

Because EPA is not taking comment on this correction, it is therefore not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

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 81

Environmental protection, Air pollution control, Ozone.

Dated: February 7, 1997.

Michelle D. Jordan,

Acting Regional Administrator.

Accordingly, part 81, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

2. Section 81.336 amended by revising the entry for Montgomery County in the table entitled "Ohio Ozone" to read as follows:

§ 81.336 Ohio
* * * * *

OHIO—OZONE

Designated area	Designation		Classification	
	Date	Type	Date	Type
Dayton-Springfield Area:				
Montgomery County	July 5, 1995	Attainment		

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40 CFR Part 271

[FRL-5699-5]

Nevada: 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 May 6, 1997 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 April 7, 1997.

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, 3033 N. Central Avenue, Phoenix, AZ 85012, Contact: Russell F. Rhoades, Director, Phone: 602/207-4211 or 1-800-234-5677

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: Lisa McClain-Vanderpool, U.S. EPA Region IX (WST-3), 75 Hawthorne Street, San Francisco, CA 94105, Phone: 415/744-2086.

FOR FURTHER INFORMATION CONTACT: Lisa McClain-Vanderpool, U.S. EPA Region IX (WST-3), 75 Hawthorne Street, San Francisco, CA 94105, Phone: 415/744-2086.

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. 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. 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, 270 and 279.

B. Arizona

Arizona received final authorization for the base program on November 20, 1985. Arizona has since received final authorization for revisions to its hazardous waste program, on August 6, 1991, July 13, 1992, and November 23, 1992, October 27, 1993 and June 12, 1995. These revisions include substantially all the Federal RCRA implementing regulations published in the Federal Register through July 1, 1993. On September 30, 1996, 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 April 7, 1997. Copies of Arizona's

applications 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 is 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 changes and additions to the Federal RCRA implementing regulations that occurred between July 1, 1993 and July 1, 1995, consisting of the following Federal hazardous waste regulations:

Federal requirement	State analog
Boilers and Industrial Furnaces: changes for Consistency with New Air Regulations (58 FR 38816, July 20, 1993).	Arizona Revised Statutes (ARS) 49-922.A&B; Arizona Administrative Code (AAC)R18-8-260.A,B&C and 266.A.
Testing and Monitoring Activities (58 FR 46040, August 31, 1993)	ARS 49-922.A&B; AAC R18-8-260.A,B,C & G, 261.A&B, 264.A, 265.A, 268, 270.A.
Boilers and Industrial Furnaces; Administrative Stay and Interim Standards for Bevill Residues (58 FR 59598, November 9, 1993).	ARS 49-922.A&B; AAC R18-8-266.A.
Wastes from the use of Chlorophenolic Formulations in Wood Surface Protection (59 FR 458, January 4, 1994).	ARS 49-922.A&B; AAC R18-8-260.A,B&C, 261.A&B.
Revision of Conditional Exemption for Small Scale Treatability Studies (59 FR 8362, February 18, 1994).	ARS 49-922.A&B; AAC R18-8-261.A,B&E.
Recordkeeping Instructions; Technical Amendment (59 FR 13891, March 24, 1994)	ARS 49-922.A&B; AAC R18-8-264.A, 265.A.
Wood Surface Protection; Correction (59 FR 28484, June 2, 1994)	ARS 49-922.A&B; AAC R18-8-260.A,B&C.
Letter of Credit Revision (59 FR 29958, June 10, 1994)	ARS 49-922.A&B; AAC R18-8-264.A&L.
Correction of Beryllium Powder (59 FR 31551, June 20, 1994)	ARS 49-922.A&B; AAC R18-8-261.A&B, 268.
Recovered Oil Exclusion (59 FR 38536, July 28, 1994)	ARS 49-922.A&B; AAC R18-8-261.A&B, 266.A&B.
Removal of the Conditional Exemption for Certain Slag Residues (59 FR 43496, August 24, 1994).	ARS 49-922.A&B; AAC R18-8-266.A and 268.
Universal Treatment Standards and Treatment Standards for Organic Toxicity Characteristics Wastes and Newly Listed Wastes (59 FR 47982, September 19, 1994)	ARS 49-922.A&B; AAC R18-8-261.A&B, 264.A, 265.A, 266.A and 268.
Organic Air Emissions Standards for Tanks, Surface Impoundments and Containers (59 FR 62896, December, 6, 1994).	ARS 49-922.A&B; AAC R18-2-901; R18-8-260.A,B&C, 262.A,B&E, 264.A, 265.A and 270.A.
Testing and Monitoring Activities Amendment I (60 FR 3089, January 13, 1995)	ARS 49-922.A&B; AAC R18-8-260.A,B&C.
Carbamate Production*, Identification and Listing of Hazardous Waste (60 FR 7824, February 9, 1995).	ARS 49-922.A&B; AAC R18-8-261.A,B&L.
Testing and Monitoring Activities Amendment II (60 FR 17001, April 4, 1995)	ARS 49-922.A&B; AAC R18-8-260.A,B&C.
Universal Waste Rule (60 FR 25492, May 11, 1995)	ARS 49-922.A&B; AAC R18-8-260.A,B,C,E&F, 261.A,B&G, 262.A&B, 264.A, 265.A, 266.A, 268, 270.A, 273.
Organic Emission Standards for Tanks, Surface Impoundments and Containers: Amendment (60 FR 26828, May 19, 1995).	ARS 49-922.A&B; AAC R18-8-264.A, 265.A and 270.A.
Removal of Legally Obsolete Rules (60 FR 33912, June 29, 1995)	ARS 49-922.A&B; AAC R18-8-261.A&B, 266.A, 270.A,C,E&F.

* Pursuant to the November 1, 1996 decision of the U.S. Court of Appeals for the District of Columbia Circuit in *Dithiocarbamate Task Force v. EPA* (No. 95-1249), EPA's waste listing decisions for the following waste numbers in the Carbamate Production and Listing of Hazardous Waste Rule (February, 1995) have been vacated and therefore are not presently part of the Federally authorized program in Arizona approved in this FEDERAL REGISTER notice: (1) 24 challenged U wastes (U277, U365, U366, U375, U377, U376, U378, U379, U381, U382, U383, U384, U385, U386, U390, U391, U392, U393, U396, U400, U401, U402, U403, U407), (2) K160 waste, and (3) K wastes K156, K157 and K158 to the extent they apply to the product IPBC.

The State is responsible for issuing, denying, modifying, reissuing and terminating permits for all hazardous waste treatment, storage and disposal facilities in a manner consistent with all Federal requirements for which Arizona is authorized. 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 (Pub. L. 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 sections 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

EPA has determined that this authorization 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 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).

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 the requirements of the Arizona 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. Arizona's participation in an authorized hazardous waste 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 Arizona's 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, 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 be hazardous waste generators, transporters, or own and/or operate TSDFs, 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.

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 Record keeping 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, and 6974(b).

Dated: February 17, 1997.

Felicia Marcus,

Regional Administrator.

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 94-45; FCC 97-31]

Marketing and Equipment Authorizations

AGENCY: Federal Communications Commission

ACTION: Final rule

SUMMARY: By this *Report and Order*, the Commission amends its regulations to consolidate and harmonize the marketing rules, as proposed in the *Notice of Proposed Rule Making* in this proceeding. This amendment permits radio frequency devices, prior to authorization or a determination of compliance with the technical standards, to be announced, advertised, displayed, and operated for compliance testing, demonstrated at trade shows, or evaluated at the manufacturer's facilities. In addition, non-consumer devices that have not been tested or authorized can be offered for conditional sale or supplied to the user for evaluation or compliance testing. The equipment authorizations regulations are also amended to provide clarification, to resolve inconsistencies, to remove unnecessary restrictions and obsolete regulations, and to incorporate several interpretations. These amendments will stimulate economic growth by permitting products to be developed on a cooperative basis by manufacturers and retailers, and by potentially decreasing the time for a product to reach the marketplace.

EFFECTIVE DATE: April 7, 1997.

FOR FURTHER INFORMATION CONTACT: John A. Reed, Office of Engineering and Technology, (202) 418-2455.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in ET Docket No. 94-45, adopted February 3, 1997, and released February 12, 1997.

The complete text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, N.W., Washington, D.C., and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Summary of the Report and Order

1. In the *Report and Order*, the Commission amended Part 2 of its rules regarding the marketing and operation of radio frequency (RF) devices.