

final authorization on May 1, 1984, at 7:00 p.m. at the Metro Center-Ramada Inn, Ellis Avenue and I-20 West, Jackson, Mississippi.

**FOR FURTHER INFORMATION CONTACT:** Allan E. Antley, Chief, Waste Planning Section, Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365, (404) 881-3016.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. Two types of authorization may be granted. The first type, known as "interim authorization," is a temporary authorization which is granted if EPA determines that the State program is "substantially equivalent" to the Federal program (Section 3006(c), 42 U.S.C. 6226(c)). EPA's implementing regulations at 40 CFR 271.121-271.137 established a phased approach to interim authorization: Phase I, covering the EPA regulations in 40 CFR Parts 260-263 and 265 (universe of hazardous wastes, generator standards, transporter standards and standards for interim status facilities) and Phase II, covering the EPA regulations in 40 CFR Parts 124, 264, and 270 (procedures and standards for permitting hazardous waste management facilities).

Phase II, in turn, has three components. Phase II A covers general permitting procedures and technical standards for containers and tanks. Phase II B covers incinerator facilities, and Phase II C addresses landfills, surface impoundments, waste piles, and land treatment facilities. By statute, all interim authorizations expire on January 26, 1985. Responsibility for the hazardous waste program returns (reverts) to EPA on that date if the State has not received final authorization, as described below.

The second type of authorization is a "final" (permanent) authorization that is granted by EPA if the Agency finds that the State program (1) is "equivalent" to the Federal program, (2) is consistent with the Federal program and other State programs, and (3) provides for adequate enforcement (Section 3006(b), 42 U.S.C. 6226(b)). States need not have obtained interim authorization in order to qualify for final authorization. EPA regulations for final authorization appear at 40 CFR 271.1-271.23.

**B. Mississippi**

The State received Interim Authorization for Phase I on January 7,

1981; Interim Authorization for Phase II, Components A and B, on August 31, 1982, and Component C on April 26, 1983. On June 21, 1983, the State submitted a draft application for final authorization. The complete application for final authorization was submitted on December 22, 1983. Prior to submission of the application to EPA, Mississippi solicited public comments and held a public hearing on November 14, 1983. The State received no written or oral comments. EPA comments on the final application were forwarded to the State on January 27, 1984. The comments requested the Attorney General to certify that Mississippi had been granted specific authority to administer the RCRA program on Indian lands if the State chose to implement the program. Until Mississippi receives this authority, EPA will operate the RCRA program on Indian lands. The State was also requested to provide clarification and more detail in the Program Description specifically on resources and compliance and enforcement procedures.

By letters dated February 16, 1984 and February 17, 1984, the State responded satisfactorily to the request on the Program Description, and the Attorney General elected to have EPA operate the RCRA program on Indian lands.

EPA has reviewed Mississippi's application, and has tentatively determined that the State's program meets all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization to Mississippi. Copies of Mississippi's application are available for inspection and copying at the location indicated in the "ADDRESSES" section of this notice.

EPA will consider all public comments on its tentative determination. Issues raised by those comments may be the basis for a decision to deny final authorization to Mississippi. EPA expects to make a final decision on whether or not to approve Mississippi's program by June 18, 1984, and will give notice of it in the *Federal Register*. The notice will include a summary of the reasons for the final determination and a response to all major comments.

**Regulatory Flexibility Act**

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does

not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

**Executive Order 12291**

The Office of Management and Budget (OMB) has exempted this rule from the requirements of Section 3 Executive Order 12291.

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

Hazardous materials, Reporting requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

**Authority:** This notice is issued under the authority of Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: February 27, 1984.

Charles R. Jeter,  
Regional Administrator.

[FR Doc. 84-729 Filed 3-16-84; 8:45 am]

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**40 CFR Part 471**

[FRL-2546-1]

**Nonferrous Metals Forming and Iron and Steel/Copper/Aluminum Metal Powder Production and Powder Metallurgy; Point Source Category**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Public Hearing.

**SUMMARY:** Notice is hereby given of a hearing open to the public to discuss and receive comments on pretreatment standards recently proposed in the *Federal Register* relating to the Nonferrous Metals Forming Point Source Category (March 5, 1984; 49 FR 8112). The hearing will be held to elicit additional comments on the regulation. These comments will be used to further assist the Agency in developing the final regulation.

**DATE:** The public hearing has been scheduled for April 24, 1984.

**ADDRESS:** The public hearing will be held at the following address: L'Enfant Plaza Hotel, 480 L'Enfant Plaza East, SW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Harold B. Coughlin, Effluent Guidelines Division (WH-552), (202) 382-7115, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

**SUPPLEMENTARY INFORMATION:** Registration for the hearing will be held from 8:30 to 9:00 a.m. The hearing will

start at 9:00 a.m. Opportunity will be given throughout the hearing for the audience to submit written questions to the Presiding Officer. These questions will be addressed during a question and answer session at the conclusion of the oral testimony presentations.

For those persons making an oral presentation, it is requested that a written transcript of their presentation, as well as correct spelling of names, affiliations and addresses, be submitted to the court recorder. Official transcripts of the hearing will be available upon request.

Dated: March 12, 1984.

Jack Ravan,

Assistant Administrator for Water.

[FR Doc. 84-7238 Filed 3-16-84; 8:45 am]

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#### 40 CFR Part 761

[OPTS-62003D; TSH-FRL 2545-6]

#### Polychlorinated Biphenyls; Withdrawal of Proposed Rule Prohibitions at Agricultural Chemical Facilities

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

**ACTION:** Withdrawal of proposed rule.

**SUMMARY:** EPA issued a proposed rule, restricting the use of polychlorinated biphenyls (PCBs) at agricultural pesticide and fertilizer facilities, which was published in the *Federal Register* of May 9, 1980 (45 FR 30989). EPA announced its decision to hold in abeyance this proposed rule in the *Federal Register* of May 6, 1981 (46 FR 25411). Certain portions of the proposed rule were incorporated into a final rule amending the use authorization for PCBs in electrical equipment which was published in the *Federal Register* of August 25, 1982 (47 FR 37342). Subsequently, a correction to the rule was published in the *Federal Register* of December 3, 1982 (47 FR 54436) and a policy statement on it was published in the *Federal Register* of February 18, 1983 (48 FR 7172). Since this area of PCB use has now been addressed, the proposed rule is hereby withdrawn.

**FOR FURTHER INFORMATION CONTACT:** Jack P. McCarthy, Director, TSCA Information Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, D.C. 20460, toll free: (800-424-9065), in Washington, D.C.: (554-1404), outside the USA: (Operator-202-554-1404).

Dated: February 28, 1984.

John A. Moore,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 84-7152 Filed 3-16-84; 8:45 am]

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#### NATIONAL SCIENCE FOUNDATION

##### 45 CFR Part 612

#### Freedom of Information Changes

**AGENCY:** National Science Foundation.

**ACTION:** Notice of proposed rule making.

**SUMMARY:** The National Science Foundation proposes to make a number of changes to its Freedom of Information Act regulations. Most of these changes are technical in nature and are intended to update and streamline the regulation, and in some cases to reflect current NSF practices. The primary substantive change is the establishment of specific procedures for handling requests for fee waivers. Comments are invited.

**DATE:** Comments should be made by May 18, 1984.

**ADDRESS:** Written comments should be addressed to Office of General Counsel, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550, Attn: FOIA Amendment.

**FOR FURTHER INFORMATION CONTACT:** Jesse E. Lasken, Assistant to the General Counsel, at the above address. Phone: 202-357-9446.

**SUPPLEMENTARY INFORMATION:** The following is a brief explanation of the proposed changes. The numbers correspond to the numbers of the changes.

(1) This change is simply intended to make explicit that the general NSF policy of "fullest possible disclosure" is subject to specific policies limiting disclosure of certain classes of records as set forth in the exemptions to the FOIA and in § 610.8 (§ 610.9) of the proposed revision.

(2), (3), (5), (10), and (13) These changes merely reflect organizational changes within NSF.

(4) This change gives explicit recognition that fee waivers or reductions may be requested and advises requesters of the information that should accompany such a request.

(6) This deletion reflects changes in Department of Justice procedures since Part 612 was originally published.

(7) This change explicitly recognizes that a fee waiver may have been granted. It also eliminates the self-imposed requirement that NSF make more than one copy.

(8) This change raises from \$3.00 to \$15.00 the amount of copying and other service costs the Foundation will assume before imposing user charges.

(9) This change specifically designates the Director, Office of Legislative and Public Affairs, as the Foundation official authorized to make final decisions on fee waivers and reductions. However, the Deputy Director is also authorized to grant waivers if he or she decides to do so during the course of deciding an appeal on the denial of a record.

(11) and (12) These changes eliminate the inclusion of the internal NSF responsibilities for processing requests so as to explain more simply how the Foundation will handle requests. Specific responsibilities will be assigned internally and may change from time to time.

(14) This new subparagraph reflects current NSF policy and practice that allows submitters of successful proposals to request and justify withholding of the proposal or parts of it.

(15) and (16) Section 612.8 is eliminated as unnecessary since the law mandates disclosure of all records not covered by an exemption. Section 612.10 is eliminated since it only designates internal responsibilities for statutory reporting responsibilities. These responsibilities will be assigned internally. Because of these changes § 610.9 is redesignated as § 610.8.

#### List of Subjects in 45 CFR Part 612

Freedom of information.

For the reasons set out in the preamble, Part 612 of Title 45 of the Code of Federal Regulations is proposed to be amended as follows:

#### PART 612—AVAILABILITY OF RECORDS AND INFORMATION

(1) Amend § 612.2(a) by revising the first sentence to read as follows:

##### § 612.2 Information policy.

(a) Subject to the policies set forth below, NSF will make the fullest possible disclosure of information to any person who requests information, without unnecessary expense or delay. \* \* \*

(2) Amend § 612.2(c) by removing the words "Assistant Director for Administrative Operations (AD/AO)" and inserting, in their place, the words "Assistant Director for Administration (AD/A)".

(3) Amend § 612.3(a) by removing the words "Distribution Section" and "Central Processing Section" and

inserting, in their places, the words "Mail and Distribution Unit".

(4) Amend § 612.3(b) by removing the period at the end of the existing paragraph and inserting, in its place, the following:

**§ 612.3 Procedures applicable to the public—requests and appeals.**

(b) \* \* \* except in cases when fees have been waived or reduced in accordance with section 612.6(e). If the requester desires a waiver or reduction of fees, the requester may so request either at the time the request for information is submitted or after the Foundation notifies the requester of the amount of fees involved. If a request for waiver or reduction of fees is made, the requester should include a statement why furnishing the information should be considered as primarily benefiting the general public.

(5) Amend § 612.3(c) by removing the words "Public Information Office" and inserting, in their place, the words "Office of Legislative and Public Affairs" and by removing the last sentence.

(6) Amend § 612.3(g) by removing the last sentence.

(7) Amend § 612.4 by revising it to read as follows:

**§ 612.4 Copies of records.**

If a requested record is to be disclosed, a copy will be furnished the requester as promptly as possible provided payment of fees has been arranged for or waived pursuant to § 612.6. Records will not be released for copying.

(8) Amend § 612.6(a) by removing the words "\$3.00" and inserting, in their place, the words "\$15.00".

(9) Amend § 612.6 by adding a new paragraph (e) to read as follows:

**§ 612.6 Fees.**

(e) *Waivers or reductions.* The Director, Office of Legislative and Public Affairs, or his or her delegee, is authorized to waive or reduce fees in response to a request made under § 612.3(b). The decision of the Director, OLP, on any such request shall be final and unappealable. However, when considering an appeal of a denial or partial denial of a request for information under § 612.3, the Deputy Director may waive or reduce fees as part of the decision on the appeal. Any waiver or reduction by either official must be based on a determination that it is in the public interest because furnishing the information can be considered as primarily benefiting the general public.

(10) Amend § 612.7(a) by removing the words "Public Information Officer (PIO)" and the abbreviation "PIO" and inserting, in their places, the words "Office of Legislative and Public Affairs".

(11) Amend 612.7(b) by removing the heading and first two sentences and inserting, in their place, the following:

**§ 612.7 Agency actions on receipt of a properly presented request for record.**

(b) *Time for response.* The Foundation will seek to take appropriate agency action on a request within 10 days of its receipt (excepting the date of receipt, Saturdays, Sundays, and legal public holidays). If the record may exist only in a retired file which has been placed in storage or there is otherwise a need to search for and collect the requested records from field facilities or other establishments that are separate from the Foundation, NSF shall immediately notify the requester by letter that the record has been ordered from storage (or is otherwise being sought) and that

the time limit for acting on the request is extended by the length of time required to obtain the record. The letter will also give the date on which a determination is expected to be dispatched. \* \* \*

(12) Amend § 612.7(b) by removing the words "the office head" and inserting, in their place, the abbreviation "NSF".

(13) Amend § 612.7(c) by removing the words "Office of Government and Public Programs" and inserting, in their place, the words "Office of Legislative and Public Affairs".

(14) Amend § 612.7 by redesignating paragraphs "(c)" and "(d)" as paragraphs "(d)" and "(e)" and add a new paragraph "(c)" to read as follows:

**§ 612.7 Agency actions on receipt of a properly presented request for record.**

(c) When the requested record is a successful proposal that was submitted to the Foundation, the Foundation will normally contact the organization that submitted the proposal before releasing it in order to ask whether that organization wishes portions of the proposal withheld under any applicable exemptions. (The Foundation does not normally release pending proposals or unsuccessful proposals in any case.)

**§§ 612.8 and 612.10 [Removed]**

(15) By removing §§ 612.8 and 612.10 in their entirety.

**§ 612.9 [Redesignated as § 612.8]**

(16) By redesignating § 612.9 as § 612.8.

Dated: March 7, 1984.

Edward A. Knapp,

Director.

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