and potential pollution sources within any geographical area for which it seeks program approval.

EPA is not making a determination that the State either has adequate jurisdiction or lacks such jurisdiction. Should the State of Wyoming choose to submit an analysis with regard to jurisdiction of the State over all or part of Indian Country in the State, it may do so without prejudice.

Any future EPA evaluation of whether to approve the Wyoming program for Indian Country to include Indian reservation lands, would be governed by EPA's judgment as to whether the State has demonstrated adequate authority to justify such approval, based upon its understanding of the relevant principles of Federal Indian law and sound administrative practice. The State may wish to consider EPA's discussion of the related issue of Tribal jurisdiction found in the preamble to the Indian Water Quality Standards Regulation (see 56 FR 64876, December 12, 1991).

B. Decision

After reviewing the public comments, I conclude that Wyoming's application for final authorization meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Wyoming is granted final authorization for the Federal RCRA program in effect as of July 8, 1984; Pre-cluster rules, non-HSWA revision clusters I, II, III, IV, V, and VI; and for HSWA clusters I and II; RCRA cluster I, II, III, (except for 279.10 (b)(2)), and IV, and the following RCRA cluster V rules: Recovered Oil Exclusion, 59 FR 38536, July 28, 1994, (Code Rule 135). Removal of the Conditional Exemption for Certain Slag Residuals, 59 FR 43496, August 24, 1994, (Code Rule 136), Universal Treatment Standards and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes, 59 FR 47482, September 19, 1994, and the Land Disposal Restriction Phase II rules, 60 FR 242, January 3, 1995. Accordingly, Wyoming is granted final authorization to operate its hazardous waste program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984) (HSWA). Wyoming now has the responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out the other aspects of the RCRA program, subject to the HSWA. Wyoming also has primary enforcement responsibility, 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.

As stated above, Wyoming's authority to operate a hazardous waste program under Subtitle C of RCRA is limited by the HSWA. Prior to that date, a State with final authorization administered its hazardous waste program entirely in lieu of the EPA. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obligated to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time as they take effect in non-authorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain final authorization, the HSWA applies in authorized States in the interim.

As a result of the HSWA, there is a dual State/Federal regulatory program in Wyoming. To the extent the authorized State program is unaffected by the HSWA, the State program will operate in lieu of the Federal program. Where HSWA-related requirements apply, however, EPA will administer and enforce these portions of the HSWA in Wyoming until the State receives authorization to do so. Among other things, this may entail the issuance of Federal RCRA permits for those areas in which the State is not yet authorized. Once the State is authorized to implement a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal program. Until that time the State will assist EPA's implementation of the HSWA under a Cooperative Agreement.

Any State requirement that is more stringent than a HSWA provision remains in effect; thus, the universe of the more stringent provisions in the HSWA and the approved State program define the applicable Subtitle C requirements in Wyoming.

EPA has published a Federal Register notice that explains in detail the HSWA and its effect on authorized States. That notice was published at 50 FR 28702–28755, July 15, 1985.

Compliance with Executive Order 12826: The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12826.

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.

ÉPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. EPA does not anticipate that the approval of Wyoming's hazardous waste program referenced in today's notice will result in annual costs of \$100 million or more.

EPA's approval of state programs generally have a deregulatory effect on the private sector because once it is determined that a state hazardous waste program meets the requirements of RCRA section 3006(b) and the