US EPA ARCHIVE DOCUMENT

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the Virginia address in "ADDRESSES" at the beginning of this document.

VII. Regulatory Assessment Requirements

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled Regulatory Planning and Review (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). Nor does it require any prior consultation as specified by Executive Order 12875, entitled Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993), or special considerations as required by Executive Order 12898, entitled Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (59 FR 7629, February 16, 1994), or require OMB review in accordance with Executive Order 13045, entitled Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997).

In addition, since these tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. Nevertheless, the Agency has previously assessed whether establishing tolerances, exemptions from tolerances, raising tolerance levels or expanding exemptions might adversely impact small entities and concluded, as a generic matter, that there is no adverse economic impact. The factual basis for the Agency's generic certification for tolerance actions published on May 4, 1981 (46 FR 24950) and was provided to the Chief Counsel for Advocacy of the Small Business Administration.

VIII. 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, the Agency has 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 this rule in today's **Federal Register**. This is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 29, 1997.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By adding § 180.514 to read as follows:

§ 180.514 Cloransulam-methyl; tolerances for residues.

(a) *General.* Tolerances are established for residues of the herbicide, cloransulam-methyl, *N*-(2-carboxymethyl-6-chlorophenyl)-5-ethoxy-7-fluoro-(1,2,4)-triazolo[1,5c]-pyrimidine-2-sulfonamide, plus its acid, cloransulam, calculated as parent ester in or on the following raw agricultural commodities:

Commodity	Parts per million
Soybean, forage	0.1
Soybean, hay	0.2
Soybean seed	0.02

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 97-24939 Filed 9-18-97; 8:45 am]
BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 271 and 272

[FRL-5871-3]

Texas:Final Authorization and Incorporation by Reference of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA)

ACTION: Immediate final rule.

SUMMARY: Texas has revised its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The EPA has reviewed Texas' changes to its program and has made a decision, subject to public review and comment, that Texas' hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Unless adverse written comments are received during the review and comment period provided for public participation in this process, EPA intends to approve Texas' hazardous waste program revisions. Texas' program revisions are available for public review and comment. In addition, today's document corrects technical errors made in the table of authorities published in the May 24, 1990, April 11, 1994 and April 12, 1994 authorization notices for Texas.

The EPA uses part 272 of Title 40 Code of Federal Regulations (CFR) to provide notice of the authorization status of State programs, and to incorporate by reference those provisions of the State statutes and regulations that EPA will enforce under RCRA Sections 3008, 3013 and 7003. Thus, EPA intends to codify the Texas authorized State program in 40 CFR part 272. The purpose of this action is to incorporate by reference EPA's approval of Texas' base hazardous waste program and its revisions to that program.

DATES: Final authorization for Texas' program revisions shall be effective December 3, 1997 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Texas' program revisions must be received by the close of business November 3, 1997. The corrections to the May 24, 1990, April 11, 1994, and April 12, 1994 authorization notices go into effect immediately. The incorporation by reference of certain Texas statutes and regulations was approved by the Director of the Federal Register as of December 3, 1997 in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: Copies of Texas' program revisions and materials EPA used in evaluating the revisions are available during 8:30 a.m. to 4 p.m. Monday through Friday at the following addresses for inspection and copying: Texas Natural Resource Conservation Commission, 1700 N. Congress Avenue, Austin, TX 78711–3087; EPA Region 6 Library, First Interstate Bank Tower at Fountain Place, 1445 Rose Avenue, Dallas, Texas 65202, phone (214) 655–6444. Written comments referring to Docket Number TX96–1 should be sent to Alima Patterson, Region 6 Authorization Coordinator, Multi-Media Planning and Permitting Division, (6PD–G), EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, (214) 665–8533.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, Region 6 Authorization Coordinator, Multi-Media Planning and Permitting Division (6PD–G), EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, (214)–665–8533.

SUPPLEMENTARY INFORMATION:

I. Authorization of State Initiated Changes

A. Background

States with final authorization under section 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. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter HSWA) allow 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 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 266, 268, 270, 273, and 279.

B. Texas

Texas initially received final authorization to implement its hazardous waste program on December 12, 1984, effective December 26, 1984 (49 FR 48300). This authorization was clarified in a notice published on March 26, 1985 (50 FR 11858). Texas received final authorization for revisions to its program in notices published in the **Federal Register** on January 31, 1986, effective October 4, 1985 (51 FR 3952); on December 18, 1986, effective February 17, 1987 (51 FR 45320); on March 1, 1990, effective March 15, 1990 (55 FR 7318); on May 24, 1990, effective July 23, 1990 (55 FR 21383); on August 22, 1991, effective October 21, 1991 (56 FR 41626); on October 5, 1992, effective December 4, 1992 (57 FR 45719); on April 11, 1994, effective June 27, 1994 (59 FR 16987); and on April 12, 1994, effective June 27, 1994 (59 FR 17273). Regarding today's document, Texas has made conforming changes to make its regulations internally consistent relative to the revisions made for the above listed authorizations. Texas has also changed its regulations to make them more consistent with the Federal requirements.

The EPA has reviewed these changes and has made an immediate final decision, in accordance with 40 CFR 271.21(b)(3), that Texas' 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 Texas' hazardous waste program. The public may submit written comments on EPA's immediate final decision until November 3, 1997. Copies of Texas' program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

Approval of Texas' program revision shall become effective in 75 days unless an adverse comment pertaining to the State's revision 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 comments which either affirms that the immediate final decision takes effect or reverses the decision.

Texas will be authorized to carry out, in lieu of the Federal program, the following State-initiated changes to provisions of the State's program, which are analogous to the indicated RCRA provisions found at Title 40 CFR.

State requirement	Federal requirement
31 Texas Administrative Code (TAC) §305.63, introductory paragraph, effective October 29, 1990.	40 CFR 270.10(h).
30 TAC §335.1 definitions of "Closure" and "Hazardous waste management facility", effective November 23, 1993.	40 CFR 270.2 definitions of "Closure" and "Hazardous waste management facility".
30 TAC §335.1 definition of "PCB's or polychlorinated biphenyl compounds", effective November 23, 1993.	40 CFR 268.2(e).
30 TAC §335.10(a)(1), effective November 23, 1993	40 CFR 262.20(a).
30 TAC §335.10(a)(3), effective November 23, 1993	40 CFR 262.21 (a)–(c).
31 TAC §335.11, effective July 27, 1988	40 CFR 263.20, 263.22.
31 TAC §335.15(1), effective July 27, 1988	40 CFR 264.71(a)(5).
30 TAC §335.41(e), effective November 23, 1993	40 CFR 264.1(g)(1) and 265.1(c)(5).
31 TAC §335.43(b)(1), effective November 7, 1991	40 CFR 270.10(e)(1)(i).
31 TAC §335.43(b)(2), effective November 7, 1991	40 CFR 279.10(e)(1)(ii).
31 TAC §335.114(a) introductory paragraph, effective July 27, 1988	40 CFR 265.75 introductory paragraph.
31 TAC §335.114(a) (1)–(6), effective July 27, 1988	40 CFR 265.75 (a), (b) & (d)–(g).
31 TAC §335.154(a) (2) & (5), effective July 27, 1988	40 CFR 264.75 (b) & (g).

In addition to the above listed changes, EPA is authorizing changes to the following State provisions. These provisions do not have a direct analog in the Federal RCRA regulations. However, none of these provisions are considered broader in scope than the Federal program. This is so because these provisions were either previously authorized as part of Texas' base authorization or have been added to make the State's regulations internally

consistent with changes made for the other authorizations listed in the first paragraph of this section. The EPA has reviewed these provisions and has determined that they are consistent with and no less stringent than the Federal requirements. Additionally, this authorization does not affect the status of State permits and those permits issued by EPA because no new substantive requirements are a part of these revisions.

State requirement
Texas Solid Waste Disposal Act (TSWDA) §361.003 (14), (16)–(18), and (25); Texas Health and Safety Code Ann. (THSC) (Vernon's Supp. 1992), effective September 1, 1991, as amended.
TSWDA §361.082(f); THSC (Vernon's Supp. 1992), effective September 1, 1991, as amended.
TSWDA §361.089 (e)–(g); THSC (Vernon's Supp. 1992), effective September 1, 1991, as amended.
30 Texas Administrative Code (TAC) §305.50(4)(E), effective November 23, 1993.
30 TAC §305.61, effective October 29, 1990.
30 TAC §335.2 (d)–(f), effective November 23, 1993.
30 TAC §335.2(j), effective November 23, 1993.
30 TAC §335.13(f), effective November 23, 1993.
31 TAC §335.43(e), effective November 7, 1991.
30 TAC §335.112(b), effective November 23, 1993.
30 TAC §335.152(b), effective November 23, 1993.
30 TAC §335.152(c), effective November 23, 1993.
30 TAC §335.224 (3)(F), (9), (10), and (15), effective November 23, 1993.
31 TAC §335.225(b), effective July 29, 1992.
30 TAC §335.226, effective July 29, 1992.
30 TAC Subchapter L (335.361 through 335.367), effective June 21, 1988.

Texas is not authorized to operate the Federal program on Indian lands. This authority remains with EPA.

C. Decision

I conclude that Texas' program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Texas is granted final authorization to operate its hazardous waste program as revised.

Texas now has responsibility 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 HSWA. Texas 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.

II. Corrections

A. Corrections to the May 24, 1990 (55 FR 21383) Authorization Notice

There was an error in the table of authorities published as part of the May 24, 1990 (55 FR 21383) authorization notice for Texas. Section 335.46 was erroneously cited on this table as one of the State's analogs to the Land Disposal Restriction Rule (November 7, 1986, 51 FR 40572). Today's notice corrects this error by removing Section 335.46 from the table for that rule.

B. Corrections to April 11, 1994 (59 FR 16987) Authorization Notice

There were numerous typographical and effective date errors in the table published as part of the April 11, 1994 (59 FR 16987) authorization notice for Texas. The affected entries for that table are shown in the table below. The corrections have been italicized. In addition, in the April 11, 1994 notice, the authorization for Revision Checklist 61 was inadvertently omitted. This has been added as Entry 41.

Federal citation	State analog
1. California List Waste Land Disposal Restrictions, July 8, 1987 (52 FR 25760), as amended on October 27, 1987 (52 FR 41295). (Checklists 39 and 39.1).	Texas Solid Waste Disposal Act (TSWDA) §§361.017 and 361.024; Texas Health and Safety Code Ann. (THSC) (Vernon's Supp. 1991), effective June 7, 1991, as amended; *31* Texas Administrative Code (TAC) §305.51(c), *effective July 29, 1992; 30 TAC* §335.2(j), §335.112(a)(1), §335.152(a)(1), and §335.431(c), all effective November 23, 1993; and 31 TAC §335.77, effective *July 14, 1987.*
2. Exception Reporting for Small Quantity Generators of Hazardous Waste, September 23, 1987 (52 FR 35894). (Checklist 42).	TSWDA §§361.017, and 361.024; THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; *30* TAC §335.13(c), (d) and (g), effective *November 23, 1993* as amended; and 30 TAC §335.74, effective November 23, 1993.
5. HSWA Codification Rule 2; Corrective Action for Injection Wells, December 1, 1987 (52 FR 45788). (Checklist 44C).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 30 TAC §33*1*.121(f), and §33*1*.121(e)(1)–(3), both effective November 23, 1993.
10. Technical Correction to Checklist 23, Small Quantity Generators, July 19, 1988 (53 FR 27162). (Checklist 47).	TSWDA §§361.017, and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 31 TAC §335.78(e) and §335.78(f)(2), both effective *February 1, 1989,* as amended.
21. Land Disposal Restrictions for Third Scheduled Wastes, June 1, 1990 (55 FR 22520) (Checklists 78H and *78N*).	TSWDA §§361.017 and 361.024, THSC (Vernon's Supp. 1991), effective June 7, 1991, as amended; and 30 TAC §305.69(i) Appendix I.B.1.b., §335.1, §335.29, §335.69(a)(4), §335.111(c), §335.112(a)(1) and (a)(10)–(a)(13), §335.152(a)(9)–(a)(12), §335.431(c) and *§335.504(2),* all effective November 23, 1993.

Federal citation	State analog
26. Permit Modifications for Hazardous Waste Management Facilities, September 28, 1988 (53 FR 37912), as amended on October 24, 1988 (53 FR 41649. (Checklists 54 and 54.1).	TSWDA §§ 361.017, and 361.024; THSC (Vernon 1990), effective September 1, 1989, as amended; TWC §§ 5.103, 5.105, and 26.011 (Vernon 1990), effective September 1, 1985, as amended; Texas Open Records Act, TEX. REV. CIV. STAT. ANN. art.6252–17a (Vernon 1990); 31 TAC § 305.66, *effective November 7, 1991;* 31 TAC § 305.62(a), effective October 29, 1990; 31 TAC § 335.112(a)(6), § 335.152(a)(3) and (a)(5), all effective December 13, 1991, as amended; 31 TAC § 305.64(a) and (g), and § 305.144, § 305.62(d)(3), § 305.62(e)(2)(C)(iv)–(e)(2)(C)(xi), all effective October 29, 1990; 31 TAC § 305.62(e), effective July 17, 1989; 31 TAC 305.100, effective October 8, 1990; 31 TAC § 305.102, § 305.171, § 305.172(10), all effective October 29, 1990; 31 TAC § 305.69(a), § 305.69(a)(1)(A)–(a)(1)(C), § 305.69(a)(2) and (a)(3), § 305.69(b) and (b)(1), § 305.69(b)(1)(A)–(b)(1)(D), § 305.69(b)(2), § 305.69(b)(2)(A)–(b)(2)(G), § 305.69(b)(3)–(b)(6), § 305.69(b)(6)(A)–(b)(6)(C), § 305.69 (b)(6)(C)(i) and (b)(6)(C)(ii), § 305.69 (b)(6)(D) and (b)(6)(E), § 305.69(b)(7), § 305.69(b)(7)(A)–(b)(7)(C), § 305.69 (b)(7)(C)(i) and (b)(7)(C)(ii), § 305.69(b)(7)(D), § 305.69(b)(8) and (b)(9), § 305.69(b)(9)(A) and (b)(9)(B), § 305.69(b)(10)–(b)(14), § 305.69(b)(14)(A)–(b)(14)(C), § 305.69(b)(15), § 305.69(c), § 305.69(c)(1), § 305.69(c)(1)(A)–(c)(1)(D), § 305.69(c)(2), § 305.69(c)(2)(A)–(c)(2)(F), § 305.69(c)(3)–(c)(6),§ 305.69(d), § 305.69(d)(1) and (d)(2), § 305.69(d)(2)(A), § 305.69(d)(2)(B)(i) and (d)(2)(B)(ii), § 305.69(d)(2)(C), § 305.69(e), § 305.69(e)(1) and (e)(2), § 305.69(e)(2)(A) and (e)(2)(B), § 305.69(e)(3), § 305.69(e)(3)(A)–(e)(3)(C), § 305.69(e)(4) and (e)(5), § 305.69(e)(5)(A) and (e)(5)(B), § 305.69(e)(5)(B)(i)–(e)(5)(B)(v), § 305.69(e)(6), § 305.69(e)(6)(A) and (e)(6)(B), § 305.69(f), § 305.69(f)(1) and (f)(2), § 305.69(g), § 305.69(g)(1), § 305.69(g)(1)(A)–(g)(1)(E), § 305.69(g)(2), and § 305.180(1)–(3), all effective October 29, 1990.
30. Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators, January 9, 1989 (54 FR 615). (Checklist 59).	TSWDA §§ 361.003, 361.024, 361.088; THSC (Vernon 1990), effective September 1, 1989, as amended; TWC §§ 5.103, 5.105, and 26.011 (Vernon 1990), effective September 1, 1985, as amended; and *30* TAC § 305.50(4), effective *July 29, 1992,* as amended.
31. Amendment to Requirements for Hazardous Waste Incinerator Permits, January 30, 1989 (54 FR *4286*), (Checklist 60).	TSWDA §§ 361.003, 361.024, 361.088; THSC (Vernon 1990), effective September 1, 1989, as amended; TWC §§ 5.103, 5.105 and 26.011 (Vernon 1990), effective September 1, 1985, as amended; and 31 TAC § 305.174, effective October 29, 1990.
35. Changes to Part 124 Not Accounted for by Present Checklists, June 30, 1983 (48 FR 30113); *April 1, 1983 (48 FR 14146);* July 26, 1988 (53 FR 28118); September 26, 1988 (53 FR 37396); and January 4, 1989 (54 FR 246). (Checklist 70).	TSWDA §§ 361.017, 361.024, 361.032, 361.066, and 361.068; THSC Chapter 361 (Vernon's Supp. 1992), effective September 1, 1989, as amended; TWC §§ 5.103, 5.105, 26.011, and 27.019 (Vernon 1992), effective September 1, 1985, as amended; 31 TAC 281.22, effective July 14, 1987; 31 TAC §§ 305.42, 305.44, 305.62, 305.102, 305.103, and 305.105, 305.127 (1)(B), (2) and (3), and 305.144, all effective October 29, 1990; 31 TAC 305.66, effective *November 7, 1991;* 31 TAC §§ 305.100, 305.101, 305.121, 305.122(a), 305.125, and 305.128, all effective October 8, 1990; 31 TAC §§ 305.123, 305.124, 305.141, 305.142, 305.143, and 305.146, all effective June 19, 1986; and 31 TAC 305.145, effective April 8, 1987.
41. Changes to *Interim Status Facilities for Hazardous Waste Management Permits; Modification of Hazardous Waste Management Permits; Procedures for Post-Closure Permitting, March 7, 1989 (54 FR 9596), (Checklist 61).*	*TSWDA §§ 361.017, 361.024, 361.088; THSC (Vernon 1990), effective September 1, 1989, as amended; TWC §§ 5.103, 5.105 and 26.011 (Vernon 1990), effective September 1, 1985, as amended; 31 TAC 305.69(h), effective October 29, 1990.*

C. Corrections to the April 12, 1994 (59 FR 17273) Authorization Notice

There were numerous typographical and effective date errors in the tables published as part of the April 12, 1994 (59 FR 17273) authorization notice for Texas. The affected entries for that table are shown in the table below. The corrections have been italicized.

Federal citation	State analog
1. Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listing (F037 and F038), November 2, 1990 (55 FR 46354), as amended on December 17, 1990 (55 FR 51707). (Checklists 81 and 81.1).	Texas Solid Waste Disposal Act (TSWDA), Chapter 361, § 361.003(15), § 361.017 and § 361.024; Texas Health and Safety Code (THSC) Ann. (Vernon Pamphlet 1992), effective September 1, 1991, as amended; Title 31 Texas Administrative Code (TAC) Chapter 335, § 335.1, effective March 31, 1992, as amended*; and Title 30 TAC § 335.29, effective November 23, 1993.*
2. Wood Preserving Listings, December 6, 1990 (55 FR 50450). (Checklist 82).	TSWDA Chapter 361, § 361.003(15), § 361.017 and § 361.024; THSC Ann. (Vernon Pamphlet 1992), effective September 1, 1991, as amended; Title 30 TAC, Chapter 305, § 305.50(4)(A), effective November 23, 1993; Title 31 TAC Chapter 335, § 335.1, effective March 31, 1992, as amended; *Title 30 TAC Chapter 335, § 335.29, effective November 23, 1993*; Title 31 TAC Chapter 335, § 335.1 and 335.29, both effective September 30, 1992, as amended; and Title *30* TAC Chapter 335, § 335.1, § 335.69*(a)(1)(C),* § 335.112(a)(9), § 335.112(a)(*18*), § 335.152(a)(8), and § 335.152(a)(14) all effective November 23, 1993.

Federal citation	State analog
3. Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendments, January 31, 1991 (56 FR 3864). (Checklist 83),.	TSWDA, Chapter 361, § 361.003(15), § 361.017 and § 361.024; THSC Ann. (Vernon Pamphlet 1992), effective September 1, 1991, as amended; Title 31 TAC, Chapter 335, § 335.1, effective March 31, 1992, as amended; Title 31 TAC Chapter 335, § 335.1, effective January 31, 1992 as amended; Title *30* TAC Chapter 335, § 335.29, effective *November 23, 1993*; Title *30* TAC Chapter 335, § 335.504(2) and § 335.69(f)(4), both effective November 23, 1993; Title 31 TAC Chapter 335, § 335.152(a)(9)–(a)(12), § 335.112(a)(1), and § 335.112(a)(10)–(a)(13), all effective March 31, 1992, as amended; Title *30* TAC Chapter 335, § 335.431, and § 335.431(c), both effective November 23, 1993.
4. Burning of Hazardous Waste in Boilers and Industrial Furnaces, February 21, 1991 (56 FR 7134). (Checklist 85).	TSWDA Chapter 361, § 361.003(15), § 361.017, and § 361.024; THSC Ann. (Vernon Pamphlet 1992), effective September 1, 1991, as amended; Title 31 TAC, Chapter 335, § 335.1, effective March 31, 1992 as amended; Title 30 TAC Chapter 335, *§ 335.29, effective November 23,1993*; Title 31 TAC, Chapter 335, § 335.221(a)(23), effective July 14, 1992, as amended; Title 31 TAC, Chapter 335, § 335.1, effective August 22, 1991, as amended; Title 31 TAC, Chapter 305, § 305.50(4), § 305.50(13), § 305.69(h), § 305.571, § 305.572, § 305.573, § 305.51(a)(5), § 305.51(c)(7), all effective July 29, 1992, as amended; Title 31 TAC Chapter 335, *§ 335.2(c), effective November 7, 1991;* Title 31 TAC § 335.1, effective January 31, 1992, as amended; Title *30* TAC § 335.2(*k*), effective November 23, 1993; Title 31 TAC § 335.6 and § 335.6(i)(1)–(i)(3), § 335.24(c), § 335.152(a)(5), § 335.152(a)(13), § 335.112(a)(6), § 335.221*(a)*, (a)(1)–(a)(23), § 335.221(b), § 335.222(a)–(c), § 335.223*(a)*, (a)(1)–(a)(8), § 335.223(b), *§ 335.224 introductory paragraph,* § 335.224(1)–(2), § 335.224(3)(A)–(3)(E), § 335.224(4), § 335.224(5)(A)–(5)(J), § 335.224(6)–(8), § 335.224(11)–(14), and § 335.225(a), all effective July 29, 1992, as amended*; and Title 30 TAC Chapter 335, § 335.112(a)(14), effective November 23, 1993.*
5. Removal of Strontium Sulfide from the List of Hazardous Wastes; Technical Amendment, February 25, 1991 (55 FR 7567). (Checklist 86).	TSWDA, Chapter 361, § 361.003(15), § 361.017 and § 361.024; THSC Ann., (Vernon Pamphlet 1992), effective September 1, 1991, as amended; Title 31 TAC, Chapter 335, § 335.1, effective March 31, 1992, as amended*; and Title 30 TAC Chapter 335, § 335.29, effective November 23, 1993.*
6. Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment, April 26, 1991 (56 FR 19290). (Checklist 87).	TSWDA, Chapter 361, § 361.003(15); THSC Ann., (Vernon Pamphlet 1992), effective September 1, 1991, as amended; Title 31 TAC, Chapter 335, § 335.152(a)(1), § 335.152(a)(4), § 335.152(a)(16), and § 335.152(a)(17), all effective August 31, 1992, as amended; Title 31 TAC Chapter 335, § 335.112(a)(1), § 335.112(a)(4), § 335.112(a)(19), and § 335.112(a)(20), all effective August 31, 1992, as amended; Title *30* TAC Chapter 305, § 305.50(4)(A), effective *July 29, 1992*, as amended.
7. Mining Waste Exclusion III June 13, 1991 (56 FR 27300). (Checklist 90).	TSWDA, Chapter 361, § 361.003(15), § 361.017, and § 361.024; THSC Ann., (Vernon Pamphlet 1992), effective September 1, 1991, as amended; Title 31 TAC, Chapter 335, § 335.1, effective March 31, 1992, as amended*; and Title 30 TAC Chapter 335, § 335.29, effective November 23, 1993.*

III. Incorporation by Reference

A. Background

EPA provides both notice of its approval of State programs in 40 CFR part 272 and incorporates by reference therein the State statutes and regulations that EPA will enforce under Sections 3008, 3013 and 7003 of RCRA. This effort will provide clearer notice to the public of the scope of the authorized program in Texas. Such notice is particularly important in light of the Hazardous and Solid Waste Act Amendments of 1984 (HSWA), Public Law 98–616. Revisions to State hazardous waste programs are necessary when Federal statutory or regulatory authority is modified. Because HSWA extensively amended RCRA, State programs must be modified to reflect those amendments. By incorporating by reference the authorized Texas program and by amending the Code of Federal Regulations whenever a new or different set of requirements is authorized in Texas, the status of Federally approved requirements of the Texas program will be readily discernible.

The Agency will only enforce those provisions of the Texas hazardous waste management program for which authorization approval has been granted by EPA. This document incorporates by reference provisions of State hazardous waste statutes and regulations and clarifies which of these provisions are included in the authorized and Federally enforceable program. Concerning HSWA, some State requirements may be similar to HSWA requirements that are in effect under Federal statutory authority in that State. However, a State's HSWA-type requirements are not authorized and will not be codified into the CFR until the Regional Administrator publishes his final decision to authorize the State for specific HSWA requirements. Until such time, EPA will enforce the HSWA requirements and not the State analogues.

B. Texas Authorized Hazardous Waste Program

To incorporate by reference the Texas authorized hazardous waste program, EPA intends to add subpart SS to 40 CFR part 272. The State statutes and regulations are incorporated by reference at 40 CFR 272.2201(b)(1) and the Memorandum of Agreement, the Attorney General's Statement and the Program Description are referenced at 40 CFR 272.2201(b)(6), (b)(7) and (b)(8), respectively.

The Agency retains the authority under Sections 3007, 3008, 3013 and 7003 of RCRA to undertake enforcement actions in authorized States. With respect to such an enforcement action, the Agency will rely on Federal sanctions, Federal inspection authorities, and the Federal Administrative Procedure Act rather than the authorized State analogues to these requirements. Therefore, the Agency does not intend to incorporate by reference for purposes of enforcement such particular, authorized Texas enforcement authorities. Section 272.2201(b)(2) of 40 CFR lists those authorized Texas authorities that are part of the authorized program but are not incorporated by reference.

The public also needs to be aware that some provisions of the State's hazardous waste management program are not part of the Federally authorized State program. These nonauthorized provisions include:

(1) Provisions that are not part of the RCRA subtitle C program because they

are "broader in scope" than RCRA subtitle C (see 40 CFR 271.1(i));

(2) Federal rules for which Texas is not authorized, but which have been incorporated into the State regulations because of the way the State adopted Federal regulations by reference;

(3) Unauthorized amendments to State provisions previously reviewed and approved by EPA.

State provisions which are "broader in scope" than the Federal program are not incorporated by reference for purposes of enforcement in 40 CFR part 272. Section 272.2201(b)(3) of 40 CFR lists for reference and clarity the Texas statutory and regulatory provisions which are "broader in scope" than the Federal program and which are not, therefore, part of the authorized program being incorporated by reference. "Broader in scope" provisions will not be enforced by EPA; the State, however, will continue to enforce such provisions.

At 335.112(a) and 335.152(a), Title 30 of the Texas Administrative Code (TAC), as amended through November 23, 1993, Texas has adopted by reference the Code of Federal Regulations through June 1, 1990. However, the State is not authorized for the Federal rule addressing liability coverage published on September 1, 1988 (53 FR 33938). In addition, Texas' hazardous waste regulations include State amendments which have not been approved by EPA. Since EPA cannot enforce a State's requirements which have not been reviewed and approved according to the Agency's authorization standards, it is important that EPA clarify any limitations on the scope of a State's approved hazardous waste program. Thus, in those instances where a State's method of adopting Federal law by reference has the effect of including unauthorized requirements, or where a State has made unauthorized amendments to previously authorized sections of State code, EPA will provide this clarification by: (1) incorporating by reference the relevant State legal authorities according to the requirements of the Office of Federal Register; and (2) subsequently identifying in 272.2201(b)(4) and 272.2201(b)(5) any requirements which while adopted and incorporated by reference, are not authorized by EPA, and therefore are not Federally enforceable. Thus, notwithstanding the language in the Texas hazardous waste regulations incorporated by reference at 272.2201(b)(1), EPA would only enforce the State provisions that are actually authorized by EPA. For the convenience of the regulated community, the actual State regulatory text authorized by EPA for the citations listed at 272.2201(b)(5) are compiled as a separate document, *Addendum to the EPA-Approved Texas Regulatory and Statutory Requirements Applicable to the Hazardous Waste Management Program, December 1996.* This document is available from the Grants and Authorization Section, 6PD–G, Multimedia Planning and Permitting Division, EPA Region 6, First Interstate Tower at Fountain Place, 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202. Regarding HSWA requirements for which the State has not yet been authorized, EPA will continue to enforce the Federal HSWA standards until the State receives specific HSWA authorization from EPA.

C. HSWA Provisions

As noted above, the Agency is not amending 40 CFR part 272 to include HSWA requirements and prohibitions that are immediately effective in Texas and other States. Section 3006(g) of RCRA provides that any requirement or prohibition of HSWA (including implementing regulations) takes effect in authorized States at the same time that it takes effect in non-authorized States. Thus, EPA has immediate authority to implement a HSWA requirement or prohibition once it is effective. A HSWA requirement or prohibition supercedes any less stringent or inconsistent State provision which may have been previously authorized by EPA (50 FR 28702, July 15, 1985).

Because of the vast number of HSWA statutory and regulatory requirements taking effect over the next few years, EPA expects that many previously authorized and incorporated by reference State provisions will be affected. The States are required to revise their programs to adopt the HSWA requirements and prohibitions by the deadlines set forth in 40 CFR 271.21, and then to seek authorization for those revisions pursuant to 40 CFR part 271. The EPA expects that the States will be modifying their programs substantially and repeatedly. Instead of amending the 40 CFR part 272 every time a new HSWA provision takes effect under the authority of RCRA section 3006(g), EPA will wait until the State receives authorization for its analog to the new HSWA provision before amending the State's 40 CFR part 272 incorporation by reference. In the interim, persons wanting to know whether a HSWA requirement or prohibition is in effect should refer to 40 CFR 271.1(j), as amended, which lists each such provision.

The incorporation by reference of State authorized programs in the CFR should substantially enhance the public's ability to discern the current status of the authorized State program and clarify the extent of Federal enforcement authority. This will be particularly true as more State program revisions to adopt HSWA provisions are authorized.

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 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 it merely makes federally enforceable existing requirements with which regulated entities must already comply under 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. The requirements being authorized and codified today are the result of Texas' voluntary participation in accordance with RCRA Subtitle C.

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 because today's action merely codifies an existing State program that EPA previously authorized. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

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 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 treatment, storage, or disposal facilities (TSDFs), this codification incorporates into the CFR Texas' requirements which have already been authorized by EPA under 40 CFR part 271 and, thus, small governments are not subject to any additional significant or unique requirements by virtue of this authorization and codification.

Certification Under the Regulatory Flexibility Act

The EPA has determined that this authorization and codification 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 State requirements authorized by EPA under 40 CFR part 271. The EPA's authorization and codification does not impose any additional burdens on these small entities. This is because EPA's codification would simply result in an administrative change, rather than a change in the substantive requirements imposed on 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 codification will not have a significant economic impact on a substantial number of small entities. This codification incorporates Texas' requirements which have been authorized by EPA under 40 CFR part 271 into the Code of Federal Regulations. 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).

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.

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 272

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

Authority: This rule 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: July 21, 1997.

W.B. Hathaway,

Acting Regional Administrator.

40 CFR part 272 is amended as follows:

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

1. The authority citation for part 272 continues to read as follows:

Authority: Secs. 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

2. Subpart SS is amended by adding § 272.2201 to read as follows:

§ 272.2201 Texas State-Administered Program: Final Authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Texas has final authorization for the following elements as submitted to EPA in Texas' base program application for final authorizations which was approved by EPA effective on December 26, 1984. Subsequent program revision applications were approved effective on October 4, 1985, February 17, 1987, March 15, 1990, July 23, 1990, October 21, 1991, December 4, 1992, June 27, 1994 and December 3, 1997.

(b) *State Statutes and Regulations.* (1) The Texas statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) EPA Approved Texas Statutory Requirements Applicable to the Hazardous Waste Management Program, December 1996.

(ii) EPA Approved Texas Regulatory Requirements Applicable to the Hazardous Waste Management Program, December 1996.

(2) The following statutes and regulations concerning State enforcement, although not incorporated by reference, are part of the authorized State program:

(i) The Texas Solid Waste Disposal Act, Texas Health and Safety Code (THSC) Annotated, (Vernon, 1992), effective September 1, 1991: Chapter 361, sections 361.002, 361.016 through 361.018, 361.024, 361.032, 361.033, 361.036, 361.037(a), 361.061, 361.063, 361.064, 361.066(b), 361.067 through 361.076, 361.078, 361.079, 361.080(a), 361.082(b), 361.082(c) (first sentence only), 361.082(e), 361.083, 361.084 (except the phrase ", or evidence of * * * waste management"), 361.085 (c)–(j), 361.088 (a)–(c), 361.089, 361.090, 361.095 (b)–(f), 361.096, 361.097, 361.098(a) (except the phrase "Except as provided in Subsections (b) and (c),"), 361.099(a), 361.100, 361.101, 361.102(a) (except the phrases "Except as provided by Subsections (b) and (c)" and "and the Texas Air Control Board"), 361.103 through 361.108, 361.109(a), 361.221 (except 361.221 (c) & (e)), 361.222 (except 361.222 (d)–(u)), 361.223 (a)–(c), 361.224 (a) & (b), 361.225 through 361.229, 361.301, 361.303, 361.321 (a) & (b), 361.321(c) (except the phrase "Except as provided by Section 361.222(a)"), 361.321(d), 361.321(e) (except the phrase "Except as provided by Section 361.222(e)").

(ii) Texas Water Code (TWC), Texas Codes Annotated (Vernon, 1992), effective September 1, 1985, as amended: Chapter 5, sections 5.103, 5.104, 5.105; Chapter 26, section 26.011; and Chapter 27, section 27.019.

(iii) Texas Administrative Code (TAC), Title 30, Environmental Quality, 1994, as amended, effective through January 1, 1994: Chapter 281, sections 281.1, 281.2 (except 281.2(10)), 281.3 (a) & (b), 281.5, 281.17 (d)–(f), 281.18(a), 281.19, 281.20, 281.21 (a)–(d), 281.22 through 281.24; Chapter 305, sections 305.29 (b) & (c), 305.64 (d) & (f), 305.66(c), 305.66 (e)–(l), 305.91 through 305.95, 305.97 through 305.103, 305.105, 305.123, 305.125 (1) & (3), 305.125(20), 305.127(1)(B)(i), 305.127(4) (A) & (C), 305.127(6), 305.401 (a) & (b), 305.401 (d)–(h); and Chapter 335,

sections 335.2(b), 335.206, 335.391 through 335.393.

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program, and are not incorporated by reference:

(i) The Texas Solid Waste Disposal Act, Texas Health and Safety Code (THSC) Annotated, (Vernon, 1992), effective September 1, 1991: Chapter 361, sections 361.131 through 361.140.

(ii) Texas Administrative Code (TAC), Title 30, Environmental Quality, 1994, as amended, effective through January 1, 1994: Chapter 305, sections 305.27, 305.53, 305.64(b)(4); and Chapter 335, sections 335.321 through 335.332 Appendices I and II.

(4) *Unauthorized State Provisions:* The State's adoption of the Federal rule addressing liability coverage (September 1, 1988), while adopted at 335.112(a) and 335.152(a) and incorporated by reference at § 272.2201(b)(1), is not approved by EPA and is, therefore, not enforceable.

(5) *Unauthorized State Amendments.* The following authorized provisions of the State regulations include amendments published in the Texas Register that are not approved by EPA. Such unauthorized amendments are not part of the State's authorized program and are, therefore, not Federally enforceable. Thus, notwithstanding the language in the Texas hazardous waste regulations incorporated by reference at § 272.2201(b)(1), EPA will only enforce the authorized State provisions with the effective dates indicated in the table below. The actual State regulatory text authorized by EPA for the listed provisions are available as a separate document, Addendum to the EPA-Approved Texas Regulatory and Statutory Requirements Applicable to the Hazardous Waste Management Program, December 1996. Copies of the document can be obtained from U.S. EPA Region 6, Grants and Authorization Section, RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202.

State provision	Effective date of authorized provision	Unauthorized state amendments	
		Texas register reference	Effective date
335.2(c)	Nov. 7, 1991	18 TexReg 2799	05/12/93
		18 TexReg 8218	11/23/93
335.6(a)	July 29, 1992	18 TexReg 2799	5/12/93
335.6(c) introductory paragraph	July 29, 1992	17 TexReg 8010	11/27/92
335.6(g)	July 29, 1992	18 TexReg 3814	6/28/93
335.10(b)(22)	July 27, 1988	17 TexReg 8010	11/27/92
335.41(c)	May 28, 1986	18 TexReg 8218	11/23/93
335.43(b) introductory paragraph	July 14, 1987	17 TexReg 6065	11/7/91
335.45(b)	Sept. 1, 1986	17 TexReg 5017	7/29/92
335.111(a)	July 14, 1987	18 TexReg 8218	11/23/93
335.204(a)(1)	May 28, 1986	16 TexReg 6065	11/7/91
335.204(b)(1)	May 28, 1986	16 TexReg 6065	11/7/91
335.204(b)(6)	May 28, 1986	16 TexReg 6065	11/7/91
335.204(c)(1)	May 28, 1986	16 TexReg 6065	11/7/91
335.204(d)(1)	May 28, 1986	16 TexReg 6065	11/7/91
335.204(e)(6)	May 28, 1986	16 TexReg 6065	11/7/91

(6) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VI and the Texas Natural Resources Conservation Commission (TNRCC) signed by the EPA Regional Administrator on September 24, 1992, is referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Statement of Legal Authority.* "Attorney General's Statement for Final Authorization", signed by the Attorney General of Texas on May 22, 1984 and revisions, supplements and addenda to that Statement dated November 21, 1986, July 21, 1988, December 4, 1989, April 11, 1990, July 31, 1991, February 25, 1992, November 30, 1992, March 8, 1993, and January 7, 1994 are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(8) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

3. Appendix A to Part 272 is amended by adding in alphabetical order, "Texas" and its listing to read as follows:

Appendix A to Part 272—State Requirements

* * * * *

Texas

The statutory provisions include:

The Texas Solid Waste Disposal Act, Texas Health and Safety Code (THSC) Annotated, (Vernon, 1992), effective September 1, 1991: Chapter 361, sections 361.001, 361.003 (except 361.003(4), (5), (22), (30), (38), and (44)), 361.066(a), 361.077, 361.082(a), 361.082(f), 361.086, 361.087, 361.093, 361.094, 361.095(a), 361.099(b), and 361.110.

Copies of the Texas statutes that are incorporated by reference are available from West Publishing Company, 610 Opperman Drive, P. O. Box 64526, St. Paul, Minnesota 55164–0526.

The regulatory provisions include:

Texas Administrative Code (TAC), Title 30, Environmental Quality, 1994, as amended, effective through January 1, 1994: Chapter 281, section 281.3(c); Chapter 305, 305.1(a), 305.2 (except the definitions for "by-pass", "Class I sludge management facility", "component", "continuous discharge", "CWA", "daily average concentration", "daily average flow", "direct discharge", "discharge monitoring report", "effluent limitation", "Environmental Protection Agency", "facility mailing list", "functionally equivalent component", "indirect discharger", "injection well permit", "National Pollution Discharge Elimination System", "new discharger", "new source", "outfall", "primary industry category", "process wastewater", "publicly owned treatment works", "recommencing discharger", "regional administrator", "schedule of compliance", "severe property damage", "sewage sludge",

"Texas pollution discharge elimination system", "toxic pollutant", "treatment works treating domestic sewage", "variance", and "wetlands"), 305.29 (a) & (d), 305.41, 305.42, 305.43(b), 305.44, 305.45, 305.47, 305.50(1), 305.50(2) (except the last two sentences), 305.50 (3)–(8), 305.50 (13) & (14), 305.51, 305.61, 305.62, 305.63 (except the last sentence of 305.63(3) and 306.63(7)), 305.64(a), 305.64(b) (except 305.64(b) (4) & (5)), 305.64(c), 305.64(e), 305.64(g), 305.66(a) (except 305.66(a) (7) & (8)), 305.66(d), 305.67, 305.69, 305.121, 305.122 (b) & (c), 305.124, 305.125 (except 305.125 (1), (3), and (20)), 305.127 introductory paragraph, 305.127(1)(B)(iii), 305.127(1) (E) & (F), 305.127 (2) & (3), 305.127(4)(B), 305.127(5)(C), 305.128, 305.141 through 305.145, 305.146 introductory paragraph, 305.146(1), 305.171 through 305.174, 305.181 through 305.184, 305.191 through 305.194, 305.401(c), 305.571 through 305.573; Chapter 335, sections 335.1 (except the definitions for "activities associated with the exploration, development, and protection of oil or gas, or geothermal resources", "class 1 wastes", "class 2 wastes", "class 3 wastes", "contaminant", "contaminated medium/media", "control", "decontaminate", "essentially insoluable", "hazardous industrial waste", "hazardous substance", "industrial solid waste", "remediation", "remove", "shipment", "spill", and "treatment"), 335.2(a), 335.2 (c)–(g), 335.2 (i)–(k), 335.4, 335.5, 335.6 (except the last sentence of 335.6(d)), 335.7, 335.8(a) (3) & (4), 335.10(a) (except 335.10(a) (2) & (5)), 335.10(b), 335.10(c) (except "the United States customs official,"), 335.10 (d)–(f), 335.11, 335.12 (except 335.12(a)(5)), 335.13(a) (except for "or until the generator * * * by the initial transporter"), 335.13 (c)–(g), 335.14, 335.15 introductory paragraph, 335.15(1), 335.17 through 335.23, 335.24 (a)–(f), 335.29, 335.30, 335.41 (a)–(h), 335.43 through 335.45, 335.47 (except for the second sentence in 335.47(c)(3)), 335.61 (a)–(e), 335.63 through 335.68, 335.69 (a)–(h), 335.70 through 335.74, 335.76, 335.77, 335.78 (except 335.78(d)(2)), 335.91 through 335.94, 335.111, 335.112(a) introductory paragraph, 335.112(a) (1)–(6), 335.112(a)(7) (except the phrase "(as amended through July 1, 1991);"), 335.112(a) (8)–(14), 335.112(a)(15) (except the phrase "(as amended through July 17, 1991)"), 335.112(a)(16), 335.112(a) (18)–(20), 335.112(b), 335.113, 335.114(a), 335.115 through 335.127, 335.151 through 335.153, 335.154(a) (except the phrase "TWC hazardous waste code and" in 335.154(a)(3)), 335.155 through 335.178, 335.201(a) introductory paragraph, 335.201(a) (1) & (2), 335.201(c), 335.202 (except the definitions for "active geologic processes", "area subject to active shoreline erosion", "areas of direct drainage", "commercial hazardous waste management facility", "critical habitat of an endangered species", "erosion", "public water system", and "residence"), 335.203, 335.204(a) (1)–(5), 335.204(b) (1)–(6), 335.204(c) (1)–(5), 335.204(d) (1)–(5), 335.204(e) introductory paragraph, 335.204(e)(1) introductory paragraph (except the phrase "Except as provided in subparagraphs (A) and (B) of this paragraph," and the word "event" at the end of the paragraph), 335.204(e) (2)–(7), 335.204(f), 335.205 (a), (b), and (i), 335.211 through 335.223, 335.224 introductory paragraph, 335.224 (1)–(6), 335.224(7) first sentence, 335.224 (8)–(15), 335.225 through 335.251, 335.361 through 335.367, 335.431, and 335.504.

Copies of the Texas regulations that are incorporated by reference are available from West Publishing Company, 610 Opperman Drive, P. O. Box 64526, St. Paul, Minnesota 55164–0526.

[FR Doc. 97–24841 Filed 9–18–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–265; RM–8913]

Radio Broadcasting Services; Dickson and Kingston Springs, TN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Tuned In Broadcasting, Inc., reallots Channel 229A from Dickson to Kingston Springs, Tennessee, and modifies Station WYYB-FM's license to specify Kingston Springs, Tennessee, as its community of license. *See* 62 FR 4515, January 30, 1997. Channel 229A can be allotted to Kingston Springs in compliance with the Commission's minimum distance separation requirements with a site . The coordinates for Channel 229A are 36–07–13 NL and 86–59–03 WL. With this action, this proceeding is terminated.

EFFECTIVE DATE: October 27, 1997.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96–265, adopted September 3, 1997, and released September 12, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

AUTHORITY: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by removing Channel 229A at Dickson and by adding Kingston Springs, Channel 229A.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 97–24936 Filed 9–18–97; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 171

[Docket No. RSPA–97–2133 (HM–225)]

RIN 2137–AC97

Hazardous Materials: Cargo Tank Motor Vehicles in Liquefied Compressed Gas Service; Advisory Guidance for Leak Testing Discharge Systems

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Advisory guidance.

SUMMARY: On August 18, 1997, RSPA published in the **Federal Register** a final rule adopting certain safety standards applicable to cargo tank motor vehicles used in liquefied compressed gas