

received from a Native Corporation as a dividend or distribution on stock); and an interest in a settlement trust. (November 2, 1994)

(Authority: Sec. 506, Pub. L. 103-446)

§ 3.400 [Amended]

11. In § 3.400(s), remove "Date" and add, in its place, "Except as provided in § 3.106(c), date".

12. In § 3.702, paragraph (d) is revised as follows:

§ 3.702 Dependency and indemnity compensation.

* * * * *

(d) *Finality of election.*

(1) Except as noted in paragraph (d)(2), an election to receive dependency and indemnity compensation is final and the claimant may not thereafter reelect death pension or compensation in that case. An election is final when the payee (or the payee's fiduciary) has negotiated one check for this benefit or when the payee dies after filing an election but prior to negotiation of a check.

(2) Notwithstanding the provisions of paragraph (d)(1), effective November 2, 1994, a surviving spouse who is receiving dependency and indemnity compensation may elect to receive death pension instead of such compensation.

(Authority: 38 U.S.C. 1317)

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§ 3.1600 [Amended]

13. In § 3.1600, paragraphs (a), (b), and (f), remove the words "in Philippine pesos".

[FR Doc. 95-8887 Filed 4-10-95; 8:45 am]

BILLING CODE 8320-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-5189-2]

Arizona: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Arizona 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 Arizona's application and has made a decision, subject to public review and comment, that Arizona's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Arizona's hazardous waste program revisions. Arizona's application for program revision is available for public review and comment.

DATES: Final authorization for Arizona is effective June 12, 1995, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Arizona's program revision application must be received by the close of business May 11, 1995.

ADDRESSES: Copies of Arizona's program revision application are available during the business hours of 9:00 a.m. to 5:00 p.m. at the following addresses for inspection and copying:

Arizona Department of Environmental Quality, Central Office, Office of Waste Programs, Waste Assessment Section, 3033 N. Central Avenue, Phoenix, Arizona 85012, Phone: 602/207-4211

Arizona Department of Environmental Quality, Northern Regional Office, 2501 North 4th Street, Suite #14, Flagstaff, Arizona 86004, Phone: 602/779-0313 or 1-800/234-5677

Arizona Department of Environmental Quality, Southern Regional Office, 4040 East 29th Street, Tucson, Arizona 85711, Phone: 602/628-5651 or 1-800/234-5677

U.S. EPA Region IX Library-Information Center, 75 Hawthorne Street, San Francisco, California 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, California 94105, Phone: 415/744-2030.

FOR FURTHER INFORMATION CONTACT: April Katsura, U.S. EPA Region IX (H-4), 75 Hawthorne Street, San Francisco, California 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 260-266, 268, 124 and 270.

B. Arizona

Arizona initially received final authorization for the base program on November 20, 1985. Arizona received final authorization for revisions to its program on August 6, 1991, July 13, 1992, November 23, 1992, and October 27, 1993. On February 10, 1995, Arizona submitted an application for additional revision approvals. Today, Arizona is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Arizona's application, and has made an immediate final decision that Arizona's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to approve final authorization for Arizona's hazardous waste program revisions. The public may submit written comments on EPA's immediate final decision up until May 11, 1995. Copies of Arizona's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Arizona's program revisions shall become 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.

Arizona is applying for authorization for the following Federal hazardous waste requirements:

Federal requirement	State authority
Permit Modifications for Hazardous Waste Management Facilities (53 FR 37912, September 28, 1988, as amended October 24, 1988 at 53 FR 41649).	Arizona Revised Statutes (ARS) 49-922.A + B; Arizona Administrative Code (AAC) R18-8-264.A, 265.A, 270.A + C, and 271.A, D(c)(1) + D(c)(3).

Federal requirement	State authority
Changes to Interim Status Facilities for Hazardous Waste Management Permits; Procedures for Post-Closure Permitting (54 FR 9596, March 7, 1989).	ARS 49-922.A + B; AAC R18-8-270.A and 271.A, B, N(a), N(b) + Q(a).
Changes to Part 124 Not Accounted for by Present Checklists (48 FR 14146, April 1, 1983; 48 FR 30113, June 30, 1983; 53 FR 28118, July 26, 1988; 53 FR 37396, September 26, 1988; 54 FR 246, January 4, 1989).	ARS 49-922.A + B; AAC R18-8-271.A, C(a)(1)-(3), D(a), D(c)(1), D(c)(3), D(d), E(d)(1)-(4), I(c)(1)(iii), I(c)(1)(ix) + K(a)(2).
Criteria for Listing Toxic Wastes; Technical Amendment (55 FR 18726, May 4, 1990).	ARS 49-922.A + B; AAC R18-8-261.A, B + K(a)(3).
Exceptions to the Burning and Blending of Hazardous Wastes (RCRA § 3004(q)(2)(A) and § 3004(r) (2) and (3)).	ARS 49-922.A + B; AAC R18-8-261.A, B + I(a)(3)(vii).
HSWA Codification Rule 2; Corrective Action for Injection Wells (52 FR 45788, December 1, 1987).	ARS 49-922.A + B; AAC R18-8-270.A + B(2)(b).
Wood Preserving Listing; Technical Correction (56 FR 30192, July 1, 1991) including HSWA and non-HSWA portions.	ARS 49-922.A + B; AAC R18-8-261.A + B, 262.A, B + E, 264.A, 265.A and 270.A.
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I (56 FR 32688, July 17, 1991) including HSWA and non-HSWA portions.	ARS 49-922.A + B; AAC R18-8-261.A, B, I(a)(2) + I(a)(2)(ii), 265.A, 266.A, B(b)(2) + B(b)(3) and 270.A.
Land Disposal Restrictions for Electric Arc Furnace Dust (K061) (56 FR 41164, August 19, 1991).	ARS 49-922.A + B; AAC R18-8-261.A + B and 268.
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II (56 FR 42504, August 27, 1991) including HSWA and non-HSWA portions.	ARS 49-922.A + B; AAC R18-8-261.A + B, 265.A and 266.A.
Exports of Hazardous Waste; Technical Correction (56 FR 43704, September 4, 1991).	ARS 49-922.A + B; AAC R18-8-262.A. + B.
Coke Administrative Stay (56 FR 43874, September 5, 1991)	ARS 49-922.A + B; AAC R18-8-266 A.
Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations at Hazardous Waste Facilities (56 FR 66365, December 23, 1991).	ARS 49-922.A + B; AAC R18-8-260.C + E 265.A.
Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units (57 FR 3462, January 29, 1992) including HSWA and non-HSWA portions.	ARS 49-922.A + B; AAC R18-8-260. C + E, 264. A + M, 265.A and 270.A.
Administrative Stay for the Requirement that Existing Drip Pads Be Impermeable (57 FR 5859, February 18, 1992) including HSWA and non-HSWA portions.	ARS 49-922.A + B; AAC R18-8-264.A and 265.A
Second Correction to the Third Third Land Disposal Restrictions (57 FR 8086, March 6, 1992).	ARS 49-922.A + B; AAC R18-8-264.A and 268.
Hazardous Debris Case-by-Case Capacity Variance (57 FR 20766, May 15, 1992).	ARS 49-922. A + B; AAC R18-8-268.
Used Oil Filter Exclusion (57 FR 21524, May 20, 1992)	ARS 49-922.A + B; AAC R18-8-261.A + B.
Coke By-Product Exclusion (57 FR 27880, June 22, 1992)	ARS 49-922.A + B; AAC R18-8-261.A + B and 266.A.
Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance (57 FR 28628, June 26, 1992).	ARS 49-922.A + B; AAC R18-8-268.
Used Oil Filter Exclusion; Technical Correction (57 FR 29220, July 1, 1992)..	ARS 49-922.A + B; AAC R18-8-261.A + B.
Toxicity Characteristics Revision; Technical Corrections (57 FR 30657, July 10, 1992).	ARS 49-922.A + B; AAC R18-8-261.A + B and 265.A.
Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris (57 FR 37194, August 18, 1992).	ARS 49-922.A + B; AAC R18-8-260.C + E, 261.A + B, 262.A, B + E, 264.A, 265.A, 268 and 270.A + J.
Coke By-Product Listings (57 FR 37284, August 18, 1992)	ARS 49-922.A + B; AAC R18-8-261.A + B.
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments III (57 FR 38558, August 25, 1992) including HSWA and non-HSWA portions.	ARS 49-922.A + B; AAC R18-8-260.C, E + G, 261.A + B, 264.A, 265.A and 266.A.
Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Liability Coverage (53 FR 33938, September 1, 1988; as amended on July 1, 1991 at 56 FR 30200 and on September 16, 1992 at 57 FR 42832).	ARS 49-922.A + B; AAC R18-8-264.A, K + L and 265.A.
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments IV (57 FR 44999, September 30, 1992).	ARS 49-922.A + B; AAC R18-8-266.A.
Chlorinated Toluene Production Waste Listing (57 FR 47376, October 15, 1992).	ARS 49-922.A + B; AAC R18-8-261.A + B.
Hazardous Soil Case-by-Case Capacity Variance (57 FR 47772, October 20, 1992).	ARS 49-922.A + B; AAC R18-8-268.
"Mixture" and "Derived-From" Rules; Response to Court Remand (57 FR 7628, March 3, 1992; as amended on June 1, 1992 at 57 FR 23062 and on October 30, 1992 at 57 FR 49278).	ARS 49-922.A + B; AAC R18-8-261.A + B.
Toxicity Characteristic Revision (57 FR 23062, June 1, 1992)	ARS 49-922.A + B; AAC R18-8-261.A + B.
Liquids in Landfills II (57 FR 54452, November 18, 1992)	ARS 49-922.A + B; AAC R18-8-260.C + E, 264.A and 265.A.
Toxicity Characteristic Revision; TCLP (57 FR 55114, November 24, 1992, as amended on February 2, 1993 at 58 FR 6854).	ARS 49-922.A + B; AAC R18-8-261.A + B.
Wood Preserving; Amendments to Listings and Technical Requirements (57 FR 61492, December 24, 1992) including HSWA and non-HSWA portions.	ARS 49-922.A + B; AAC R18-8-261.A + B, 254.A and 265.A.

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