

to approve all of the Campo Band's program if draft regulatory requirements submitted to EPA with its April 18, 1994 application addendum were adopted before EPA's final determination. In addition, EPA noted that before EPA could grant partial or full program approval, the Campo Band had to reaffirm the February 13, 1994 promulgation of emergency regulations submitted with its final application. On June 13, 1994, EPA received the final, adopted revisions to the Campo Band's MSWLF permit program. In addition, as explained under Category I above, EPA received amendments to the Tribal Environmental Policy Act of 1990 made in response to comments received by EPA during the public comment period. After reviewing these revisions, and after thorough consideration of the public comments, I conclude that the Campo Band's application for adequacy determination meets all of the statutory and regulatory requirements established by RCRA. Accordingly, the Campo Band is granted a determination of adequacy for all portions of its municipal solid waste permit program.

Section 4005(a) of RCRA provides that citizens may use the citizen suit provisions of section 7002 of RCRA to enforce the Federal MSWLF Criteria in 40 CFR part 258 independent of any state/tribal enforcement program. As EPA explained in the preamble to the final MSWLF Criteria, EPA expects that any owner or operator complying with provisions in a state/tribal program approved by EPA should be considered to be in compliance with the Federal Criteria. See 56 FR 50978, 50995 (October 9, 1991).

Today's action takes effect on the date of publication. EPA has good cause under section 553(d) of the Administrative Procedure Act, 5 U.S.C. 553(d), to put this action into effect less than 30 days after publication in the **Federal Register**. All of the requirements and obligations in the Tribe's program are already in effect as a matter of tribal law. Today's action is a determination that these requirements ensure compliance with the Federal Criteria in 40 CFR part 258 and does not impose any new requirements with which the regulated community must begin to comply, nor do the Campo Band's requirements become enforceable by EPA as federal law. Consequently, it is not necessary to give notice prior to making its approval effective.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this notice 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 hereby certify that approval of the tribal MSWLF permit program will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This notice, therefore, does not require a regulatory flexibility analysis.

Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 (the Act), Pub. L. 104-4, which was signed into law on March 22, 1995, EPA generally must prepare a written statement for rules with Federal mandates that may result in estimated costs to State, local, and tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is required for EPA rules, under section 205 of the Act EPA must identify and consider alternatives, including the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. EPA must select that alternative, unless the Administrator explains in the final rule why it was not selected or it is inconsistent with law. Before EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop under section 203 of the Act 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.

The Act generally excludes from the definition of a "Federal intergovernmental mandate" (in sections 202, 203, and 205) duties that arise from participation in a voluntary Federal program. The Campo Band's request for approval of a MSWLF program is voluntary and imposes no Federal intergovernmental mandate within the meaning of the Act. Rather, by having its MSWLF program approved, the Tribe will be able to implement the RCRA Subtitle D program over landfills within its jurisdiction, and to exercise the flexibility allowed in the rules to conform landfill requirements to site-specific conditions.

In any event, the Agency does not believe that approval of the Tribe's program would result in estimated costs of \$100 million or more to State, local, and tribal governments in the aggregate, or to the private sector, in any one year; this is due to the small size of the Tribe's program, and the additional flexibility that the Tribe can exercise. Thus, today's notice is not subject to the written statement requirements in sections 202 and 205 of the Act.

As to section 203 of the Act, the approval of the Tribal program will not significantly or uniquely affect small governments other than the applicant, the Campo Band. As to the applicant, the Tribe has received notice of the requirements of an approved program, has had meaningful and timely input into the development of the program requirements, and is fully informed as to compliance with the approved program. Thus, any applicable requirements of section 203 of the Act have been satisfied.

Authority: This notice is issued under the authority of sections 202, 4005 and 4010(c) of the Solid Waste Disposal Act as amended; 42 U.S.C. 6912, 6945, 6949a(c).

Dated: April 12, 1995.

Felicia Marcus

Regional Administrator.

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[FRL-5200-2]

Tennessee Gas and Pipeline; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under Section 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Protection Agency (EPA) has offered to potentially responsible parties an Administrative Order on Consent to settle claims for past and future removal actions at the Tennessee Gas and Pipeline Site along the Gulf Coast of Texas, Louisiana and Mississippi and extending along three routes to markets in the midwestern and northeastern United States. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the Agreement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, Waste