied that the State has authority, either pursuant to explicit Congressional authorization or applicable principles of Federal Indian law, to enforce its laws against existing and potential pollution sources within any geographical area for which it seeks program approval and that such approval would constitute sound administrative practice.

There are no EPA-issued permits in Indian Country at this time. EPA currently has approved closure activities at the Hercules-Tekoi Facility.

C. Decision

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

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

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which are hazardous waste generators, transporters, or which own and/or operate TSDFs are already

subject to the regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

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 approves regulatory requirements under existing State law to which small entities are already subject. 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. 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).

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 certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, 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. The section 202 and 205 requirements do not apply to today's action because it is not a ''Federal mandate'' and because it does not impose annual costs of $100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because the requirements of the Utah program are already imposed by the State and subject to State law. Second, the Act also generally excludes from the definition of a ''Federal mandate'' duties that arise from participation in a voluntary Federal program. Utah's participation in an authorized hazardous waste program is voluntary.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of $100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the Utah program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, section 203 of the UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may be hazardous waste generators, transporters, or own and/or operate TSDFs, they are already subject to the regulatory requirements under existing state law which are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

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

Dated: May 5, 1997.

Jack W. McGraw,

Acting Regional Administrator.

[FR Doc. 97–13205 Filed 5–19–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7665]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the third column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street SW., room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Executive Associate Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Executive Associate Director finds that the delayed effective dates would be contrary to the public interest. The Executive Associate Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.