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summary of each public meeting will be made a part of the Administrative Record.

## II. Background on Conditional Approval

Under 30 CFR 727.13(j), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with the steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval.

## III. Background on the Indiana State Program

Information regarding the general background on the Indiana State Program, including the Secretary's Findings, the disposition of comments and a detailed explanation of the conditions of approval of the Indiana program can be found in the July 26, 1982, *Federal Register* (47 FR 32071-32108).

At the time of the Secretary's conditional approval, Indiana agreed to meet nine minor conditions, many of which contained several parts. Most of the conditions and their parts have been removed through the approval of amendments to the Indiana program. For additional information on the prior removal of conditions, see the December 17, 1982, *Federal Register* at 47 FR 56493, and the March 4, 1983, *Federal Register* at 48 FR 9248.

The remaining conditions on the Indiana program are as follows:

Condition (a)(2) requires Indiana to require the design criteria for stream channel diversions as required by 30 CFR 816.44 and 817.44.

Condition (b)(3) requires Indiana to require that each permit application contain a list of all other licenses and permits needed by the applicant to conduct the proposed surface or underground mining activities indicating all the information required by 30 CFR 782.19.

The deadline for Indiana to address these conditions is July 1, 1983. Both of these conditions have been proposed to be addressed by Indiana modifications (IN-0323) announced in a separate *Federal Register* notice which was published recently.

Condition (g)(1) requires Indiana to amend its statute to require that a petitioner would only have to present evidence which would "tend to establish allegations of fact" in a petition to designate lands as unsuitable for mining in accordance with the provisions of

Section 527(c) of SMCRA and in a manner no less effective than the requirements of 30 CFR 764.13(b)(2).

Condition (h)(1) requires Indiana to amend its statute to provide for the award of attorney and expert witness fees in surface mining related common law damage actions in accordance with the provisions of Section 510(f) of SMCRA.

Condition (h)(2) requires Indiana to amend its statute to provide for administrative review of a permit or any final decision of the regulatory authority in accordance with the provisions of Section 514(c) of SMCRA and in a manner no less effective than the requirements of 30 CFR 787.

The deadline for Indiana to address these conditions is September 30, 1983. These three conditions are proposed to be addressed by the Indiana modifications being announced in this notice.

## IV. Discussion of the Proposed Amendment

On April 28, 1983, OSM received a set of statutory amendments from the Indiana Department of Natural Resources intended to meet conditions (g)(1), (h)(1) and (h)(2). See IN-0325. Indiana has proposed changes to its statute at IC 13-4.1-14-2(a) to meet condition (g)(1), added a new Section (i) to IC 13-4.1-11-11 to meet condition (h)(1), and proposed changes to IC 13-4.1-4-5(c) to meet condition (h)(2).

In addition, Indiana has proposed changes to other statutory sections that are unrelated to the conditions. These provisions are:

1. IC 13-4.1-2-3 to provide an exception to the conflict of interest rules for appointees to the Indiana Natural Resources Commission (a multi-interest board established by State law); and

2. IC 13-4.1-7-5 to provide that persons engaging in coal exploration that substantially disturbs the natural land surface are subject to the inspection and civil penalty provisions of State law at IC 13-4.1-11 and IC 13-4.1-12.

Thus, the Secretary requests comments on the substantive adequacy of the proposed amendments to satisfy the conditions listed above and on the substantive adequacy of the proposed changes to the other Indiana statutory provisions.

### Procedural Matters

1. *Compliance with the National Environmental Policy Act:* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact

statement need be prepared on this rulemaking.

2. *Executive Order No. 12291 and the Regulatory Flexibility Act:* On August 28, 1981, the Office of Management and Budget (OMB) granted OSM an exemption from Sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule would not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule would not impose any new requirements; rather, it would ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. *Paperwork Reduction Act:* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

### List of Subjects in 30 CFR Part 914

Coal mining Intergovernmental relations, Surface mining, Underground mining.

Dated: May 11, 1983.

J. Steven Griles,  
Acting Director, Office of Surface Mining.

[FR Doc. 82-13255 Filed 5-16-83; 8:45 am]

BILLING CODE 4310-05-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 261

[SWH-FRL 2363-6]

### Hazardous Waste Management System: Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Reopening of comment period.

**SUMMARY:** On October 30, 1980, EPA proposed to amend the Extraction Procedure (EP) toxicity characteristic to apply to hexavalent chromium instead of total chromium. After evaluating both the information available to the Agency as well as the comments received, the Agency was still left with a number of unanswered questions. Today's action reopens the comment period in order to solicit any information the public may have which will help to resolve the questions.

**DATE:** Comment Date: EPA will accept comments on this proposed amendment until August 15, 1983.

**ADDRESSES:** Comments on this proposed rule should be sent to the Docket Clerk, Docket No. 261-83-4 Hexavalent Chromium, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

**FOR FURTHER INFORMATION CONTACT:** David Friedman, Office of Solid Waste (WH-565B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 382-4770.

**SUPPLEMENTARY INFORMATION:** On October 30, 1980, EPA proposed to amend the Extraction Procedure (EP) toxicity characteristic (40 CFR 261.24) to apply to hexavalent chromium instead of total chromium (45 FR 72029-72033). EPA proposed this amendment because the two normally occurring valence states of chromium, tri- and hexavalent, present sufficiently different levels of environmental risk to warrant a regulatory distinction. Trivalent chromium is less toxic than the hexavalent form and the Agency did not believe it to be of regulatory concern at EP characteristic levels. The carcinogenicity and mutagenicity of hexavalent chromium are well established; the only well-documented adverse consequence of exposure to trivalent chromium is allergic dermatitis. In addition, trivalent chromium has significantly lower migratory potential than hexavalent chromium, and is less mobile should it migrate from a waste matrix. Moreover, there appears to be little likelihood that trivalent chromium will oxidize to hexavalent chromium under most plausible occurring types of improper waste management.

After evaluating the information that was available to the Agency (including the comments submitted in response to the October 30, 1980 proposal) the Agency believes that additional comment would be of assistance in clarifying several issues. The Agency therefore is today soliciting from the public any information which would answer the following questions:

1. There may be some environmental settings in which trivalent chromium would be converted to hexavalent chromium if released from a land disposal or storage site. Are there documented instances where this has actually occurred?

2. The Agency has some data showing that trivalent chromium is apparently not migrating out of land disposal sites, or, if it is, the migration is very slow. Are there documented instances where trivalent chromium has, in fact, been

found to leach from a landfill, surface impoundment or land treatment facility?

3. Trivalent chromium appears not to pose a health risk to humans. Is there any evidence to indicate that trivalent chromium is toxic to humans when ingested?

4. Is the hazard posed by trivalent chromium to the aquatic environment of sufficient magnitude to warrant regulations under RCRA? What is the risk posed by trivalent chromium? What would be an appropriate RCRA threshold to prevent such damage?

#### List of Subjects in 40 CFR Part 261

Hazardous material, Recycling waste treatment and disposal.

Dated: May 6, 1983.

Lee M. Thomas,  
Acting Assistant Administrator for Solid Waste and Emergency Response.

[FR Doc. 83-13142 Filed 5-16-83; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Public Health Service

#### 42 CFR Part 36

### Indian Health Care Improvement Act Programs

**AGENCY:** Public Health Service, HHS.

**ACTION:** Proposed rule.

**SUMMARY:** These rules propose requirements for a new Indian health pregraduate scholarship program of up to four years which is intended to encourage Indians to enter the health professions and to insure the availability of Indian health professionals to serve Indians. The proposal would also change the current regulation governing the Preparatory Scholarship Program: (1) To provide for the contingency that the stipend could be reduced if Federal salaries were reduced; and (2) to remove the requirement that an annual list of scholarship recipients be published in the *Federal Register*.

**DATE:** Comments must be received on or before July 1, 1983.

**ADDRESS:** Address written comments to: Richard J. McCloskey, Indian Health Service, Room 6A-14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

**FOR FURTHER INFORMATION CONTACT:** Pierre Colombel, Indian Health Service, 5600 Fishers Lane, Room 6A-23, Rockville, Maryland 20857, Telephone (301) 443-5441.

**SUPPLEMENTARY INFORMATION:** The Indian Health Service (IHS) is proposing editorial and technical changes to Subpart J and to add a new Subdivision J-8 to implement the new pregraduate scholarship program authorized by the Indian Health Care Amendments of 1980, section 3(b)(1) of Pub. L. 96-537. That section (which amended section 103(b) of the Indian Health Care Improvement Act (25 U.S.C. 1613(b)), left unchanged the two-year scholarship program for "compensatory preprofessional education" but added a new scholarship program for persons enrolled in preprofessional curricula leading to a baccalaureate degree in an approved premedicine, predentistry, preosteopathy, preveterinary medicine, preoptometry, or prepodiatry program. Up to four years of scholarship assistance is authorized by the new law.

The application and selection criteria that we are proposing for the new scholarship program are essentially the same as for the two-year Health Professions Preparatory Scholarship Program contained in Subdivision J-3. An incorrect cross-reference contained in § 36.322(a)(2) is changed from § 36.333 to § 36.332. This was an inadvertent typographical error.

The current regulation for the two-year scholarship program at § 36.323 provides for a stipend of \$400 per month subject to annual increases based on rates of pay in the General Schedule (5 U.S.C. 5332). It is proposed to correct § 36.323(c) to provide that the stipend shall be "adjusted" rather than "increased" to take into account the possibility of reductions as well as increases in the rates of pay under the General Schedule. The proposed regulation for the four-year pregraduate scholarship program will have a similar provision. The amount of the monthly stipend would be the same for both scholarship programs.

The current regulation at § 36.324 requires the Agency to publish an annual list of scholarship recipients in the *Federal Register*. It is proposed to amend § 36.324 to provide that an annual list of scholarship recipients, showing their tribal affiliation and school attended, will be provided to anyone requesting a copy. The proposed regulation for the pregraduate scholarship program will have a similar provision. Experience shows that anyone interested in such information is more likely to request it from the Agency rather than to read the *Federal Register*.

The Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that this regulation will