

implications.” “Policies that have tribal implications” is defined in the Executive Order to include regulations that have “substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.”

The proposed finding of attainment under CAA 179B(d) and the proposed finding of failure to attain under CAA 188(b)(2) and resulting reclassification do not have tribal implications. For the reasons discussed above, they will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule. In the spirit of Executive Order 13175, and consistent with EPA policy to promote communications between EPA and tribal governments, EPA specifically solicits additional comment on this proposed rule from tribal officials.

#### F. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

As discussed above, the proposed finding of attainment under CAA 179B(d) and the proposed finding of failure to attain under CAA 188(b)(2) and resulting reclassification do not impose additional requirements on small entities. Therefore, I certify that these alternative actions will not have a significant economic impact on a substantial number of small entities.

#### G. 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.

With respect to EPA’s proposed finding of attainment under CAA 179B(d) and the proposed finding of failure to attain under CAA 188(b)(2) and resulting reclassification, EPA notes that these actions in-and-of themselves establish no new requirements, and EPA believes that it is questionable whether a requirement to submit a SIP revision constitutes a federal mandate (i.e., required serious area SIP submittal resulting from a finding of failure to attain). The obligation for a State to revise its SIP arises out of sections 110(a) and 179(d) of the CAA and is not legally enforceable by a court of law, and at most is a condition for continued receipt of highway funds. Therefore, it is possible to view an action requiring such a submittal as not creating any enforceable duty within the meaning of section 421(5)(9a)(I) of UMRA (2 U.S.C. 658(a)(I)). Even if it did, the duty could be viewed as falling within the exception for the condition of Federal assistance under section 421(5)(a)(I)(I) of UMRA (2 U.S.C. 658(5)(a)(I)(I)).

In addition, even if the obligation for a State to revise its SIP does create an enforceable duty within the meaning of UMRA, this action does not trigger section 202 of UMRA because the aggregate to the State, local, and tribal governments to comply are less than \$100,000,000 in any one year. Because this action does not trigger section 202 of UMRA, the requirement in section 205 of UMRA that EPA identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most effective, or least burdensome alternative that achieves the objectives of the rule is not applicable.

Furthermore, EPA is not directly establishing any regulatory requirements that may significantly impact or uniquely affect small governments, including tribal governments. Thus, EPA is not obligated to develop under section 203 of UMRA a small government agency plan.

#### H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use “voluntary

consensus standards” (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

EPA believes that VCS are inapplicable to today’s proposed actions because they do not require the public to perform activities conducive to the use of VCS.

#### List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

**Authority:** 42 U.S.C. 7401–7671q.

Dated: August 6, 2001.

**Laura Yoshii,**

*Acting Regional Administrator, Region IX.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 260, 261, 262, 263, 264, 265, 271

[FRL–7030–4]

RIN 2050–AE21

#### Extension of Comment Period for the Proposed Modifications of the Hazardous Waste Manifest System

**AGENCY:** Environmental Protection Agency.

**ACTION:** Proposed rule; extension of comment period for modifications of the hazardous waste manifest system.

**SUMMARY:** In response to the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), the Environmental Protection Agency (EPA) is extending the comment period on its proposed modifications to the Uniform Hazardous Waste Manifest regulations. On May 22, 2001 (66 FR 28240), EPA proposed modifications to the hazardous waste manifest system and the manifest form that is used to track hazardous waste shipments during their transportation. The comment period announced in the proposed rule notice was scheduled to end on August 20, 2001. Today’s document further extends the comment period on the proposed manifest system modifications until October 4, 2001.

**DATES:** Written comments on the proposed hazardous waste manifest modifications must be submitted on or before October 4, 2001.

**ADDRESSES:** Commenters must send an original and two copies of their comments referencing docket number

F-2000-UWMP-FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305W), U.S. Environmental Protection Agency Headquarters (EPA, HQ), Ariel Rios Building, 1200 Pennsylvania Ave., N.W., Washington, DC 20460. Hand deliveries of comments should be made to the Arlington, VA, address below. Comments may also be submitted electronically to: rcradocket@epa.gov. Comments in electronic format should also be identified by the docket number F-2000-UWMP-FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Ave., N.W., Washington, DC 20460. Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway One, First Floor, 1235 Jefferson Davis Highway, Arlington, VA 22202. The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost \$0.15 per page. The index and some supporting materials are available electronically. See the **SUPPLEMENTARY INFORMATION** section for information on accessing them.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline at (800) 424-9346 or TDD (800) 553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call (703) 412-9810 or TDD (703) 412-3323. For more detailed information on specific aspects of this rulemaking, contact Richard LaShier (5304W), Office of Solid Waste, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, (703) 308-8796, [lashier.rich@epa.gov](mailto:lashier.rich@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Agency is extending the comment

period on this proposed rule in response to a written request for extension submitted to the rulemaking docket by the Hazardous Waste Information Management Task Force of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO). ASTSWMO's membership consists of personnel in the State and territorial hazardous waste programs that have been authorized by EPA to implement hazardous waste programs under the Resource Conservation and Recovery Act (RCRA). The authorized state agencies are significant stakeholders in this rulemaking, as they will be called upon to implement and enforce any changes to the manifest system that result from this rulemaking. In its June 19, 2001 extension request, ASTSWMO pointed out that discussions among the states during the development of the proposal had identified a diversity of opinions among them on the subject matter of the rulemaking. ASTSWMO anticipates that the proposed rule will likewise generate a diversity of comments from the State waste management programs. Therefore, ASTSWMO requested additional time to closely review the proposal to identify all the various issues that may affect the States and require attention during the rulemaking.

The authorized State hazardous waste programs have contributed greatly to this rulemaking since its inception in 1990 with a rulemaking petition from ASTSWMO requesting modifications to the hazardous waste manifest system. EPA values highly the comments that ASTSWMO and its members are developing during the comment period, and the Agency believes that extending the time for submitting written comments will improve the quality and completeness of the comments that we eventually receive in response to the May 22, 2001 proposed rule notice. Therefore, EPA is granting ASTSWMO's extension request, and the Agency has decided to extend the public comment period until October 4, 2001.

Dated: August 3, 2001.

**Michael H. Shapiro,**

*Acting Assistant Administrator, Office of Solid Waste and Emergency Response.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL-7025-9]

#### Hazardous Waste Management Program: Final Authorization of State Hazardous Waste Management Program Revisions for State of New Mexico

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

**ACTION:** Proposed rule and request for comment.

**SUMMARY:** The EPA (also, "the Agency" in this preamble) is proposing to grant final authorization to the State of New Mexico Environment Department for its hazardous waste program revisions, specifically, revisions needed to meet the Resource Conservation and Recovery Act Clusters V through IX, which contains Federal rules promulgated between July 1, 1994 to June 30, 1999. In the "Rules and Regulations" section of this **Federal Register** (FR), EPA is authorizing the State's program revisions as an immediate final rule without prior proposal because the EPA views this action as noncontroversial and anticipates no adverse comments. The Agency has explained the reasons for this authorization in the preamble to the immediate final rule. If EPA does not receive adverse written comments, the immediate final rule will become effective and the Agency will not take further action on this proposal. If EPA receives adverse written comments, a second **Federal Register** document will be published before the time the immediate final rule takes effect. The second document may withdraw the immediate final rule or identify the issues raised, respond to the comments and affirm that the immediate final rule will take effect as scheduled. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments must be received on or before September 10, 2001.