

nonattainment area,<sup>35</sup> the proposed DAAD and CDD not apply to Tribal areas, and the proposed rule would not impose a burden on Indian reservation lands or other areas where the EPA or an Indian Tribe has demonstrated that a Tribe has jurisdiction within the Portola nonattainment area. Thus, this proposed rule does not have Tribal implications and will not impose substantial direct costs on Tribal governments or preempt Tribal law as specified by Executive Order 13175.

#### *H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it merely proposes a DAAD and CDD. Furthermore, the EPA’s Policy on Children’s Health does not apply to this action.

#### *I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use*

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

#### *J. National Technology Transfer and Advancement Act (NTTAA)*

Section 12(d) of the NTTAA directs the EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. The EPA believes that this action is not subject to the requirements of section 12(d) of the NTTAA because application of those requirements would be inconsistent with the CAA.

#### **List of Subjects**

##### *40 CFR Part 52*

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter, Reporting and recordkeeping requirements.

##### *40 CFR Part 81*

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and

classifications, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 *et seq.*

Dated: May 1, 2026.

**Michael Martucci,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 2026–09604 Filed 5–13–26; 8:45 am]

**BILLING CODE 6560–50–P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 271**

**[EPA–R10–RCRA–2026–2146; FRL–13305–01–R10]**

#### **Alaska: Tentative Determination on Final Authorization of State Hazardous Waste Management Program**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** The State of Alaska (Alaska or the State) has applied to the United States Environmental Protection Agency (the EPA or the Agency) for final authorization of its hazardous waste program under the Resource Conservation and Recovery Act, as amended (RCRA). The EPA has reviewed Alaska’s application and made a tentative determination that Alaska’s hazardous waste program satisfies all requirements for final authorization. Thus, the EPA expects to grant final authorization for the State to operate its program subject to the limitations on its authority retained by the EPA in accordance with RCRA, including the Hazardous and Solid Waste Amendments of 1984 (HSWA). If the EPA issues a final approval of Alaska’s hazardous waste program, Alaska’s program will operate in lieu of the Federal hazardous waste program. The EPA will retain jurisdiction and authority to implement RCRA in Indian country and areas of exclusive Federal jurisdiction in Alaska. Alaska’s application for final authorization is available for public review and comment until July 2, 2026. If sufficient public interest is demonstrated, the EPA will hold a public hearing on the application June 25, 2026. The EPA intends to publish a final determination in the **Federal Register** within 90 days of this tentative determination.

**DATES:** Comments must be received on or before July 2, 2026. *Public hearing:* If there is sufficient public interest, the EPA will hold a public hearing on June 25, 2026. The EPA will publish additional information about the public

hearing date, time, and location if there is sufficient public interest.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R10–RCRA–2026–2146 at <https://www.regulations.gov>. For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to the EPA’s docket at <https://www.regulations.gov> any information you consider to be Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI, PBI, or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Eileen Naples, Land, Chemicals, and Redevelopment Division (15–H04), Environmental Protection Agency, Region 10, 1200 Sixth Ave., Suite 155, Seattle, WA 98101; telephone number: 206–553–6911; email address: [naples.eileen@epa.gov](mailto:naples.eileen@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

##### *A. Why are State programs authorized?*

Section 3006 of RCRA allows the EPA to authorize state hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program, subject to the authority retained by the EPA in accordance with RCRA, including HSWA. The EPA grants authorization if the EPA finds that the State program is: (1) “equivalent” to the Federal program; (2) is consistent with the Federal program and other state programs; and (3) provides for adequate enforcement of compliance with the requirements of the hazardous waste program (RCRA section 3006(b), 42 U.S.C. 6926(b)). States are required to

<sup>35</sup> Map of Federally-Recognized Tribes in EPA’s Pacific Southwest (Region 9) is available at <https://www.epa.gov/tribal-pacific-sw/map-federally-recognized-tribes-epas-pacific-southwest-region-9>.

impose requirements which are at least as stringent as the Federal program. States may impose requirements which are more stringent or broader in scope than the Federal program. 40 CFR 271.1(i). The EPA's regulations for final State authorization appear at 40 Code of Federal Regulations (CFR) part 271.

*B. What has the EPA tentatively decided on Alaska's application for authorization?*

Alaska lacks an authorized hazardous waste program. Prior to submitting its application to the EPA on February 24, 2026, Alaska adopted hazardous waste regulations and solicited public comment. Alaska's application includes the State's response to public comments received as part of the State public comment period. The EPA reviewed Alaska's program application and tentatively determined that it meets all the statutory and regulatory requirements for authorization as established by RCRA. Therefore, the EPA proposes to grant Alaska final authorization to operate its hazardous waste program in the State in lieu of the Federal program, subject to the authority retained by the EPA in accordance with RCRA, including HSWA. Authorization means that Alaska will have responsibility for, among other things, permitting treatment, storage, and disposal facilities (TSDFs) within State borders and for carrying out the aspects of the hazardous waste program described in the program application. New Federal requirements and prohibitions imposed by Federal regulations that the EPA promulgates under the authority of HSWA take effect in authorized states before they are authorized for state requirements. Thus, the EPA will implement those requirements and prohibitions in Alaska until the State is granted authorization to do so. Section I. H. of this document discusses the HSWA provisions for which Alaska did not seek authorization as part of this program submission.

Alaska shared draft application materials with the EPA prior to sending the Agency the State's official program submission. The EPA provided Alaska comments on the draft application. In addition, the EPA held two

informational webinars for Alaska Tribal Governments on August 29 and September 19, 2024, and one informational webinar for Alaska Native Claims Settlement Act (ANCSA) Corporations on August 29, 2024. The EPA offered government-to-government consultation to federally recognized Tribes in Alaska and completed a formal Tribal consultation process with the two Tribes in Alaska that requested direct government-to-government consultation.

In accordance with RCRA section 3006 (42 U.S.C. 6926) and 40 CFR 271.1 and 271.20(d), the EPA will hold a public hearing on its tentative decision on June 25, 2026, if sufficient interest is shown. The public may also submit written comments on the EPA's tentative determination until July 2, 2026. The EPA will consider all relevant public comments on its tentative decision during the public comment period. Issues raised by those comments may be the basis for an EPA decision to deny final authorization to Alaska. The EPA expects to make a final decision on whether to approve Alaska's program by August 24, 2026, and will provide notice of the final determination in the **Federal Register**. The final action will include a summary of the reasons for the final determination and a response to all relevant comments received during the public comment period.

*C. What will be the effect of a final decision To grant authorization?*

Once the EPA authorizes a State, facilities or persons subject to RCRA must comply with the authorized State program requirements instead of the equivalent Federal requirements. Additionally, such persons and facilities in Alaska must comply with any applicable federally issued requirements, such as regulations the EPA promulgates under HSWA authority, for which Alaska has not received authorization, and RCRA requirements that the EPA does not authorize. Alaska has enforcement responsibilities under State laws to pursue violations of its hazardous waste program. The EPA continues to have independent enforcement authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others,

the authority to: conduct inspections; require monitoring, tests, analyses, or reports; and, enforce authorized program requirements.

A final decision to grant authorization will not impose additional requirements on the regulated community because Alaska has already adopted the State regulations and they are in effect in the State.

*D. What rules are the EPA proposing To authorize in lieu of the Federal requirements?*

After substantive review of the complete program submission, the EPA has made a tentative determination that Alaska's hazardous waste program satisfies the requirements necessary for authorization. Thus, the EPA proposes to grant Alaska final authorization for the State hazardous waste program submitted. State hazardous waste program requirements that are either equivalent to or more stringent than the corresponding Federal requirements will become part of the authorized State program.

Alaska has adopted almost verbatim the Federal hazardous waste regulations found in 40 CFR parts 124, 260 through 268, 270, 273, and 279, promulgated through July 26, 2024, except for the technical corrections promulgated August 9, 2023 (88 FR 54086) affecting 40 CFR part 261 subparts M, AA, and CC, and with a few additional modifications as described in this document. The EPA does not authorize states for certain Federal regulations relating to import/export requirements (40 CFR part 262 subpart H), Land Disposal Restrictions (40 CFR part 268), and manifest registry and electronic manifest functions administered solely by the EPA (40 CFR part 262 subpart B, 40 CFR part 263 subpart B, 40 CFR part 265 subpart FF, and 40 CFR part 267 subpart E). Alaska has adopted these provisions by leaving the authority with the EPA for implementation and enforcement.

Upon authorization, the State's hazardous waste management rules that are either equivalent to or more stringent than the corresponding Federal rules will apply in lieu of the Federal rules. The applicable rules are identified as follows.

Federal hazardous waste requirements	Analogous State authority
40 CFR parts 124, 260 through 268, 270, 273, and 279 as of July 26, 2024..	18 Alaska Administrative Code (AAC) 62.1020–18 AAC 62.1320, 18 AAC 62.050–18 AAC 62.1000, 18 AAC 62.1030–18 AAC 62.1090, 18 AAC 62.1100–18 AAC 62.1160, 18 AAC 62.1210–18 AAC 62.1280 effective June 1, 2025.

*E. Alaska Program Provisions That are More Stringent or Broader in Scope Than the Federal Program*

1. More Stringent Provisions

The EPA considers the following Alaska program requirements to be more stringent than the corresponding Federal requirements.

a. Reporting/Notification Requirements

Alaska's hazardous waste regulations include additional State reporting and notification requirements, which are not part of the Federal program. Alaska states that these additional requirements will create a better record of hazardous waste generation, transportation, treatment, regulated facilities, and contacts in the State. Specifically, Alaska requires annual notification for the following handler categories: (1) Small Quantity Generators (SQGs); (2) Large Quantity Generators (LQGs); and (3) Transporters. These reporting requirements are described in 18 AAC 62.301(a)(2), 18 AAC 62.430, and 18 AAC 62.840(b).

b. Statistical Analysis of Groundwater Monitoring

Alaska adopted by reference the 2009 Statistical Analysis of Groundwater Monitoring at RCRA Facilities (Unified Guidance) in 18 AAC 62.525(b). The Unified Guidance is intended to serve as a guide for determining the most effective statistical methods for analyzing groundwater data for detection monitoring under 40 CFR 264.97 and 264.98 and compliance monitoring under 40 CFR 264.99. In some circumstances the Unified Guidance is more specific regarding the statistical analysis that must be applied to a particular data set, which makes the State's adoption of the Unified Guidance as a regulatory requirement more stringent than the Federal regulations in these situations.

c. Standards for Corrective Action

18 AAC 62.527 requires that corrective action for a release from a solid waste management unit must satisfy requirements for the corrective action program under 18 AAC 62.525 and the State requirements under the Contaminated Sites Program in 18 AAC 75.300–18 AAC 75.396. These State regulations include specific procedural requirements for cleanup that are not required by the Federal program, and, in some cases, the State program includes more stringent standards for contaminants in soil and groundwater (18 AAC 75.340–75.345). Where soil or groundwater cleanup standards differ between State regulations and RCRA

regulations, the more stringent of the State and Federal standards applies (18 AAC 62.527 and 18 AAC 62.630). Alaska's regulations at 18 AAC 62.850(b) also require that if closure and post-closure requirements in 40 CFR part 267, subpart F include corrective action requirements, the facility owner/operator must also comply with 18 AAC 62.527.

2. Broader in Scope Provisions

The EPA considers the following Alaska program requirement to be broader in scope than the Federal requirements. Alaska-Specific Siting Requirements 18 AAC 63—Siting of a Hazardous Waste Facility creates specific location requirements and a public participation process that facilities must adhere to prior to receiving a permit for a new TSDF. Some of the requirements within 18 AAC 63 are not addressed in the Federal regulations and are thus considered broader in scope. 18 AAC 62.1010 (Siting of hazardous waste management facilities) says for new facilities, not fewer than 365 days before the construction of a facility requiring a permit, the owner or operator must initiate the requirements of 18 AAC 63; 18 AAC 63.020 identifies pre-application requirements for siting approval; and, 18 AAC 63.030 identifies application requirements for siting approval. The EPA agrees these regulations establishing State siting requirements are broader in scope. 18 AAC 63.040 (Location Requirements) establishes minimum setback requirements for hazardous waste management facilities with regard to nearby land use and 18 AAC 63.050 identifies State financial assurance and compliance history siting approval requirements. These regulations are also broader in scope than Federal regulations.

*F. Universal Waste: Electronic Items Added*

Alaska's regulations at 18 AAC 62.205, 1110, 1135, and 1390 add electronic waste as a universal waste stream, which Alaska contends will result in streamlined handling requirements if the electronic waste is properly recycled. The State has defined "electronic waste" as "a device that contains one or more circuit boards or other complex circuitry, including computer components, laptops, central processing units, mice, keyboards, monitors, cellular telephones, audio or video devices, and copy machines; electronic waste includes components, subassemblies, or other parts derived from the disassembly of electronic

items. It does not include refrigerators, freezers, stoves, dishwashers, washers, or dryers." 18 AAC 62.1390(c)(2). Thus, electronic waste is exempt from the State's standard hazardous waste requirements if managed under the universal waste regulations. Electronic waste that is not a characteristic hazardous waste as determined by a toxicity characteristic leaching procedure (TCLP) performed on that specific item or model by the generator or manufacturer, or other documentation provided by the manufacturer and approved by the EPA or Alaska, may be managed as solid waste as set out under the State Solid Waste Management regulations (18 AAC 60).

As justification for adding electronic waste to the State's universal waste program, Alaska states that electronic waste is a "fast-growing source of hazardous waste and presents difficulty in making a hazardous waste determination for the generator, especially in rural and remote parts of Alaska." Alaska states that managing electronic waste as universal waste will encourage recycling versus land disposal and allow Small Quantity and Very Small Quantity Generators to maintain a less complex generator status.

The EPA notes that Alaska proposes to manage electronic waste as universal waste without adopting 40 CFR part 273 subpart G (Petitions to Include Other Wastes Under 40 CFR part 273). The EPA acknowledges that the State may adopt electronic waste as State-only universal waste without adopting 40 CFR part 273 subpart G as the State regulations as of June 1, 2025, provide Alaska with the authority to evaluate proposed State-only universal waste streams for consistency with the factors described in 40 CFR 273.81. As long as electronic waste meets the criteria of 40 CFR 273.81, the EPA contends the State may include it in its universal waste program without seeking and receiving authorization for 40 CFR part 273 subpart G.

*G. Federal Regulations Alaska Is Not Adopting*

Alaska did not adopt and is not seeking authorization of the following Federal regulations. Implementation and enforcement of these regulations will remain with the EPA.

1. 40 CFR part 260 subpart C—Rulemaking Petitions.

2. 40 CFR part 273 subpart G—Petitions to Include Other Wastes Under 40 CFR part 273.

*H. Federal Regulations Alaska Is Not Adopting as Part of This Authorization Package but Plans To Adopt as Part of the State's First Revision Package*

Alaska has not adopted the Federal regulation for the Management of Certain Hydrofluorocarbons and Substitutes at 40 CFR part 266 subpart Q (89 FR 82682, October 11, 2024) but has expressed to the EPA that the State will pursue authorization for this as part of the State's next regulatory update and revision application. States are not required to seek authorization for this provision until July 1, 2027.

*I. How will the State enforce compliance with the rules?*

RCRA section 3006(b) requires that the State provide adequate enforcement of compliance with the hazardous waste management requirements to receive authorization. The EPA has tentatively determined that Alaska can adequately enforce compliance with its hazardous waste management regulations. Alaska's enforcement authorities include the power to issue, modify, suspend, or revoke permits; collect information and enter and inspect the premises of persons who handle hazardous waste; assess administrative penalties or initiate action in court for penalties or injunctive relief; issue abatement and corrective action orders; and pursue criminal violations. Alaska's enforcement provisions are located at Alaska Statutes (AS) 46.03.020 *et seq* (2024).

*J. Permitting*

Alaska will issue permits for all the provisions for which it is authorized and will administer the permits it issues. The EPA will continue to administer any RCRA hazardous waste permits or portions of permits which the EPA issued prior to the effective date of this authorization until such permits expire or are terminated. When Alaska either incorporates the terms and conditions of the Federal permits into State RCRA permits or issues State RCRA permits to those facilities, the EPA will terminate those previously issued EPA permits and rely on the State RCRA permits. The EPA will not issue any new permits or new portions of permits for the authorized provisions after the effective date of this authorization. The EPA will continue to implement and issue permits for HSWA requirements for which Alaska is not yet authorized.

**II. Analysis**

*A. The EPA Review of State Hazardous Waste Program Submission*

On February 24, 2026, the State submitted a letter from the Governor, a state hazardous waste program description, an Attorney General's statement and copies of applicable State statutes and regulations (amended on March 24, 2026), a Memorandum of Agreement, and a showing of the state's public participation activities prior to program submission to the EPA. Per 40 CFR 271.5(b), the EPA must notify the State whether its submission is complete within 30 days of receipt of a State program submission. On March 25, 2026, the EPA determined Alaska submitted required elements of a program submission consistent with 40 CFR 271.5 and the submission is complete.

In accordance with the process described in RCRA section 3006, 40 CFR 271.5 and 271.20, the EPA has reviewed Alaska's final program submission for equivalency with the Federal program; consistency with the Federal program and State programs applicable in other states; and, for adequate enforcement of compliance with RCRA requirements. The EPA makes a tentative determination the State program is equivalent to the Federal program; consistent with the Federal program and State programs applicable in other states; and, adequate for enforcement. The EPA also evaluated where the State is more stringent or broader in scope compared to the Federal program. The State has identified some areas in its statutes and regulations where it is broader in scope or more stringent than the EPA. While the State identified a few differences in approach, the EPA's tentative determination is the State program is at least equivalent to the Federal program and includes State regulations which are more stringent than the Federal regulations and certain State requirements which are broader in scope than the Federal program. These differences are identified and discussed in this document.

Section II.B of this document describes the EPA's analysis and interpretation of certain aspects of Alaska's program submission. It is important for the regulated community and the public to understand how the EPA interprets the State's submission and what the EPA is tentatively approving. The EPA notes that, as currently understood, these items do not affect the EPA's finding of program equivalency and the EPA is proceeding with tentative approval. Alaska may provide supplemental information

relevant to this analysis and interpretation to enhance clarity on these issues.

*B. The EPA Comments on the Final Program Submission*

1. Characterization of 40 CFR Part 266 Subpart Q

Alaska's Attorney General's Statement notes that because Alaska is not seeking authorization for 40 CFR part 266 subpart Q (Ignitable Spent Refrigerants Recycled for Reuse) at this time, the State regulations with respect to this subpart are broader in scope. The EPA will not make an equivalency determination until Alaska adopts subpart Q as part of a future revision to the State regulations.

Since 40 CFR part 266 subpart Q imposed a new Federal requirement pursuant to HSWA, this requirement took effect in authorized and unauthorized states at the same time. This requirement is in effect under the Federal program but will not be included in this authorization.

2. State Statutes

The EPA has tentatively determined that Alaska has demonstrated that it has adequate legal authority under state law to implement an authorized RCRA program. In making this tentative determination it is not necessary for EPA to broadly characterize these authorities as more stringent or broader in scope. Rather, the EPA has tentatively determined that Alaska's regulatory framework set forth in its submittal meets the requirements for authorization.

Alaska has largely incorporated the Federal regulations into State regulations by reference, and the EPA finds that the proposed State program is equivalent to the Federal program, except for the few areas of modification the EPA noted in section I. of this document. In several instances, the Attorney General's Statement also characterizes State statutes as more stringent or broader in scope. For example, Alaska's Attorney General's statement identifies the State's statutory authority in AS 46.03 to regulate "pollution" as part of its authority to issue State hazardous waste regulations further characterize this authority as "broader in scope" than the RCRA subtitle C universe of hazardous wastes. While EPA has tentatively determined that the State has adequate authority under state law to implement this program, EPA is not evaluating state statutes for any other purpose nor is doing so required for authorization.

### 3. Characterization of 18 AAC 62.040

Alaska characterizes the State regulations at 18 AAC 62.040 (General modifications to adoptions by reference) as broader in scope in Attachment C of the Attorney General's Statement (State IBR Checklist). 18 AAC 62.040 concerns definitions and the substitution of State terms for Federal terms. The EPA finds that the substitution of terms provision is necessary to show the State program's equivalency to the Federal program, therefore, the EPA is proposing to include the provision in the authorized program.

### 4. State Substitution of Terms

The EPA notes that Alaska's program submission includes a list of substitution of terms in the State hazardous waste regulations. Alaska excludes the substitution of State terms for Federal terms for the RCRA requirements described in section D. of this document that the EPA does not authorize states for (for example, import/export authority and E-Manifest regulations). However, Alaska also includes definitions for "EPA" and "RCRA" in 18 AAC 62.1390(c)(3) and (7) which the State regulations describe as relying on the "context" in which they appear to define these terms in the State regulations. To increase clarity for the regulated community and the public, the EPA requests that Alaska revise their approach to the substitution of terms in its first authorization revision package so that it is clearer when a Federal or State term applies.

### 5. State Hazardous Constituents

Authorization of a State RCRA program requires that the State program is equivalent to and consistent with the Federal program, and provides for adequate enforcement, but allows for the State to be more stringent or broader in scope. States authorized pursuant to RCRA must regulate all RCRA hazardous constituents found in Appendix VIII to 40 CFR part 261. The 18 AAC 62.299 adopts by reference 40 CFR part 261 appendix VIII, thus the EPA tentatively determines the State program is equivalent to the Federal program. Further, under 18 AAC 75, Alaska regulates several contaminants in addition to those hazardous constituents listed in Appendix VIII, but 18 AAC 75 does not list two Appendix VIII hazardous constituents—acrylonitrile and aniline. Where the standard specified by 18 AAC 75 differs from the standards in Appendix VIII, Alaska's regulations state that the more stringent of the two standards applies: "Where soil or groundwater cleanup

standards differ between this chapter and 18 AAC 75, the applicable standard is the most stringent of those standards" (18 AAC 62.527(b)). Alaska also addresses this topic in the Program Description: "Standards for Corrective Action" on page 2, stating, "Where soil or groundwater cleanup standards differ between state Oil and Hazardous Substances Pollution Control regulations and RCRA regulations, the most stringent of the State and Federal standard applies."

### 6. Closure

In the State's Program Description, Alaska describes long-term stewardship as an aspect of facility closure (page 31). The EPA understands that Alaska intended to describe a situation where hazardous waste program clean-closure standards have not been met. Alaska may approve site-specific or alternative cleanup levels that are different from clean-closure standards where such standards are protective of human health and the environment in accordance with 18 AAC 75. Such facilities would require long-term stewardship to ensure that the site-specific or alternative cleanup levels remain protective via institutional and/or engineering controls.

### 7. Indian Country

The EPA acknowledges that Alaska does not assert State hazardous waste program authority over Indian country, as defined in Federal statute (18 U.S.C. 1151); Alaska does not seek State hazardous waste program authority over Indian lands under 40 CFR 271.7(b). Even if Alaska's hazardous waste program is authorized by an EPA final determination, the EPA Region 10 will continue to implement the Federal RCRA Subtitle C program in Indian country in the State of Alaska. Alaska has no authority to implement a State hazardous waste program in lieu of the Federal program in Indian country.

#### C. Final Determination

In making its final decision, the EPA will consider all relevant public comments on this notice of tentative determination. The EPA expects to make a final decision on whether to approve Alaska's program by August 24, 2026.

This schedule may change if any amendments made to Alaska's application are substantial following the conclusion of the public comment period as described in 40 CFR 271.20(b). 40 CFR 271.5(c) further provides that if the State's application materially changes during the EPA's review period, the statutory review period begins again

upon receipt of the revised submission. Further, 40 CFR 271.5(d) provides that the State and the EPA may also extend the review period by mutual agreement. The EPA intends to give notice of its final decision in the **Federal Register** by August 24, 2026. That action will include a summary of the reasons for the final decision, if made at that time, and a response to all relevant comments received during the public comment period.

#### D. How would authorization affect Indian country and areas of exclusive Federal jurisdiction?

The EPA retains jurisdiction, authority, and responsibility for the implementation of the Federal Program in Indian country as defined by 18 U.S.C. 1151 and areas of exclusive Federal jurisdiction within the State of Alaska. If Alaska receives final authorization for its proposed hazardous waste program, the State will be authorized to carry out its hazardous waste program in lieu of the Federal program consistent with RCRA except in Indian country (as defined by 18 U.S.C. 1151) or in areas of exclusive Federal jurisdiction. Within the State of Alaska, the EPA maintains full authority and responsibility for the implementation of RCRA in Indian country and in areas of exclusive Federal jurisdiction. In these areas, the EPA will continue to implement the Federal hazardous waste program. For example, the Alaska Statehood Act section 11 acknowledges the United States retains exclusive jurisdiction over the Denali National Park.

#### E. What is codification and will the EPA codify Alaska's hazardous waste program if authorized in a final action?

Codification is the process of placing citations and references to the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. The EPA does this by adding those citations and references to the authorized State rules in 40 CFR part 272. The EPA is not codifying the authorization of Alaska's hazardous waste program at this time. However, the EPA reserves the ability to amend 40 CFR part 272 subpart C for the authorization of Alaska's program changes at a later date. Alaska's hazardous waste regulations are found at 18 AAC 62.

### III. Proposed Action

The EPA is proposing to approve Alaska's Hazardous Waste Program subject to the limitations on its authority retained by the EPA in

accordance with RCRA, including the Hazardous and Solid Waste Amendments of 1984 (HSWA).

#### IV. Statutory and Executive Order reviews

Additional information about these statutes and Executive Orders can be found at <https://www.epa.gov/lawsregulations/laws-and-executiveorders>.

##### A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review. This action proposes to authorize the State of Alaska to operate its hazardous waste program in lieu of the EPA subject to the limitations on its authority retained by the EPA in accordance with RCRA, including the Hazardous and Solid Waste Amendments of 1984.

##### B. Executive Order 14192: Unleashing Prosperity Through Deregulation

Executive Order 14192 does not apply because it is not a significant regulatory action and is therefore exempted from review under Executive Order 12866. Alaska has promulgated new regulations, not the EPA.

##### C. Paperwork Reduction Act (PRA)

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*)

##### D. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities beyond those already imposed by State law. The proposed program authorization does not create any new requirements and does not directly regulate any entities.

##### E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538 and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any State, local or Tribal governments or the private sector.

##### F. Executive Order 13132: Federalism

This action proposes to authorize the State of Alaska to operate its hazardous waste program in lieu of the EPA subject

to the limitations on its authority retained by the EPA in accordance with RCRA, including the Hazardous and Solid Waste Amendments of 1984. This action does not preempt State law or limit State regulation but encourages cooperative federalism consistent with RCRA's statutory directive to authorize state hazardous waste programs to apply in lieu of the Federal RCRA program.

##### G. Executive Order 13175: Coordination With Indian Tribal Governments

This action has Tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized Tribal governments, nor preempt Tribal law.

This action will impact federally recognized Tribes in Alaska, tribal governments, and Alaska Native Claims Settlement Act (ANCSA) regional and village corporations located outside Indian country (18 U.S.C. 1151) because Alaska will implement a State hazardous waste program in lieu of the Federal program. However, Indian country will not be impacted by Alaska hazardous waste program authorization.

Through this proposed action, the EPA promulgates no new Federal regulations that have Tribal implications. Instead, the EPA is directed by statute to authorize equivalent state hazardous waste programs in accordance with RCRA and its implementing regulations.

Consistent with Executive Order 13175 and the EPA Policy on Consultation and Coordination with Indian Tribes, the EPA has adhered to fundamental principles governing the Federal Government's unique relationship with Tribes, and offered government-to-government consultation to federally recognized Tribes in Alaska and ANCSA corporations to ensure Tribes and ANCSA corporations were offered a meaningful and timely opportunity to consult the EPA on State authorization. Two Tribal governments ask to consult with EPA. A summary of the consultation process is provided in section II. A. of this document.

##### H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2–202 of the Executive Order. Therefore, this proposed action is not subject to Executive Order 13045 because it

merely authorizes the proposed State hazardous waste program to operate in lieu of the EPA.

##### I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This proposed action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

##### J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian-lands Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: May 8, 2026.

**Emma Pokon,**

*Regional Administrator, Region 10.*

[FR Doc. 2026–09603 Filed 5–13–26; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

#### RIN 0648–B038

### Fisheries of the Northeastern United States; Omnibus Management Flexibility Amendment to New England Fishery Management Council Fishery Management Plans

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability of fishery management plan amendment; request for comments.

**SUMMARY:** NMFS announces that the New England Fishery Management Council (Council) has transmitted the Omnibus Management Flexibility Amendment to the New England Fishery Management Council Fishery Management Plans (FMP) to the Secretary of Commerce for review. If