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**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 281**

[FRL-8195-8]

**Indiana; Final Approval of State Underground Storage Tank Program****AGENCY:** Environmental Protection Agency.**ACTION:** Notice of Final Determination on the State of Indiana's Application for Final Approval.

**SUMMARY:** The State of Indiana has applied for approval of the underground storage tank program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the Indiana application and has reached a final determination that Indiana's underground storage tank program satisfies all of the requirements necessary to qualify for approval under the regulations. Thus, the EPA is granting final approval to the State of Indiana to operate its Underground Storage Tank Program for petroleum and hazardous substances.

**DATES:** *Effective Date:* Final approval for the State of Indiana's Underground Storage Tanks Program is effective on August 11, 2006.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R05-UST-2006-0188. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information is not publicly available. *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the following addresses; Indiana Department of Environmental Management, File Room located on the 12th floor of the Indiana Government Center—North, 100 North Senate Avenue 46204, Telephone: (317) 234-0963, Monday through Friday, 8:30 a.m. through 4:30 p.m.; and U.S. EPA Region 5, Underground Storage Tank Section, 77 West Jackson Blvd., Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. We

recommend you telephone Sandra Siler, Enforcement Officer, at (312) 886-0429 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Mr. Andrew Tschampa, Chief, Underground Storage Tank Section, U.S. EPA Region 5, DU-7J, 77 West Jackson Blvd., Chicago, Illinois, Telephone: (312) 886-6136.

**SUPPLEMENTARY INFORMATION:****I. Background**

Section 9004 of the Resource Conservation and Recovery Act (RCRA) authorizes 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 may be granted by EPA pursuant to RCRA section 9004(b), if the Agency finds that the State program: Is "no less stringent" than the Federal program for the seven elements set forth at RCRA section 9004(a)(1) through (7); includes the notification requirements of RCRA section 9004(a)(8); and provides for adequate enforcement of compliance with UST standards of RCRA section 9004(a). Note that RCRA sections 9005 (on information-gathering) and 9006 (on Federal enforcement) by their terms apply even in states with programs approved by EPA under RCRA section 9004. Thus, the Agency retains its authority under RCRA sections 9005 and 9006, 42 U.S.C. 6991d and 6991e, and other applicable statutory and regulatory provisions to undertake inspections and enforcement actions in approved states. With respect to such an enforcement action, the Agency will rely on Federal sanctions, Federal inspection authorities, and Federal procedures rather than the State authorized analogues to these provisions.

**II. Indiana**

The Indiana Department of Environmental Management (IDEM) is the implementing agency for underground storage tank (UST) activities in the State.

IDEM UST/LUST program was first implemented in 1986 and IDEM recently amended its technical rules, which came into effect October 2004. Indiana adopted UST program regulations for petroleum and hazardous substance underground storage tanks. Prior to the adoption of the regulations, Indiana solicited public comments on the draft UST program regulations.

IDEM submitted their application for State Program Approval (SPA) of Indiana's UST program to U.S. EPA by letter dated April 5, 2005. EPA reviewed

IDEM's application and determined it to be complete. EPA notified IDEM in a June 22, 2005, letter that the Indiana application was complete. On March 22, 2006, the EPA published a tentative decision announcing its intent to grant Indiana final approval.

**III. Decision**

I conclude that the State of Indiana's application for final program approval meets all of the statutory and regulatory requirements established by Subtitle I of RCRA. Accordingly, Indiana is granted final approval to operate its Underground Storage Tank Program for petroleum and hazardous substances. The State of Indiana now has the responsibility for managing all regulated underground storage tank facilities within its border and carrying out all aspects of the Underground Storage Tank Program. Indiana also has primary enforcement responsibility, although the EPA retains the right to conduct enforcement under section 9006 of RCRA.

**IV. Statutory and Executive Order Reviews**

This rule only applies to the Indiana Department of Environmental Management's underground storage tank program requirements pursuant to RCRA section 9004 and imposes no requirements other than those imposed by State law (see **SUPPLEMENTARY INFORMATION**). Therefore, this rule complies with applicable executive orders and statutory provisions as follows.

*1. Executive Order 12866: Regulatory Planning Review*—The Office of Management and Budget has exempted this rule from its review under Executive Order (EO) 12866. *2. Paperwork Reduction Act*—This rule does not impose an information collection burden under the Paperwork Reduction Act. *3. Regulatory Flexibility Act*—After considering the economic impacts of today's rule on small entities under the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities. *4. Unfunded Mandates Reform Act*—Because this rule codifies pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act. *5. Executive Order 13132: Federalism*—EO 13132 does not apply to this rule because it will not have federalism implications (*i.e.*, substantial direct

effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government). 6.

*Executive Order 13175: Consultation and Coordination with Indian Tribal Governments*—EO 13175 does not apply to this rule because it will not have tribal implications (i.e., substantial direct effects on one or more Indian tribes, 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). 7.

*Executive Order 13045: Protection of Children from Environmental Health & Safety Risks*—This rule is not subject to EO 13045 because it is not economically significant and it is not based on health or safety risks. 8. *Executive Order 13211: Actions that Significantly Affect Energy Supply, Distribution, or Use*—This rule is not subject to EO 13211 because it is not a significant regulatory action as defined in EO 12866. 9.

*National Technology Transfer and Advancement Act*—Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (“NTTAA”), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This action does not involve technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards.

#### 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 Sections 2002(a), 7004(b), and 9004 of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6974(b), and 6991(c).

Dated: June 5, 2006.

**Bharat Mathur,**

*Acting Regional Administrator, Region 5.*

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## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

#### 42 CFR Parts 435, 436, 440, 441, 457, and 483

[CMS–2257–IFC]

RIN 0938–AO51

#### Medicaid Program; Citizenship Documentation Requirements

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Interim Final rule with comment period.

**SUMMARY:** This interim final rule with comment period amends Medicaid regulations to implement the provision of the Deficit Reduction Act that requires States to obtain satisfactory documentary evidence of an applicant’s or recipient’s citizenship and identity in order to receive Federal financial participation. This regulation provides States with guidance on the types of documentary evidence that may be accepted, including alternative forms of documentary evidence in addition to those described in the statute and the conditions under which this documentary evidence can be accepted to establish the applicant’s declaration of citizenship. It also gives States guidance on the processes that may be used to help minimize the administrative burden on both States and applicants and recipients.

**DATES:** *Effective Date:* July 6, 2006.

*Comment Date:* To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on August 11, 2006.

**ADDRESSES:** In commenting, please refer to file code CMS–2257–IFC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (no duplicates, please):

1. *Electronically.* You may submit electronic comments on specific issues in this regulation to <http://www.cms.hhs.gov/eRulemaking>. Click on the link “Submit electronic comments on CMS regulations with an open comment period.” (Attachments should be in Microsoft Word, WordPerfect, or Excel; however, we prefer Microsoft Word.)

2. *By regular mail.* You may mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid

Services, Department of Health and Human Services, Attention: CMS–2257–IFC, P.O. Box 8017, Baltimore, MD 21244–8017.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–2257–IFC, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) before the close of the comment period to one of the following addresses. If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members. Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201; or 7500 Security Boulevard, Baltimore, MD 21244–1850.

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

*Submission of comments on paperwork requirements.* You may submit comments on this document’s paperwork requirements by mailing your comments to the addresses provided at the end of the “Collection of Information Requirements” section in this document.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Robert Tomlinson, (410) 786–4463.

#### **SUPPLEMENTARY INFORMATION:**

*Submitting Comments:* We welcome comments from the public on all issues set forth in this rule to assist us in fully considering issues and developing policies. You can assist us by referencing the file code CMS–2257–IFC and the specific “issue identifier” that precedes the section on which you choose to comment.