

the test need only be used once for each sorbent type. Therefore, EPA certifies that today's regulation will not have a significant economic impact on a substantial number of small entities. As a result, no Regulatory Flexibility Analysis is needed.

#### C. Paperwork Reduction Act

This rule does not contain any information collection requirements subject to Office of Management and Budget review under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, because no additional information is being required to be collected by this rule, and it does not require that additional records be retained.

#### D. 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 their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" 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. When a written statement is needed for an EPA rule, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal

intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

Today's rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local, or tribal governments or the private sector because it imposes no enforceable duties on any of these governmental entities or the private sector. The rule merely provides an optional alternative test method for determining biodegradability to satisfy a specific provision of RCRA. In any event, EPA has determined that this rule does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA. Similarly, EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments.

#### List of Subjects

##### 40 CFR Parts 264 and 265

Environmental protection, Air pollution control, Hazardous waste, Insurance, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds, Water supply.

##### 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous material transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Dated: June 30, 1995.

**Fred Hansen,**

*Acting Administrator.*

For the reasons set forth in the preamble, 40 CFR parts 264, 265, and 271 are amended as follows:

#### PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 264 continues to read as follows:

**Authority:** 42 U.S.C. 6905, 6912(a), 6924, and 6925.

2. Section 264.314 is amended by removing the period at the end of paragraph (e)(2)(ii) and adding “; or” and by adding paragraph (e)(2)(iii) to read as follows:

##### § 264.314 Special requirements for bulk and containerized liquids.

\* \* \* \* \*

(e) \* \* \*

(2) \* \* \*

(iii) The sorbent material is determined to be non-biodegradable under OECD test 301B: [CO<sub>2</sub> Evolution (Modified Sturm Test)].

#### PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 265 continues to read as follows:

**Authority:** 42 U.S.C. 6905, 6912(a), 6924, 6925, 6935, and 6936, unless otherwise noted.

2. Section 265.314 is amended by removing the period at the end of paragraph (f)(2)(ii) and adding “; or” and by adding paragraph (f)(2)(iii) to read as follows:

##### § 265.314 Special requirements for bulk and containerized liquids.

(f) \* \* \*

(2) \* \* \*

(iii) The sorbent material is determined to be non-biodegradable under OECD test 301B: [CO<sub>2</sub> Evolution (Modified Sturm Test)].

#### PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

1. The authority citation for part 271 is amended to read as follows:

**Authority:** 42 U.S.C. 6905, 6912(a) and 6926.

2. Section 271.1(j) is amended by adding the following entry to Table 1 in chronological order by date of publication:

##### § 271.1 Purpose and scope.

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