

delegation of section 112 standards to include non-part 70 sources.

The scope of South Dakota's PROGRAM that EPA is approving in this notice does not extend to "Indian Country," as defined in 18 U.S.C. 1151, including the following "existing or former" Indian reservations in the State: 1. Cheyenne River; 2. Crow Creek; 3. Flandreau; 4. Lower Brule; 5. Pine Ridge; 6. Rosebud; 7. Sisseton; 8. Standing Rock; and 9. Yankton.

The State has asserted it has jurisdiction to enforce a PROGRAM within some or all of these "existing or former" Indian reservations and has provided an analysis of such jurisdiction. EPA is in the process of evaluating the State's analysis and will issue a supplemental notice regarding this issue in the future. 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. This is a complex and controversial issue and EPA does not wish to delay full approval of the State's PROGRAM with respect to undisputed sources while EPA resolves this question.

In deferring final action on PROGRAM approval for sources located in "Indian Country," EPA is not making a determination that the State either has adequate jurisdiction or lacks such jurisdiction. Instead, EPA is deferring judgment regarding this issue pending EPA's evaluation of the State's analysis.

III. Administrative Requirements

A. Docket

Copies of the State's submittal and other information relied upon for the final full approval, including public comments received and reviewed by EPA on the proposal, are maintained in a docket at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final full approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

D. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to state, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that this proposed approval does not include a Federal mandate that may result in estimated costs of \$100 million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under state or local law, and imposes no new Federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: December 14, 1995.

Jack W. McGraw,  
Acting Regional Administrator.

Part 70, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

**PART 70—[AMENDED]**

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

2. Appendix A to part 70 is amended by adding the entry for South Dakota in alphabetical order to read as follows:

**Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs**

\* \* \* \* \*

South Dakota

(a) South Dakota Department of Environment and Natural Resources—Division of Environmental Regulations: submitted on November 12, 1993; effective on February 28, 1996.

(b) (reserved)

[FR Doc. 96-1545 Filed 1-26-96; 8:45 am]

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**40 CFR Part 372**

[OPPTS-400100; FRL-4995-4]

**Toxic Chemical Release Reporting; Community Right-To-Know; Additional Time to Report**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Time extensions for submission of reports.

**SUMMARY:** EPA is announcing that it will allow facilities required to submit Toxic Release Inventory (TRI) reports for calendar year 1995 until August 1, 1996, to file those reports. These TRI reports under section 313 of the Emergency Planning and Community Right-to-Know Act and section 6607 of the Pollution Prevention Act would otherwise be due on or before July 1, 1996. Because of unforeseen circumstances beyond the control of EPA, EPA has been delayed in developing and distributing the reporting package, which includes extensive materials and guidance for preparing TRI reports, for the 1995 reporting year. To allow facilities adequate time to prepare and submit complete and accurate TRI reports, EPA is allowing facilities an extra month in which to report.

**FOR FURTHER INFORMATION CONTACT:** Maria J. Doa, 202-260-9592, e-mail: doa.maria@epamail.epa.gov, for specific information on this notice, or for more information on EPCRA section 313, the Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Code 5101, 401 M St., SW., Washington, DC 20460, Toll free: 1-800-535-0202, in Virginia and Alaska: 703-412-9877 or Toll free TDD: 1-800-553-7672.

**SUPPLEMENTARY INFORMATION:**

I. Background

Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 11023 (EPCRA, which is also referred to as

Title III of the Superfund Amendments and Reauthorization Act of 1986 [Pub. L. 99-499]), requires certain facilities manufacturing, processing, or otherwise using listed toxic chemicals to report their environmental releases of such chemicals annually. Such facilities also must report pollution prevention and recycling data for such chemicals, pursuant to section 6607 of the Pollution Prevention Act (PPA), 42 U.S.C. 13106. EPCRA section 313 and PPA section 6607 require that covered facilities report this information on or before July 1 of each year for activities at those facilities during the previous calendar year. EPA is required to put the EPCRA section 313/PPA section 6607 information in an electronic data base that is accessible to the public. This data base is commonly referred to as the Toxics Release Inventory (TRI). State and local governments, industry, non-government organizations, and the public make extensive use of this data base.

Until 1995, TRI reporting was required for 368 chemicals and chemical categories. On November 30, 1994, EPA promulgated final rules that added 286 chemicals and chemical categories of chemicals to the list of toxic chemicals for which reporting is required under EPCRA section 313 and PPA section 6607 (59 FR 61432), and provided an alternate threshold for certain reporting (59 FR 61488). The addition of these chemicals and categories of chemicals in 1994 almost doubled the number of toxic chemicals subject to TRI reporting for calendar 1995. In addition, EPA believes that many facilities will be reporting for the first time. Calendar year 1995 is the first year for which covered facilities are required to submit information on releases under EPCRA section 313 and pollution prevention and recycling data under PPA section 6607 for the newly added chemicals and categories. It is also the first year in which facilities can make use of the alternate reporting threshold. Under EPCRA section 313 and PPA section 6607, these reports are due by July 1, 1996.

Each year, prior to the reporting deadline, EPA develops and sends to facilities a reporting package containing the current TRI reporting form (Form R), the list of toxic chemicals subject to reporting, and instructions for reporting. In recent years, the package has also included a computer diskette containing an automated Form R for electronic reporting. This year's package will also contain a special form for alternate threshold reporting. EPA has found that providing this extensive reporting package reduces confusion and the

number of reporting errors, and expedites the whole reporting process. In the past, these packages have been distributed by early March of the year in which reports are due to allow adequate time for review and use by the reporting facilities.

## II. Additional Time to Report for 1995

Because Congress and the President, to date, have not approved an appropriations bill for EPA for fiscal year 1996, EPA has been operating since October 1, 1995, under a series of continuing resolutions. On two separate occasions these continuing resolutions have lapsed, resulting in shutdowns of operations at EPA. These shutdowns have totaled 17 working days. Further, in January 1996, EPA's Washington, D.C. area offices were closed for 4 days due to severe inclement weather conditions. During the shutdowns due to lack of appropriations, EPA was not authorized to work on preparing the 1996 TRI reporting package. Since this work is performed in EPA Headquarters in Washington, D.C., EPA was also unable to work on it during the 4 days of closure due to the inclement weather.

Because these shutdowns have resulted in delays in finalizing and distributing the TRI reporting package, including the 1995 Form R and accompanying guidance, beyond EPA's intended distribution date, facilities subject to TRI reporting may not have sufficient time to prepare and submit their reports by July 1, 1996. EPA is concerned that in rushing to report by July 1, facilities may make errors that would reduce the accuracy and utility of the reports and, ultimately, the public data base. This is particularly relevant for first-time reporters. In addition, EPA believes that the delay in the distribution of the reporting package may create concern in the regulated community regarding potential enforcement actions, including civil penalties, for those facilities submitting reports that may contain errors as a result of the late distribution of the EPA reporting package or reporting after the July 1, 1996 deadline.

In recognition of the importance to State and local governments, industry, and the public that facilities submit complete and accurate TRI reports, EPA is allowing all reporting facilities an additional month to August 1, 1996, to submit their 1995 TRI reports. However, reports for the 1995 reporting year that are filed after August 1, 1996, will be subject to EPA enforcement action, where appropriate.

This allowance of additional time for reporting applies only to the EPCRA section 313/PPA section 6607 reporting

obligations for TRI reports otherwise due on July 1, 1996, covering calendar year 1995. Nothing in this notice shall be construed to apply to any other EPCRA reporting obligations, or to any TRI reports due for past or future reporting years. Further, this allowance of additional time for reporting applies only to the federal EPCRA section 313/PPA section 6607 reporting obligation; it does not apply to independent obligations under State laws which also require TRI-type reports. However, EPA encourages the States with similar requirements that relate to federal TRI reporting to embrace this allowance of additional time.

To the extent that this action might be construed as rulemaking subject to section 553 of the Administrative Procedure Act, for the reasons stated above, EPA has determined that notice and an opportunity for public comment are impracticable and unnecessary. Providing for public comment might further delay reporting, and, because there is no substantive change in the reporting obligation, other than allowing an additional month, the public will continue to receive the same information, though slightly delayed. Also, public comment would not further inform EPA's decision because the events giving rise to the need to provide extra time for reporting have already occurred. In addition, additional notice and comment procedures in this situation would be contrary to the public interest in timely and accurate reporting of data under EPCRA section 313 and PPA section 6607.

## List of Subjects in 40 CFR Part 372

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, and Toxic chemicals.

Dated: January 22, 1996.

Lynn R. Goldman,

*Assistant Administrator for Prevention, Pesticides and Toxic Substances.*

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## GENERAL SERVICES ADMINISTRATION

### 41 CFR Parts 201-20 and 201-24

[FIRMR Interim Rule 2, Supplement 1]

RIN 3090-AE 71

### Amendment of FIRMR Provisions To Modify Requirements for Obtaining Delegations of Procurement Authority

AGENCY: Information Technology Service, GSA.