#### SUPPLEMENTARY INFORMATION:

## A. Background

Section 9004 of RCRA enables EPA to approve State underground storage tank programs to operate in the State in lieu of the Federal underground storage tank (UST) program. Program approval is granted by EPA if the Agency finds that the State program: (1) Is "no less stringent" than the Federal program in the following seven elements: Corrective action; financial responsibility; new tank standards; release detection; release detection recordkeeping; reporting of releases (section 9004(b)(2), 42 U.S.C. 6991(c)(b)(2); and notification requirements of section 9004(a)(8), 42 U.S.C. 6991(c)(a)(8); and (2) provides for adequate enforcement of compliance with UST standards (section 9004(a), 42 U.S.C. 6991(c)(a).

### B. Texas

On April 28, 1994, Texas submitted an official application for final approval. Prior to its submission, Texas provided an opportunity for public notice and comment in the development of its underground storage tank program. This is required under 40 CFR 281.50(b). EPA reviewed Texas' application, and determined that there were apparent differences between Texas' regulations and the Federal regulations. The differences were in various sections of the Texas UST regulations and involved minor aspects of corrosion protection, exceptions, and discretionary powers of the Executive Director of the TNRCC.

EPA and the State of Texas have discussed these differences and the State agreed, pursuant to a Memorandum of Agreement (MOA), to amend its current regulations to address each instance of the differences noted

above. The revised regulations were submitted to the Texas Register as proposed rule amendments July 1, 1994, and became effective on January 3, 1995. The specific differences and Texas' proposed regulatory changes are documented in the MOA. The MOA is available for review as a part of the State Program Approval Application.

EPA proposes that Texas' program substantially meets all of the requirements necessary to qualify for final approval. Therefore, following mutual agreement on the terms and provisions of the MOA and the completion of the revisions to the Texas UST regulations, EPA proposes to grant final approval to the State of Texas to operate its program in lieu of the

Federal program.

In accordance with section 9004 of RCRA, 42 U.S.C. 6991(c), and 40 CFR 281.50(e), the Agency will schedule a public hearing on its proposal. Interested parties can learn the date, time, and place of the scheduled hearing by calling the US EPA, Region 6, Office of Underground Storage Tanks, at (214)665-6756 between 8:00 a.m. and 4:00 p.m. Central Standard Time from February 23, 1995 through February 28, 1995. The public may also submit written comments on EPA's proposal until February 23, 1995. Copies of Texas' application are available at the ADDRESSES indicated in this notice.

EPA will consider all public comments on its proposal received at the hearing, if held, or during the public comment period. Issues raised by those comments may be the basis for a decision to deny final approval to Texas. EPA expects to make a final decision regarding approval of Texas' program by April 24, 1995 and will give notice of it in the Federal Register. The

notice will include a summary of the reasons for final determination and a response to all major comments.

The State of Texas is not authorized to operate the UST program on Indian lands and this authority will remain with EPA.

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

Pursuant to the provisions of 5 U.S.C. 605(b), I hearby certify that this approval will not have a significant economic impact on a substantial number of small entities. The approval effectively suspends the applicability of certain Federal regulations in favor of Texas' program, thereby eliminating duplicative requirements for owners and operators of underground storage tanks in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

# List of Subjects in 40 CFR Part 281

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

Authority: This Notice is issued under the authority of section 9004 of RCRA, 42 U.S.C. 6991(c).

Dated: January 13, 1995.

## Barbara J. Goetz,

Acting Regional Administrator. [FR Doc. 95-1667 Filed 1-23-95; 8:45 am] BILLING CODE 6560-50-P