

2. A temporary section 100.35 T08–034 is added to read as follows:

§ 100.35 T08–034 Ohio River at Cincinnati, Ohio.

(a) *Regulated area:* Ohio River Mile 469.5 to Ohio River Mile 471.2.

(b) *Special local regulation:* All persons and vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. "Participants" are those persons and vessels identified by the sponsor as taking part in the event. The "official patrol" consists of any coast Guard, public, state or local law enforcement or sponsor provided vessel assigned to patrol the event. The Coast Guard "Patrol Commander" is a Coast Guard commissioned, warrant, or petty officer who has been designated by Commanding Officer, Coast Guard Marine Safety Office Louisville.

(1) No vessel shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given; failure to do so may result in a citation.

(3) The Patrol Commander may control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life or property and can be reached on VHF-FM Channel 16 by using the call sign "PATCOM".

(c) *Effective Date:* These regulations are effective from 3:30 p.m. to 6:30 p.m. August 10, 1996.

Dated: July 24, 1996.

T.W. Josiah,
Rear Admiral, U.S. Coast Guard, Commander,
Eighth Coast Guard District.

[FR Doc. 96–20273 Filed 8–8–96; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 211

National Commission on Wildfire Disasters

AGENCY: Forest Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: The National Wildfire Commission was established pursuant

to the Wildfire Disaster Recovery Act of 1989 to study the effects of disastrous wildfires. The Act provided that the Commission would be dissolved following submission of the Commission's final report. The final report was filed in May 1994, and the commission dissolved; therefore, the regulation governing donations to support the work of the Commission is no longer needed and is being removed. The Agency identified the need to remove this obsolete regulation during a review of regulations undertaken as part of the President's Regulatory Reinvention Initiative.

EFFECTIVE DATE: August 9, 1996.

FOR FURTHER INFORMATION CONTACT:

Laurie Perrett, Fire and Aviation Management Staff, Forest Service, USDA, P.O. Box 96090, Washington, D.C. 20090–6090, (202) 205–1511.

SUPPLEMENTARY INFORMATION:

Background

The Wildfire Disaster Recovery Act of 1989 (16 U.S.C. 551 note) directed the Secretary of Agriculture to establish a National Commission on Wildfire Disasters. Section 105 of the Act provided that the Secretary could receive donations to support the work of the Commission.

The Department published an interim rule in the Federal Register on October 7, 1991, (56 FR 50512) to establish uniform administrative procedures for receiving and processing contributions to the Commission. Regulations were needed to assure adherence to the statutory limitation on contributions.

The Commission completed its study and published its report in May 1994. The Commission was disbanded following publication of its report.

Following a review of Forest Service regulations under the President's Regulatory Reinvention Initiative, the Agency identified this regulation as no longer needed, and, accordingly, by this amendment, is removing the rule from the Code of Federal Regulations.

Because of the narrow scope and limited effect of this action, the Agency has determined that this amendment is a technical amendment for which notice and comment pursuant to the Administrative Procedures Act (5 U.S.C. 553) is neither practicable nor necessary.

Regulatory Impact

This rule is a technical amendment to remove an obsolete regulation and, as such, has no substantive effect, nor is it subject to review under USDA procedures and Executive Order 12866 on Regulatory Planning and Review.

Accordingly, this rule is not subject to OMB review under Executive Order 12866.

Moreover, because good cause exists to exempt his rule from notice and comment pursuant to 5 U.S.C. 553, this rule is exempt from further analysis under the Unfunded Mandates Reform Act of 1995; Executive Order 12778, Civil Justice Reform; Executive Order 12630, Takings Implications; or the Paperwork Reduction Act of 1995.

List of Subjects in 36 CFR Part 211

Administrative practice and procedure, Fire prevention, Intergovernmental relations, National forests.

Therefore, for the reasons set forth in the preamble, Part 211 of Title 36 of the Code of Federal Regulations is hereby amended as follows:

PART 211—[AMENDED]

1. The authority citation for Part 211 continues to read as follows:

Authority: 30 Stat. 35, as amended, sec. 1, 33 Stat. 628 (16 U.S.C. 551, 472).

§ 211.6 [Removed]

2. Remove section 211.6.

Dated: August 6, 1996.

David G. Unger,
Associate Chief.

[FR Doc. 96–20326 Filed 8–8–96; 8:45 am]

BILLING CODE 3410–11–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 282

[FRL–5543–5]

Underground Storage Tank Program: Approved State Program for Connecticut

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The Resource Conservation and Recovery Act of 1976, as amended (RCRA), authorizes the Environmental Protection Agency (EPA) to grant approval to states to operate their underground storage tank programs in lieu of the federal program. 40 CFR Part 282 codifies EPA's decision to approve state programs and incorporates by reference those provisions of the state statutes and regulations that will be subject to EPA's inspection and enforcement authorities under Sections 9005 and 9006 of RCRA Subtitle I and other applicable statutory and regulatory provisions. This rule codifies

in 40 CFR Part 282 the prior approval of Connecticut's underground storage tank program and incorporates by reference appropriate provisions of state statutes and regulations.

DATES: This regulation is effective October 8, 1996, unless EPA publishes a prior Federal Register notice withdrawing this immediate final rule. All comments on the codification of Connecticut's underground storage tank program must be received by the close of business September 9, 1996. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register, as of October 8, 1996, in accordance with 5 U.S.C. 552(a).

ADDRESSES: Comments may be mailed to the Docket Clerk (Docket No. UST 5-4), Underground Storage Tank Program, HBO, U.S. EPA-New England, J.F.K. Federal Building, Boston, MA 02203-2211. Comments received by EPA may be inspected in the public docket, located in the Office of Site Remediation & Restoration Record Center, 90 Canal St., Boston, MA 02203 from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Jonathan Walker, Underground Storage Tank Program, HBO, U.S. EPA-New England, J.F.K. Federal Building, Boston, MA 02203-2211. Phone: (617) 573-9602.

SUPPLEMENTARY INFORMATION:

Background

Section 9004 of the Resource Conservation and Recovery Act of 1976, as amended, (RCRA), 42 U.S.C. 6991c, allows the U.S. Environmental Protection Agency to approve state underground storage tank programs to operate in the state in lieu of the federal underground storage tank program. EPA published a Federal Register document announcing its decision to grant approval to Connecticut. (60 FR 34879, July 5, 1995). Approval was effective on August 4, 1995.

EPA codifies its approval of state programs in 40 CFR Part 282 and incorporates by reference therein the state statutes and regulations that will be subject to EPA's inspection and enforcement authorities under Sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions. Today's rulemaking codifies EPA's approval of the Connecticut underground storage tank program. This codification reflects only the state underground storage tank program in effect at the time EPA granted Connecticut approval under section

9004(a), 42 U.S.C. 6991c(a). EPA provided notice and opportunity for comment earlier during the Agency's decision to approve the Connecticut program. EPA is not now reopening that decision nor requesting comment on it.

Codification provides clear notice to the public of the scope of the approved program in each state. By codifying the approved Connecticut program and by amending the Code of Federal Regulations whenever a new or different set of requirements is approved in Connecticut, the status of federally approved requirements of the Connecticut program will be readily discernible. Only those provisions of the Connecticut underground storage tank program for which approval has been granted by EPA will be incorporated by reference for enforcement purposes.

To codify EPA's approval of Connecticut's underground storage tank program, EPA has added Section 282.56 to Title 40 of the Code of Federal Regulations. Section 282.56 incorporates by reference for enforcement purposes the state's statutes and regulations. Section 282.56 also references the Attorney General's Statement, Demonstration of Adequate Enforcement Procedures, the Program Description, and the Memorandum of Agreement, which are approved as part of the underground storage tank program under Subtitle I of RCRA.

The Agency retains the authority under Sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions in approved states. With respect to such an enforcement action, EPA will rely on federal sanctions, federal inspection authorities, and federal procedures rather than the state authorized analogs to these provisions. Therefore, the approved Connecticut enforcement authorities will not be incorporated by reference. Forty CFR Section 282.56 lists those approved Connecticut authorities that would fall into this category.

The public also needs to be aware that some provisions of Connecticut's underground storage tank program are not part of the federally approved state program. These include:

- Section 22a-449(d)-1, Control of the Nonresidential Underground Storage and Handling of Oil and Petroleum Liquids; and,
- Requirements, including those for registration and permanent closure, for tanks greater than 2,100 gallons containing heating oil consumed on the premises where stored.

These non-approved provisions are not part of the RCRA Subtitle I program,

because they are "broader in scope" than Subtitle I of RCRA. See 40 CFR 281.12(a)(3)(ii). As a result, state provisions which are "broader in scope" than the federal program are not incorporated by reference for purposes of enforcement in 40 CFR part 282 or included as part of this codification. Included under CFR 282.56 for purposes of reference and clarity is a list of those Connecticut statutory and regulatory provisions which are "broader in scope" than the federal program. "Broader in scope" provisions cannot be enforced by EPA. The State, however, will continue to enforce such provisions.

Certification Under the Regulatory Flexibility Act

EPA has determined that this codification will not have a significant economic impact on a substantial number of small entities. Such small entities which own and/or operate USTs are already subject to the state requirements authorized by EPA under 40 CFR Part 281. EPA's 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. Moreover, this codification will eliminate any confusion that owners and operators of USTs in [State] may have regarding which set of requirements they must comply with in Connecticut.

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 Connecticut's requirements, which have been authorized by EPA under 40 CFR Part 281, into the Code of Federal Regulations, thereby eliminating any confusion over the applicable requirements for owners and operators of USTs in Connecticut. 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 section 801(a)(1)(A) of the Administrative Procedure Act (APA) as amended 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 section 804(2) of the APA as amended.

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 or final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 282

Environmental protection, Hazardous substances, Incorporation by reference, Intergovernmental relations, State program approval, Underground storage tanks, Water pollution control.

Dated: May 10, 1996.

John P. DeVillars,
Regional Administrator.

For the reasons set forth in the preamble, 40 CFR part 282 is amended as follows:

PART 282—APPROVED UNDERGROUND STORAGE TANK PROGRAMS

1. The authority citation for part 282 continues to read as follows:

Authority: 42 U.S.C. 6912, 6991c, 6991d, and 6991e.

Subpart B—Approved State Programs

2. Subpart B is amended by adding § 282.56 to read as follows:

§ 282.56 Connecticut State-Administered Program.

(a) The State of Connecticut is approved to administer and enforce an underground storage tank program in lieu of the federal program under Subtitle I of the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 6991 *et seq.* The State's program, as administered by the Connecticut Department of Environmental Protection, was approved by EPA pursuant to 42 U.S.C. 6991c and 40 CFR part 281. EPA approved the Connecticut program on June 27, 1995, and the approval was effective on August 4, 1995.

(b) Connecticut has primary responsibility for enforcing its

underground storage tank program. However, EPA retains the authority to exercise its inspection and enforcement authorities under Sections 9005 and 9006 of Subtitle I of RCRA, 42 U.S.C. 6991d and 6991e, as well as under other statutory and regulatory provisions.

(c) To retain program approval, Connecticut must revise its approved program to adopt new changes to the federal Subtitle I program which make it more stringent, in accordance with Section 9004 of RCRA, 42 U.S.C. 6991c, and 40 CFR part 281, subpart E. If Connecticut obtains approval for the revised requirements pursuant to Section 9004 of RCRA, 42 U.S.C. 6991c, the newly approved statutory and regulatory provisions will be added to this subpart and notice of any change will be published in the Federal Register.

(d) Connecticut has final approval for the following elements submitted to EPA in Connecticut's program application for final approval EPA and approved by EPA on June 27, 1995, effective on August 4, 1995. Copies may be obtained from the Underground Storage Tank Program, Connecticut Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106. The elements are listed as follows:

(1) *State statutes and regulations.* (i) The provisions cited in this paragraph are incorporated by reference as part of the underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(A) Connecticut Statutory Requirements Applicable to the Underground Storage Tank Program, 1996.

(B) Connecticut Regulatory Requirements Applicable to the Underground Storage Tank Program, 1996.

(ii) The following statutes and regulations are part of the approved state program, although not incorporated by reference herein for enforcement purposes.

(A) The statutory provisions include:

(1) *Legal Authorities for Compliance Monitoring and Inspections.* Connecticut General Statutes, Sections 22a-6(a)(5), 22a-336, 54-33a.

(2) *Legal Authorities for Enforcement Response.* Connecticut 22a-430(d), 22a-431, 22a-432, 22a-433, 22a-435, 22a-438, 52-471, 52-473, 52-474, 52-480 and 52-481.

(3) *Public Participation in the State Enforcement Process.* Connecticut General Statutes, Sections 4-177a, 22a-6, 22a-16, 22a-18, 22a-19, 52-107, and 52-474.

(B) Regulatory provisions include: *Public Participation in the State Enforcement Process.* (R.C.S.A.) Sections 22a-3a-6-(k).

(iii) The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the approved program, and are not incorporated by reference herein for enforcement purposes:

(A) Section 22a-449(d)-1 of the Regulations of Connecticut State Agencies for the Control of the Nonresidential Underground Storage and Handling of Oil and Petroleum Liquids; and

(B) Requirements, including those for registration and permanent closure, for tanks greater than 2,100 gallons containing heating oil consumed on the premises where stored.

(2) *Statement of legal authority.* (i) "Attorney General's Statement for Final Approval," signed by the Attorney General of Connecticut on December 21, 1994, though not incorporated by reference, is referenced as part of the State's approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(ii) Letter from the Attorney General of Connecticut to EPA, December 21, 1994, though not incorporated by reference, is referenced as part of the State's approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(3) *Demonstration of procedures for adequate enforcement.* The "Demonstration of Procedures for Adequate Enforcement" submitted as part of the original application in December 1994, though not incorporated by reference, is referenced as part of the State's approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(4) *Program Description.* The program description and any other material submitted as part of the original application in December 1994, though not incorporated by reference, are referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

(5) *Memorandum of Agreement.* On October 16, 1995, EPA and the Connecticut Department of Environmental Protection signed the Memorandum of Agreement. Though not incorporated by reference, the Memorandum of Agreement is referenced as part of the approved underground storage tank program under Subtitle I of RCRA, 42 U.S.C. 6991 *et seq.*

3. Appendix A to 40 CFR part 282 is amended by adding in alphabetical order "Connecticut" and its listing as follows:

Appendix A to Part 282—State Requirements Incorporated by Reference in Part 282 of the Code of Federal Regulations

* * * * *

Connecticut

(a) The statutory provisions include Connecticut's General Statutes, Chapter 446k, Section 22a-449(d), Duties and Powers of Commissioner, January 1, 1995.

(b) The regulatory provisions include Regulations of Connecticut State Agencies ("R.C.S.A.") Sections 22a-449(d)-101 through 113, Underground Storage Tank System Management, July 28, 1994:

Section 22a-449(d)-101 Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks—Program Scope and Interim Prohibition

(a) Applicability of Sections 22a-449(d)-101 through 22a-449(d)-113.

(b) Interim Prohibition for deferred UST systems.

(c) General.

(d) Definition.

Section 22a-449(d)-102 UST Systems: Design, Construction, Installation, and Notification

(a) Performance standards for new UST systems.

(b) Notification Requirements.

Section 22a-449(d)-103 General Operating Requirements

(a) Spill and overflow control.

(b) Operating and maintenance of corrosion protection.

(c) Compatibility.

(d) Repairs allowed.

(e) Reporting and recordkeeping.

Section 22a-449(d)-104 Release Detection

(a) General requirements for all UST systems.

(b) Additional requirements.

(c) Requirements for petroleum UST systems.

(d) Requirements for hazardous substance UST systems.

(e) Methods of release detection for tanks.

(f) Methods of release detection for piping.

(g) Release detection recordkeeping.

Section 22a-449(d)-105 Release Reporting, Investigation, and Confirmation

(a) Reporting of suspected releases.

(b) Investigation due to off-site impacts.

(c) Release investigation and confirmation steps.

(d) Reporting and cleanup of spills and overfills.

Section 22a-449(d)-106 Release Response and Corrective Action for UST Systems Containing Petroleum or Hazardous Substances

(a) General.

(b) Additional requirements.

- (c) Initial response.
- (d) Initial abatement measures and site check.
- (e) Initial site characterization.
- (f) Free product removal.
- (g) Investigations for soil and ground-water cleanup.
- (h) Corrective action plan.
- (i) Public participation.

Section 22a-449(d)-107 Out-of-service UST Systems and Closure

- (a) Temporary closure.
- (b) Permanent closure.
- (c) Assessing the site at closure.
- (d) Applicability to previously closed UST systems.
- (e) Closure records.

Section 22a-449(d)-108 Reserved

Section 22a-449(d)-109 Financial Responsibility

- (a) Applicability.
- (b) Compliance dates.
- (c) Definition of terms.
- (d) Amount and scope of required financial responsibility.
- (e) Allowable mechanisms and combinations of mechanisms.
- (f) Financial test of self-insurance.
- (g) Guarantee.
- (h) Insurance risk retention group coverage.
- (i) Surety bond.
- (j) Letter of credit.
- (k) Use of state-required mechanism.
- (l) State fund and other state assurance.
- (m) Trust fund.
- (n) Standby trust fund.
- (o) Substitution of financial assurance mechanisms by owner or operator.
- (p) Cancellation or non-renewal by a provider of financial assurance.
- (q) Reporting by owner or operator.
- (r) Record keeping.
- (s) Drawing of financial assurance mechanisms.
- (t) Release from the requirements.
- (u) Bankruptcy or other incapacity of owner or operator or provider of financial assurance.
- (v) Replenishment of guarantees, letters of credit, or, surety bonds.
- (w) Suspension of enforcement [reserved].
- (x) 40 CFR Part 280 Appendix I is incorporated by reference, in its entirety.
- (y) Appendix II to 40 CFR Part 280—List of Agencies Designed to Receive Notification.
- (z) Appendix III to 40 CFR Part 280—Statement for Shipping Tickets and Invoices.

Section 22a-449(d)-110 UST system upgrading, abandonment and removal date

(a) Petroleum UST system of which construction or installation began prior to November 1, 1985.

(b) Hazardous substance UST system of which construction or installation began prior to December 22, 1988.

(c) UST systems which comply with the standards specified in subsection 22a-449(d)-102(a) of these regulations.

Section 22a-449(d)-111 Life Expectancy

(a) How life expectancy determinations shall be conducted

(b) Life expectancy shall be as follows:

(c) The life expectancy of an UST system component.

Section 22a-449(d)-112 UST System Location Transfer

Section 22a-449(d)-113 Transfer of UST System Ownership, Possession, or Control

- (a) Disclosure to transferee.
- (b) Information submitted to the commissioner pursuant to section 22a-449(d)-102 of these regulations.

[FR Doc. 96-20366 Filed 8-8-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95-88, Notice 02]

RIN 2127-AG02

Federal Motor Vehicle Safety Standards; Brake Hoses; Whip Resistance Test

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule.

SUMMARY: As the result of an inquiry from Earl's Performance Products, this document amends Standard No. 106, *Brake Hoses*, by revising the whip resistance test conditions. As amended, the test conditions permit the use of a supplemental support in attaching certain brake hose assemblies for the purpose of compliance testing. This rulemaking amends a provision that had the unintended consequence of prohibiting the manufacture and sale for use on the public roads of a type of brake hose assembly that may have safety advantages.

DATES: Effective Date: The amendments become effective on October 8, 1996.

Petitions for Reconsideration: Any petitions for reconsideration of this rule must be received by NHTSA no later than September 23, 1996.

ADDRESSES: Petitions for reconsideration of this rule should refer to Docket 93-54; Notice 3 and should be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

For non-legal issues: Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. (202-366-5274).

For legal issues: Mr. Marvin L. Shaw, NCC-20, Rulemaking Division, Office of