

program provided for under Section 110 of the CAA. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. EPA has examined whether the rules being disapproved by this action would impose any new requirements. Since such sources are already subject to these regulations under State law, no new requirements are imposed by this disapproval. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action, and therefore there will be no significant impact on a substantial number of small entities.

Under 5 U.S.C. 801(a)(1)(A) of 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).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 27, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: August 15, 1996.

R. F. McGhee,

*Acting Regional Administrator.*

Part 52 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

#### **PART 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

#### **Subpart S—Kentucky**

2. Section 52.930 is amended by adding paragraph (c) to read as follows:

#### **§ 52.930 Control strategy: Ozone.**

\* \* \* \* \*

(c) The redesignation request submitted by the Commonwealth of Kentucky, on November 11, 1994, for the Kentucky portion of the Cincinnati-Northern Kentucky moderate interstate ozone nonattainment area from nonattainment to attainment was disapproved on September 27, 1996.

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BILLING CODE 6560-50-P

#### **40 CFR Part 281**

[FRL-5614-6]

#### **Delaware; Final Approval of State Underground Storage Tank Program**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final determination on Delaware's application for program approval.

**SUMMARY:** The State of Delaware has applied for approval of its underground storage tank program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the State of Delaware's application and has made a final determination that the State of Delaware's underground storage tank program satisfies all of the requirements necessary to qualify for approval. Thus, EPA is granting final approval to the State of Delaware to operate its program.

**EFFECTIVE DATE:** Program approval for Delaware shall be effective on October 28, 1996.

#### **FOR FURTHER INFORMATION CONTACT:**

Joanne T. Cassidy, State Programs Branch (3HW60), U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, (215) 566-3381.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

Section 9004 of the Resource Conservation and Recovery Act (RCRA) authorizes EPA to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank (UST) program. To qualify for approval, a State's program must be "no less stringent" than the Federal program in all seven elements set forth at section 9004(a) (1) through (7) of RCRA, 42 U.S.C. 6991c(a) (1) through (7), as well as the notification requirements of section 9004(a)(8) of RCRA, 42 U.S.C. 6991c(a)(8) and must provide for adequate enforcement of compliance

with UST standards (section 9004(a) of RCRA, 42 U.S.C. 6991c(a)).

On November 20, 1995, the State of Delaware submitted an official application for approval to administer its underground storage tank program. On August 5, 1996, EPA published a tentative decision announcing its intent to approve Delaware's program. Further background on the tentative decision to grant approval appears at 61 FR 40592, (August 5, 1996).

Along with the tentative determination, EPA announced the availability of the application for public comment and the date of a public hearing on the application. EPA requested advance notice for testimony and reserved the right to cancel the public hearing in the event of insufficient public interest. Since there was no request, the public hearing was cancelled.

##### **B. Final Decision**

I conclude that the State of Delaware's application for program approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA and 40 CFR Part 281. Accordingly, Delaware is granted approval to operate its underground storage tank program in lieu of the Federal program.

#### **Compliance With Executive Order 12866**

The Office of Management and Budget has exempted this action from the requirements of Section 6 of Executive Order 12866.

#### **Unfunded Mandates Reform Act**

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 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 the requirements of the Delaware program are already imposed by the State and subject to 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. Delaware's participation in an authorized UST program is voluntary.

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. Costs to State, local and/or tribal governments already exist under the Delaware program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector.

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 the 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 own and/or operate USTs, they are already subject to the regulatory requirements under existing State law which are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

#### Certification Under the Regulatory Flexibility Act

EPA has determined that this authorization 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 regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these 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 authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing State law to which small entities are already subject. 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).

#### List of Subjects in 40 CFR Part 281

Environmental protection, Administrative practice and procedure, Hazardous materials, State program approval, and Underground storage tanks.

Authority: This notice is issued under the authority of Section 9004 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6991c.

Dated: September 13, 1996.  
Stanley L. Laskowski,  
*Regional Administrator.*  
[FR Doc. 96-24585 Filed 9-26-96; 8:45 am]  
BILLING CODE 6560-50-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

**46 CFR Parts 1, 2, 4, 5, 6, 10, 12, 14, 16, 25, 28, 30, 31, 32, 33, 34, 35, 39, 42, 50, 52, 53, 54, 56, 57, 58, 59, 61, 62, 63, 64, 69, 71, 75, 76, 77, 91, 92, 93, 94, 95, 96, 97, 98, 107, 108, 109, 110, 114, 125, 126, 127, 128, 130, 131, 134, 147, 147A, 148, 150, 151, 153, 154, 159, 160, 161, 162, 164, 167, 169, 170, 174, 175, 182, 184, 188, 189, 190, 193, 195, 197, 199, and 401**

[CGD 96-041]

RIN 2115-AF34

#### **Technical Amendments; Organizational Changes; Miscellaneous Editorial Changes and Conforming Amendments**

**AGENCY:** Coast Guard, DOT.  
**ACTION:** Final rule.

**SUMMARY:** This rule amends Title 46, Code of Federal Regulations to reflect recent agency organizational changes. It also makes editorial changes throughout the title to correct addresses, update cross-references, and other technical corrections. This rule makes no substantive changes to current regulations.

**EFFECTIVE DATE:** This rule is effective on September 30, 1996.

**ADDRESSES:** Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001 between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

**FOR FURTHER INFORMATION CONTACT:** Janet Walton, Project Manager, Standards Evaluation and Development Division (G-MSR-2), (202) 267-0257.

#### **SUPPLEMENTARY INFORMATION:**

##### Background and Purpose

Each year Title 46 of the Code of Federal Regulations is recodified on October 1. This rule makes miscellaneous editorial changes and conforming amendments, to be included in the 1996 recodification, to reflect completion of the comprehensive streamlining and reorganization of Coast Guard Headquarters. The rule also makes editorial changes throughout the title to correct addresses, update cross-references, and makes other technical corrections. The rule does not change any substantive requirements of existing regulations.

Since this amendment relates to departmental management, organization, procedure, and practice, notice and comment on it are unnecessary and it may be made effective in fewer than 30 days after publication in the Federal Register. Therefore, this final rule is effective on September 30, 1996.

##### Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that