f. By adding and reserving with paragraph headings new paragraphs (b) and (d).

The additions to § 180.362 read as follows:

§ 180.362 Hexakis (2-methyl-2-phenylpropyl)distannoxane;tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* * * *

(d) *Indirect or inadvertent residues.* [Reserved]

§ 180.364 [Amended]

g. In § 180.364, in the table to paragraph (a)(1) remove the entries for ''citrus molasses''; ''cotton, forage''; and ''cotton, hay''.

§ 180.524 [Removed]

h. By removing § 180.524.

PART 186—[AMENDED]

3. In part 186:

a. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 342, 348, and 371.

§ 186.3550 [Amended]

b. In § 186.3550, by removing paragraph (b).

[FR Doc. 99–19785 Filed 7–30–99; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–6411–2]

New Jersey: Authorization of State Hazardous Waste Program

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Pursuant to the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 *et seq.* (''RCRA''), and the regulations thereunder, the State of New Jersey (the ''State'') applied for final authorization of its hazardous waste program adopted in October 1996. On May 11, 1999, the Environmental Protection Agency, Region 2 (''EPA'') published a proposed rule (64 FR 25258), proposing to approve and authorize the State's hazardous waste program, subject to public comment. Today's action authorizes the State's hazardous waste program as proposed, since there were no public comments submitted.

EFFECTIVE DATE: This rule is effective August 2, 1999.

FOR FURTHER INFORMATION CONTACT: Elizabeth Butler, Division of Environmental Planning and Protection, USEPA, Region 2, 290 Broadway (22nd Floor) New York, NY 10007-1866; telephone (212) 637-4163; E mail—butler.elizabeth@epamail.epa.gov.

SUPPLEMENTNARY INFORMATION:

I. State Authorization Under RCRA

Pursuant to section 3006 of RCRA, 42 U.S.C. 6926, EPA may, upon application by a state, authorize the applicant state's hazardous waste program to operate in the state in lieu of the federal hazardous waste program. The federal hazardous waste program (the ''Federal Program'') is comprised of the regulations published in Title 40 of the Code of Federal Regulations under the authority of RCRA. To qualify for final authorization, a state's hazardous waste program must: (1) Be equivalent with the Federal Program; (2) be consistent with the Federal Program; and (3) provide for adequate enforcement. RCRA section 3006(b), 42 U.S.C. 6926(b).

II. Background—History of RCRA Authorization Within the State

In 1985, the State was granted final authorization by EPA for the RCRA base program, effective February 21, 1985 (50 FR 5260, 2/7/85). At that time the base program covered the essential core of the Federal Program as reflected in the initial enactment of RCRA prior to its amendment by the Hazardous and Solid Waste Amendments of 1984. In 1988 and 1993 EPA authorized the State for a small number of additional regulations (53 FR 30054, 8/10/88, and 58 FR 59370, 11/9/93).

On October 21, 1996, the State repealed its then existing hazardous waste program, including the authorized provisions, and adopted a new program (N.J.A.C. 7:26G–1.1 *et seq.*, 28 New Jersey Register 4606, 10/21/96). As part of this October 21, 1996 adoption, the State adopted, with certain exceptions and modifications, 40 CFR parts 124, 260–266, 268 and 270 as set forth in the July 1, 1993 CFR, by incorporation by reference, and designated these provisions N.J.A.C. 7:26G–4 through N.J.A.C. 7:26G–13, inclusive. (28 New Jersey Register 4652–4668, 10/21/96. N.J.A.C. 7:26G–4 through N.J.A.C. 7:26G–13 are referred to below as the ''State Program''). Under cover of a letter dated January 13, 1999, the State submitted an application meeting the requirements of 40 CFR part 271, requesting authorization of the State Program.[1]

III. Decision

A. Authorization of the State Program

EPA has reviewed the State's application and has determined that the State Program, with limited exceptions, possesses the requisite equivalence and consistency with the Federal Program. Furthermore, the State's application indicates that the State possesses the necessary enforcement resources and is prepared to utilize those resources to provide adequate enforcement of the State Program. Accordingly, EPA has determined that the State Program qualifies for authorization and hereby approves and authorizes the State Program, with the exceptions noted below.

In several instances the State has not incorporated a federal regulation by reference and has not adopted a substitute regulation. These instances are all clearly indicated in the State's October 21, 1996 adoption. None of these omitted federal regulations, however, are required to be adopted for authorization, for various reasons including, for example, that they are not applicable or delegable to states. Thus, the State's failure to either adopt these particular federal regulations, or to adopt substitute regulations, in no way impairs the equivalence or consistency of the State Program.

EPA notes that its determination to authorize the State Program is based on the information submitted to EPA by the State. If the criteria upon which EPA bases its approval subsequently change for any reason, including without limitation changes in State laws, regulations or administrative procedures which negate the equivalency or consistency of one or more provisions of the State Program, or in any way limit the State's ability to enforce or properly administer the State Program, EPA may revisit its approval. In such event, EPA may exercise its authority, provided in 40 CFR 271.22, to afford the State an opportunity to correct any program deficiencies, or EPA may withdraw authorization of the State Program, in whole or in part. Furthermore,

[1] The State's redesignation of the Parts of the Federal Program adopted by incorporation by reference on October 21, 1996, and comprising the State Program, is as follows: N.J.A.C. 7:26G–4 (40 CFR part 260); N.J.A.C. 7:26G–5 (40 CFR part 261); N.J.A.C. 7:26G–6 (40 CFR part 262); N.J.A.C. 7:26G–7 (40 CFR part 263); N.J.A.C. 7:26G–8 (40 CFR part 264); N.J.A.C. 7:26G–9 (40 CFR part 265); N.J.A.C. 7:26G–10 (40 CFR part 266); N.J.A.C. 7:26G–11 (40 CFR part 268); N.J.A.C. 7:26G–12 (40 CFR part 270); and N.J.A.C. 7:26G–13 (40 CFR part 124).

authorization of the State Program by EPA shall not be deemed in any way as a waiver by EPA of any of its statutory rights under RCRA including but not limited to sections 3004(v), 3005(c)(3), 3007, 3008, 3013, 3020(c) and 7003 (42 U.S.C. 6924(v), 6925(c)(3), 6927, 6928, 6934, 6939b(c) and 6973).

B. Exceptions

In N.J.A.C. 7:26G–8.1(a), the State incorporates by reference 40 CFR part 264, the part of the Federal Program fixing the standards for the owners and operators of hazardous waste treatment, storage and disposal facilities. In the remaining subparagraphs of 7:26G–8.1 ((b) through (h)) the State neither omits 40 CFR 264.101, 264.552 and 264.553, nor adopts these federal regulations with modifications. Thus, the State has adopted 40 CFR 264.101, 264.552 and 264.553 by means of incorporation by reference through 7:26G–8.1(a). The above three sections of the Federal Program are the sections implementing the corrective action provisions of RCRA, which provisions were incorporated into RCRA upon the enactment of the Hazardous and Solid Waste Amendments of 1984. The State, despite its adoption of 40 CFR §§ 264.101, 264.552 and 264.553, informed EPA in its application that it was not applying for authorization for corrective action at this time, and would apply for corrective action authorization under a separate application in the future. Accordingly, while EPA is today authorizing N.J.A.C. 7:26G–8.1(a), EPA is not authorizing the State for corrective action at this time, and 40 CFR 264.101, 264.552 and 264.553 shall remain in full force and effect. Consequently, until the State is authorized for corrective action, EPA shall continue to issue corrective action permits within the State.

In N.J.A.C. 7:26G–12.1(a), the State incorporates by reference 40 CFR 270.73(a) and (b). The State, however, does not incorporate by reference 40 CFR 270.73(c)-(g). Rather, the State replaces these subparagraphs of 40 CFR 270.73 with 7:26G–12.1(c)(16). Title 40 CFR 270.73 is the regulation in the Federal Program governing the loss of interim status (RCRA section 2)(C) and (e)(2)(3), 42 U.S.C. 6925(c)(2)(C) and (e)(2)(3)). N.J.A.C. 7:26G–12.1(c)(16) provides that the State may terminate interim status at its discretion, under a variety of circumstances subject to a hearing, if requested. By contrast, the federal loss of interim status regulations, excluded by the State and replaced by 7:26G–12.1(c)(16), are non-discretionary and operate automatically, without the opportunity for a hearing, if the requirements cited in these federal provisions are not met. Since 7:26G–12.1(c)(16) is discretionary and lacks automatic application, it is not equivalent to 40 CFR 270.73(c)-(g), is less stringent than 40 CFR 270.73(c)-(g), and therefore, cannot be authorized. Consequently, EPA is not authorizing the State for N.J.A.C. 7:26G–12.1(c)(16), and 40 CFR 270.73(c)-(g) shall remain in full force and effect.

IV. Regulatory Requirements

A. 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 upon the private sector. Under section 202 of UMRA, 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 or local governments in the aggregate, or to the private sector, of $100 million or more. EPA has determined that today's rule does not include a federal mandate that may result in estimated costs of $100 million or more to either state or local governments in the aggregate, or to the private sector. This federal action approves preexisting requirements of State law, and imposes no new requirements. Accordingly, no additional costs to State or local governments, or to the private sector, result from this action.

UMRA, section 203, further provides that before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments it must develop a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of such governments to have meaningful and timely input in the development of EPA regulatory proposals with significant federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements. Like section 202, the requirements of section 203 of UMRA do not apply to today's rule, since this rule contains no regulatory requirements that might significantly or uniquely affect small governments. Although small governments may be hazardous waste generators, transporters, or own and/or operate treatment, storage or disposal facilities, 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 today's proposed authorization of the State Program.

B. Certification Under the Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). This analysis is unnecessary, however, if the agency's administrator certifies that the rule will not have a significant economic impact on a substantial number of small entities.

EPA has determined that today's rule 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 treatment, storage or disposal facilities are already subject to the regulatory requirements of existing State law which EPA is authorizing today. EPA's authorization of the State Program therefore, will not add any burdens, since authorization will result only in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Accordingly, pursuant to 5 U.S.C. 605(b), I hereby certify that authorization of the State Program 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.

C. 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. Authorization of the State Program will not impose any additional information requirements upon the regulated community.

D. National Technology Transfer and Advancement Act

The National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, section 12(d) (15 U.S.C. 272 note, *Utilization of Consensus Technical Standards by Federal Agencies*) directs all federal agencies to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs federal agencies to provide Congress, through the Office of Management and Budget, with an explanation in any instance where they decide not to use available and applicable voluntary consensus standards. Authorization of the State Program does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

E. Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of E.O. 12866.

F. Compliance With Executive Order 12875

E.O. 12875 is intended to develop an effective process to permit elected officials and other representatives of state or local governments to provide meaningful input in the development of regulatory proposals containing significant unfunded mandates. Since today's rule authorizes preexisting regulatory requirements under State law, no new unfunded mandates result from this action. (See also the discussion under IV. A, above, Unfunded Mandates Reform Act).

G. Compliance With Executive Order 13045

E.O. 13045, *Protection of Children from Environmental Health Risks and Safety Risks,* applies only to federal rules that are ''economically significant'' as defined under Executive Order 12866 (i.e., a rule ''that has an annual effect on the economy of $100 million or more or would adversely affect in a material way the economy, a sector of the economy, productivity, competition , jobs, the environment, public health or safety, or State, local, or tribal governments or communities,'' E.O. 13045, 62 FR 19885, 4/23/97). EPA has determined that the authorization of the State Program will not have a significant effect on the economy within the meaning of E.O. 12866, since today's rule authorizes preexisting regulatory requirements of State law, and imposes no new requirements. (See also IV. A and F above). Accordingly, E.O. 13045 is inapplicable to today's rule.

H. Submission to Congress and the General Accounting Office Pursuant to the Congressional Review Act

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the United States Environmental Protection Agency submitted a report containing today's 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).

AUTHORITY: This document is issued under the authority of sections 2002(a), 3006 and 7004(b) of RCRA, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 6, 1999.

Jeanne M. Fox,

Regional Administrator, Region 2.

[FR Doc. 99–19733 Filed 7–30–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 61

RIN 3067—AD00

National Flood Insurance Program (NFIP); Insurance Coverage and Rates

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim final rule; request for comments.

SUMMARY: We (the Federal Insurance Administration) are adding an endorsement to the Standard Flood Insurance Policy (SFIP) that will establish a permanent procedure for honoring claims for buildings damaged by continuous lake flooding from closed basin lakes or under imminent threat of flood damage from those closed basin lakes.

DATES: This interim final rule is effective on August 2, 1999. Please submit any comments in writing by October 1, 1999.

ADDRESSES: Please send any comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., room 840, Washington, DC 20472, (facsimile) 202–646–4536, or (email) rules@fema.gov.

FOR FURTHER INFORMATION CONTACT: Charles M. Plaxico, Jr., Federal Emergency Management Agency, Federal Insurance Administration, 500 C Street SW., room 433, Washington, DC 20472, 202–646–3422, or (email) charles.plaxico@fema.gov.

SUPPLEMENTARY INFORMATION: Residents of the Devils Lake area in northeastern North Dakota face extraordinary flood conditions. During the last three years, the level of the lake has risen twelve feet, negating property owners' short-term flood mitigation efforts, such as temporary dikes, and flooding hundreds of properties and threatening many more.

The conditions at Devils Lake Basin are unique because the lake is part of a ''closed basin,'' that is, although it lies within the Red River-Hudson Bay drainage system, no water has flowed from the Devils Lake Basin in recorded history (since the 1830s). Instead, Devils Lake, together with adjacent Stump Lake, collects the Basin's surface runoff flowing through many small coulees and lakes. (Devils Lake collects about 86% of the runoff; Stump Lake collects the remainder.) The runoff remains in these two lakes until it evaporates or enters the groundwater table.

Since April 1996, as Devils Lake has steadily risen from 1435.2 mean sea level (MSL) to 1447.2 MSL, we have worked with State and local governments as well as Devils Lake property owners insured under the National Flood Insurance Program to provide timely, longer term solutions to this extraordinary problem. Exercising my authority under the Standard Flood Insurance Policy, as Federal Insurance Administrator, I have waived a policy requirement that was not appropriate in light of the unique circumstances at Devils Lake. This decision has permitted property owners along Devils Lake to use claim proceeds to relocate their buildings out of harm's way. (Specifically, I have waived the requirement that a building on Devils Lake be continuously flooded for 90 days before declaring it a total loss, thus honoring a claim that provides funds for the insured to take mitigation action.) This decision has meant a cost savings for the National Flood Insurance Program (NFIP).

We estimate that, by being proactive, rather than waiting for an insured building to be inundated for 90 days by the rising lake levels, we have saved the program on average 25% for each claim in the Devils Lake area. Paying in advance for these inevitable flood losses