environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs; Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Section 512, 82 Stat. 343-351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

§ 558.630 [Amended]

2. Section 558.630 *Tylosin and Sulfamethazine* is amended in paragraph (b)(10) by adding numerically the number "021676,"

Dated: October 11, 1985.

Richard A. Carnevale

Acting Associate Director for Scientific Evaluation Center for Veterinary Medicine.

[FR Doc. 85-25205 Filed 10-22-85; 8:45 am]

BILLING CODE 4160-01-M

POSTAL SERVICE

39 CFR Part 111

Detached Address Cards

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule establishes a uniform size standard for all detached address cards, wherever their use is authorized, and enables the Postal Service to gain processing economies associated with letter-size mail. It also eliminates the present use of detached address cards of many sizes, which adversely affects the casing of mail.

EFFECTIVE DATE: March 1, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. George Thomas, (202) 245-4512.

SUPPLEMENTARY INFORMATION: On August 5, 1985, the Postal Service published for comment in the **Federal Register** (50 FR 31628) proposed changes in sections of the Domestic Mail Manual relating to a uniform size standard for all detached address cards.

Interested persons were invited to submit comments on the proposed changes by September 4, 1985.

Written views were received from four commenters, all of whom favored establishing a uniform size standard for all detached address cards. However, while one commenter agreed with the maximum size of 4 by 9 inches, which we had proposed, three commenters suggested three different maximum sizes. One of these suggested that the maximum size be 6⅛ by 11½ inches (the maximum for letter-size mail as stated in 128.2, Domestic Mail Manual). The commenter said that this would make it possible to case detached address cards, but still afford mailers greater flexibility in using a card of specific dimensions that would not disrupt or add additional costs to mail processing. The Postal Service declines to adopt this suggestion. On some delivery routes, a card with a maximum height of five inches is all that can be effectively accommodated in the carrier casing equipment. In order to afford mailers the greatest amount of flexibility and to be consistent with Postal Service operational needs, we are changing the maximum size of a detached address card to five by nine inches.

The same commenter also asked that we not prohibit perforations on detached address cards, since it is easier for a consumer to separate a coupon along a perforated edge than to tear or cut it from a card. The commenter noted correctly that the proposed prohibition is designed to ensure that the card remains stiff enough to facilitate casing. Our experience with this type of card has demonstrated that carrier casing proficiency is greatly reduced when detached address cards are perforated. This is especially true when carriers attempt to case cards into cases which already contain other mail. For these reasons, the Postal Service declines to change the final rule to permit perforated detached address cards. We are, however, delaying the effective date of the final rule to March 1, 1986, to allow time for mailers to use existing stocks of perforated detached address cards.

Upon consideration of all the comments, the Postal Service hereby adopts the following amendments to the Domestic Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 111.1

List of Subjects in 39 CFR Part 111

Postal service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR Part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408, 3001-3011, 3201-3219, 3403-3405, 3601, 3621; 42 U.S.C. 1973 cc-13, 1973 cc-14.

PART 452—ADDRESSING

2. Revise 452.41 to read as follows:

452.4 Address Cards.

.41a. The address card must be made of paper or cardboard stock.

b. The address card must NOT:

(1) be folded, perforated, or creased.

(2) measure less than 3½ by 5 inches.

(3) measure more than 5 by 9 inches.

(4) measure less than 0.007 of an inch thick.

c. The address for each flat must be placed on an address card. There must be one and only one address card for each flat. The address card must contain the recipient's address and the mailer's return address. Each address card must carry the following words in a bold type size of at least ⅛ inch:

Postal Service regulations require that this address card be delivered together with its accompanying postage paid mail. If you should receive this card without its accompanying mail, please notify your local postmaster.

d. Nothing other than an address, the above quoted language, and an indicium of postage payment may appear on the front of the card, except for official pictures and data disseminated by the National Center for Missing and Exploited Children.

PART 661—ADDRESSING

3. Revise 661.331 to read as follows:

661.33 Address Cards.

.331a. The address card must be made of paper or cardboard stock.

b. The address card must NOT:

(1) be folded, perforated, or creased.

(2) measure less than 3½ by 5 inches.

(3) measure more than 5 by 9 inches.

(4) measure less than 0.007 of an inch thick.

c. The address for each flat must be placed on an address card. There must be one and only one address card for each flat. The address card must contain the recipient's address and the mailer's return address. Each address card must carry the following words in bold type size of at least ⅛ inch:

Postal Service regulations require that this address card be delivered together with its accompanying postage paid mail. If you should receive this card without its accompanying mail, please notify your local postmaster.

d. Nothing other than as address, the above quoted language, and an indicium of postage payment may appear on the front of the card, except for official pictures and data disseminated by the

National Center for Missing and Exploited Children.

PART 664—MERCHANDISE SAMPLES

4. Revise 664.24 to read as follows:

664.2 Address Cards.

.24a. The address card must be made of paper or cardboard stock.

b. The address card must NOT:

(1) be folded, perforated, or creased.

(2) measure less than 3½ by 5 inches.

(3) measure more than 5 by 9 inches.

(4) measure less than 0.007 of an inch thick.

PART 767—PREPARATION OF BOUND PRINTED MATTER

5. In 767.7, redesignate 767.7g as 767.7i and revise and redesignate the introductory paragraph and 767.7a through f to read as follows:

767.7 Optional Handling of Bulk Mailings.

At the option of the mailer, address cards and unaddressed pieces mailed at bound printed matter rates, which are addressed for delivery only in the mailer's local parcel post zones, may be mailed separately for local delivery at the office of mailing, subject to all of the following conditions:

a. The address card must be made of paper or cardboard stock.

b. The address card must NOT:

(1) be folded, perforated, or creased.

(2) measure less than 3½ by 5 inches.

(3) measure more than 5 by 9 inches.

(4) measure less than 0.007 of an inch thick.

c. The address cards must show the full name, address, and either the ZIP +4 or the 5-digit ZIP Code of the sender and addressee and must be sorted by the mailer to the fourth and fifth digit of the ZIP Code.

d. Postage must be paid by permit imprints for each card including cards returned as undeliverable. The imprint may be placed on the pieces or on the cards (see 145).

e. The mailer must submit a completed Form 3605, *Statement of Mailing-Bulk Zone Rates*, with each mailing.

f. The total weight of pieces placed in a sack, carton, crate, or any other type of container must not exceed 70 pounds.

g. The mailer must send the address cards to the postmaster at the delivery office. It is recommended that the mailer include with the cards separate documentation specifying the number of pieces sent for each 5-digit ZIP Code delivery unit.

h. Address cards bearing incorrect, nonexistent, or otherwise undeliverable addresses are corrected or endorsed to show why they are undeliverable and returned to the mailer. Each envelope is rated with postage due at the address correction fee (see 712.2) for each address label contained in the envelope. At the request of the mailer, the postmaster will notify the mailer (at the mailer's expense and by any reasonable means specified by the mailer and approved by the postmaster) of the number of address labels being returned. The request for notification must accompany the labels. Correctly addressed labels will be held awaiting arrival of the pieces.

i. * * *

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance of the transmittal letter will be published in the **Federal Register** as provided by 39 CFR 111.3.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 85-25217 Filed 10-22-85; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261 and 271

[SW-FRL-2912-8]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is amending the regulations on hazardous waste management under the Resource Conservation and Recovery Act (RCRA) by listing as hazardous six wastes generated during the production of dinitrotoluene (DNT), toluenediamine (TDA), and toluene diisocyanate (TDI). In addition, the Agency is amending 40 CFR 261.33(f) by adding two compounds to the list of commercial chemical products which are hazardous wastes when discarded, and is adding several toxicants to Appendix VIII of Part 261. The effect of this regulation is that all of these wastes will be subject to regulation as hazardous wastes under 40 CFR Parts 262–266, and Parts 270, 271, and 124.

DATES: Effective Date: This regulation becomes effective on April 23, 1986.

Compliance dates:

Notification—The Agency has decided not to require persons who generate, transport, treat, store, or dispose of these hazardous wastes to notify the Agency within 90 days of promulgation that they are managing these wastes. The Agency views the notification requirement to be unnecessary in this case since we believe that most, if not all, persons who manage these wastes have already notified EPA and received an EPA identification number. In the event that any person who generates, transports, treats, stores, or disposes of these wastes has not previously notified and received an identification number, he must get an identification number pursuant to 40 CFR 262.12 before he can generate, transport, treat, store, or dispose of these wastes.

Interim Status—All existing hazardous waste management facilities (as defined in 40 CFR 270.2) which treat, store, or dispose of hazardous wastes covered by today's rule, and which qualify to manage these wastes under interim status under section 3005(e) of RCRA, must file with EPA an amended Part A permit application by April 23, 1986 and meet the criteria in 40 CFR 270.72. Under the Hazardous and Solid Waste Amendments of 1984, a facility also is eligible for interim status if it was in existence on the effective date of any statutory or regulatory change under RCRA that requires it to obtain a section 3005 permit. See RCRA (amended) section 3005(e)(1)(A)(ii). Facilities which have qualified for interim status under section 3005(e)(1)(A)(ii) will not be allowed to manage the wastes covered by today's rule after April 23, 1985, unless they have an EPA identification number and they submit an amended Part A permit application with EPA by April 23, 1985.

If the facility has received a permit pursuant to section 3005, however, it will not be allowed to treat, store, or dispose of the wastes covered by today's rule until it submits an amended permit application pursuant to 40 CFR 124.5, and the permit has been modified pursuant to 40 CFR 270.41 to allow it to treat, store, or dispose of these wastes.

ADDRESSES: The official public docket for this rulemaking is located in Room S-212, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline at (800) 424-9346 or at (202) 382-3000. For technical

information contact Wanda LeBleu-Biswas, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 (202) 475-6728.

SUPPLEMENTARY INFORMATION:

I. Background

On May 8, 1984, EPA proposed to amend the regulations for hazardous waste management under RCRA by listing as hazardous six wastes generated during the production of dinitrotoluene (DNT), toluenediamine (TDA), and toluene diisocyanate (TDI). (See 49 FR 19608–19611.) The hazardous constituents in these wastes include carcinogenic, mutagenic, teratogenic, or otherwise chronically and acutely toxic compounds.[1] One or more of these toxicants are typically present in each waste at significant levels (although each waste does not contain all of the individual toxic constituents of concern); in addition, the hazardous constituents are mobile and persistent, and can reach environmental receptors in harmful concentrations if these wastes are mismanaged. Furthermore, waste K111 is corrosive. (See the preamble to the proposed rule at 49 FR 19608 for a more detailed explanation of our basis for listing these wastes.) After evaluating these wastes against the criteria for listing hazardous wastes (40 CFR 261.11(a)(3)), EPA had determined that these wastes are hazardous because they are capable of posing a substantial present or potential threat to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. In addition, the Agency proposed to add two compounds to the list of commercial chemical products which are hazardous wastes when discarded, as well as adding a number of toxic constituents to Appendix VIII, the list of contaminants identified by the Agency as exhibiting toxic, carcinogenic, mutagenic or teratogenic effects on humans or other life forms. (See 49 FR 19608–19611.)

The Agency received a number of comments on these proposed waste listings. We have evaluated these comments carefully, and have modified the regulations, as well as the supporting documentation, accordingly. This notice finalizes the regulation proposed on May 8, 1984, and outlines EPA's response to many of the comments received on that proposal. (EPA also received comments on the following issues: (a) Production processes and chemistry; (b) management of the wastes; (c) damage incidents; (d) fate and transport; and (e) toxicity of the hazardous constituents. The Agency's response to these other comments is set forth in the revised listing background document available in the public docket for this rulemaking at EPA Headquarters—see "ADDRESSES" section—and in the EPA regional libraries.)

II. Response to Comments

This section presents some of the major comments received on the proposed rule, as well as the Agency's response. (As stated above, the other comments are addressed in the revised listing background document.)

A. Clarification of the Scope of Waste K111—Product Washwaters From the Production of Dinitrotoluene Via Nitration of Toluene

One commenter felt that, because of the heavy emphasis on the TDI relationship, it was unclear if DNT produced as an intermediate to TNT (trinitrotoluene) production is included in the proposed listing. If it is, and if this proposal included the munitions industry, it should say so.

The commenter was correct that there was heavy emphasis on the production of toluene diisocyanate in the proposal; however, this is because these wastes are generated mostly in relation to the production of TDI. It also was stated in the premable, however, that the listing was not limited to TDI production; we clearly indicated that any wastes which meet the listing description and are generated by the processes described in the background document are included in this rulemaking, regardless of the end-product or industry in which it takes place (see 49 FR 19608). Accordingly, product washwaters from the production of DNT by nitration of toluene, as an intermediate to TNT production, also are covered by this listing. To clarify this point, the background document has been revised accordingly.

B. Clarification of the Scope of Waste K113-Light Ends From the Purification of Toluenediamine in the Production of Toluenediamine Via Hydrogenation of Dinitrotoluene

Several commenters stated that they concur with the Agency's implied decision not to include gaseous emissions as part of waste K113, but request this interpretation be explicity stated in the definition of "light ends." In addition, one commenter indicated that they are aware of EPA's concern that some operators may be tempted to heat liquid light ends in order to escape regulation (see 49 FR 5314, February 10, 1984). The commenter stated, however, that heating wastes so as to cause them to change to gaseous state would be a form of hazardous waste treatment and, therefore, subject to regulation (see 40 CFR 260.10).

As the commenters have correctly noted the Agency has not made a decision yet concerning the regulatory staus of condensible process emissions. In a previous proposal to list certain wastes from chlorinated aliphatics production (see 49 FR 5313–5315, February 10, 1984), the Agency claimed authority and proposed to list light ends which may be emitted in the gaseous phase, but condense to liquids at ambient temperature and pressure. The comment period for that rulemaking has ended, and the Agency is currently evaluating these comments. Until EPA reaches a decision in that rulemaking, the Agency has decided not to include the uncondensed light ends as part of the listing. Thus, as stated in the propoal, the waste stream being regulated as EPA Hazardous Waste No. K113 is light ends after condensation to liquid. (See 49 FR 19608.) To avoid any confusion, the Agency has modified EPA Hazardous Waste No. K113 to "Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene" to clarify this intent. This change has been made throughout the listing background document as well.

With respect to the comment regarding the heating of liquid light ends in order to escape regulation, we agree with the commenter that this would constitute treatment and would be subject to the appropriate regulations. We are explicitly stating this point in the background document to clarify this interpretation.

C. Total Organic Load and Waste Volume

Two commenters stated that the Agency has overstated the exposure and risk data by considering as hazardous the entire volume of wastes generated annually, instead of the actual amount of hazardous organic constituents.

The commenters are partially correct when they indicate that by looking at the total volume of waste, one may overstate exposure (*i.e.*, if the waste contains 99% water, one should not count this in considering one's exposure to the toxic compounds). Our analysis, however, did not look simply at the total volume of waste that is generated, but rather how this value relates to the

[1] The toxicants of concern for these wastes are: 2,4-dinitrotoluene, 2,4-tohuenediamine, *o*-toluidine, *p*-toluidine, aniline, carbon tetrachloride, tetracholorethylene, chloroform, and phosgene.

concentration in the waste, and the potential for these constituents to escape into the environment. In particular, the volume of waste that is generated has a direct relationship to the total amount of the hazardous constitutents that may escape into the environment (*i.e.*, the larger the volume of waste that is generated, the greater the potential for more toxicants to escape into the environment and cause a problem). In reviewing the data for those wastes, we see that the total mass loading for the specific hazardous constituent are:

Constituent	Total annual generation rate (KKG)
2,4-dinitrotoluene	342
2,4-toluenediamine	6513
o-toluidine	242
p-toluidine	162
Aniline	0.24
Carbon tetrachloride	113
Tetrachloroethylene	23
Chloroform	11
Phosgene	45

These quantities, in general, are quite high when considering the toxicity of the constitutuents, and the levels at which those constituents may cause a substantial hazard to human health and the environment. See the preamble to the proposal for more detailed discussion (49 FR 19608, May 8, 1984). In considering these quantities, EPA believes that the risk to those persons who may come into contact with these wastes may be substantial. We, therefore, believe that our analysis is sound, and that these wastes may pose a substantial hazard to human health and the environment.

One commenter stated that the total of 647,000 kkg of wastes produced annually is an improbability when compared with the total of 315,000 kkg production capacity for TDI.

The total of 647,000 kkg of waste generated annually is correct. This volume of waste is high compared to the production capacity because there is generally a large volume of water used in washing or purifying.

D. Concentrations of Hazardous Constituents

One commenter felt that by designating zero as the lower end of the concentration range for some hazardous constituents in the wastes, as at least a partial basis for listing, the Agency precludes potential future delisting based on data which demonstrates that none of the specified hazardous constituents (or any other Appendix VIII constituents) are present in the wastes. They object to using a zero concentration level as the lower end of the range, and request the Agency to reconsider and designate a more appropriate lower concentration threshold as a listing justification.

The range of concentrations of hazardous constituents reported in the preamble to the proposed rule is an aggregation of analytical results and data submitted by different facilities under RCRA section 3007, both of which are confidential business information (CBI). The data were presented in this way to protect CBI. In addition, due to process-specific variations, not all hazardous constituents may be present at a given facility. The zero, which was used in the background document, indicates either this, or that the particular hazardous constituent was not detected in an analysis, or was not reported in the RCRA section 3007 questionnaries. The designation "NR" was used in the preamble to the proposal for purposes of simplification. In order to clarify this point, the zeros in the background document have been changed to "†," with a footnote explanation of the term.

It should be noted, however, that the use of zero as a lower end of a range would not have precluded delisting. Facilities wishing to have their wastes delisted would have to demonstrate, among other things, that none of the hazardous constituents cited as the basis for listing the waste are present, or are present at concentrations which would not present a substantial hazard to human health or the environment, or although present in the waste in high concentrations, would not migrate from the waste into the environment (see 40 CFR 260.22(d)). Also, based on the Hazardous and Solid Waste Amendments of 1984, petitioners would have to provide sufficient information for the Agency to determine whether other factors (including if additional constituents are reasonably present in the wastes) cause the waste still to be hazardous.

E. Toxicity

One commenter provided a number of citations pertaining to toxicity of the hazardous constituents. The Agency has carefully reviewed them, and has decided that although additional data were available, the Agency's conclusions on toxicity should not change. None of these more recent data, unavailable at the time the Health and Environmental Effects Profiles (HEEPs) were developed, indicate that initial concerns on toxicity of the hazardous constituents were unfounded. See the listing background document for specific responses to these comments.

One commenter stated that the Agency should test the toxicity of the dilute waste stream proposed to be listed, rather than the pure hazardous constituents.

The commenter raises a good point. The Agency, however, has not yet developed a test to determine the toxicity of waste streams (*i.e.*, bioassay testing). Although the Agency is conducting research in this area, we don't expect to have a validated bioassay for several years. Until such a test is developed and put out for comment, the Agency will continue to use the criteria for listing wastes cited in 40 CFR 261.11. In particular, a waste will be listed as hazardous if it contains any of the substances listed in 40 CFR Part 261, Appendix VIII, unless, after considering a number of factors (see 40 CFR 261.11(a)(3)), the Administrator concludes that the waste is not capable of posing a substantial present or potential threat to human health or the environment if improperly managed.[2] (Substances are listed on Appendix VIII if they have been shown in scientific studies to have toxic, carcinogenic, mutagenic, or teratogenic effects on humans or other life forms.) The Agency has evaluated the wastes using these criteria and determined that they are hazardous. (See the preamble to the proposed regulation for a more detailed discussion of our basis for listing.)

Since the public comments on the proposal to list wastes generated during the production of DNT, TDA, and TDI have not changed the Agency's initial basis for listing these wastes, we are listing them in 40 CFR 261.32 in today's action.

(There are additional public comments and Agency response in the sections on CERCLA impacts, the regulatory status of hazardous waste-waters, and the regulatory impact analysis.)

F. Deletion of Three Hazardous Constituents

In the proposal to list these wastes as hazardous, we included 2,6-dinitrotoluene as a constituent of concern in EPA Hazardous Waste No. K111, and 2,6- and 3,4-toluenediamine as constituents of concern in EPA Hazardous Waste Nos. K112, K113, K114, and K115 (see 49 FR 19608–19611).

[2] Wastes will also be listed if they exhibit any of the characteristics of hazardous wastes (*i.e.*, ignitability, corrosivity, reactivity, and extraction procedure (EP) toxicity), or if they are defined as acutely hazardous.

As a result of comments received and a re-evaluation of these contaminants, we now believe that they should not be identified in Appendix VII as constituents of concern. In particular, both 2,6-dinitrotoluene and 2,6-toluenediamine, although toxic, are not present in the waste at significant levels (*i.e.*, if these contaminants were to migrate from the waste into the environment, the concentration expected at a nearby receptor well is expected to be below the health-based standard). See Table 5 of the revised listing background document. With respect to 3,4-toluenediamine, not enough data is available to calculate a health-based standard; as a result, we are not able to determine whether the concentration found in the waste is significant. Consequently, these compounds are not being included in the final rule as Appendix VII hazardous constituents.[3]

It should be noted that by removing these compounds as constituents of concern, we are not deleting any of the listings from the rule since all the listings still contain at least one specified hazardous constituent. In addition, it also should be clear that the Agency still believes that these contaminants are toxic. (See section V.C. on the health effects in the revised background document.) Therefore, 2,6-dinitrotoluene will remain on Appendix VIII of Part 261, while 2,6- and 3,4-toluenediamine are being added to Appendix VIII in today's rule (see section IV, below).

III. Substances Added to 40 CFR 261.33(f)

The Agency also proposed to add *o*- and *p*-toluidine to § 261.33(f). There were no comments received on this proposed action. The Agency, therefore, is finalizing their addition to § 261.33(f), the list of commercial chemical products or manufacturing chemical intermediates which are identified as hazardous wastes when discarded.

IV. Toxicants Added to 40 CFR Part 261, Appendix VIII

In addition, the Agency proposed to add *o*- and *p*-toluidine to Appendix VIII, as well as identify the specific isomers 2,4-, 2,6-, and 3,4-toluenediamine, which are already listed in Appendix VIII as toluenediamine. There were no comments received on this part of the proposal, either. Thus, the Agency also is finalizing this action.

V. Test Methods for New Appendices VII and VII Compounds

EPA is today adding nine compounds to Appendix VII (the basis for listing), some of which have not been identified before as constituents of concern. These are *o*- and *p*-toluidine and phosgene.

In addition, three compounds, 2,4-dinitrotoluene, 2,6-toluenediamine and 3,4-toluenediamine, which we proposed to add to Appendix VII, are not being listed as hazardous constitutents (see section II.F., above). However, as stated above, since they are toxic, 2,6- and 3,4-toluenediamine are being added to Appendix VIII; 2,6-dinitrotoluene is already on Appendix VIII.

Persons wishing to submit delisting petitions are to use the methods listed in Appendix III to demonstrate the concentration of these toxicants in the waste.[4] See, *e.g.*, 40 CFR 260.20(d)(1). Among other things, petitioners should submit quality control data demonstrating that the methods they have used yield acceptable recovery (*i.e.*, >50% recovery at concentrations above 1 μg/g) on spiked aliquots of their waste.

Accordingly, the Agency is designating test methods in Appendix III for all those compounds for which appropriate methods exist. Method Number 8250 is to be used for aniline, *o*- and *p*-toluidine, and 2,4-, 2,6-, and 3,4-toluenediamine. Method Numbers 8060 and 8250 are to be used for 2,6-dinitrotoluene.

The above methods are in "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods," SW-846, 2nd ed., July 1982, as amended; available from: Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, (202) 783-3238, Document Number: 055-002-81001-2.

VI. CERCLA Impacts

All hazardous wastes designated by today's rule will, upon the effective date, automatically become hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). (See CERCLA section 101(14).) CERCLA requires that persons in charge of vessels or facilities from which hazardous substances have been released in quantities that are equal to or greater than the reportable quantities (RQs) immediately notify the National Response Center (at (800) 424-8802 or (202) 426-2675) of the release. (See CERCLA section 103 and 50 FR 13456-13522, April 4, 1985.)

In the May 8, 1984 proposal, the Agency stated that RQs of one pound would be imposed pursuant to CERCLA section 102(b) for the listed wastes (K111, K112, K113, K114, K115, and K116), as well as for the commercial chemical products, *o*- and *p*-toluidine, which were proposed to be added to 40 CFR 261.33(f). Although this rule is not changing Table 302.4 of 40 CFR 302.4, the RQs as stated here are effective upon the effective date of today's action, pursuant to the statutory requirements of CERCLA section 102(b). These listed wastes, as well as *o*- and *p*-toluidine, and their RQs, will be added to Table 302.4 at its next update.

Several comments were received on this provision. Two commenters stated that RQs of one pound for the listed wastes are unreasonable because the one-pound RQ category was intended to represent the pure substance, and not a dilute mixture. The commenters stated that the RQ for aqueous substances should be calculated by dividing the RQ for the pure constituent by that constituent's concentration in the waste.

The Agency's policy in this area is that the RQ for a hazardous waste is the lowest RQ of those established for each of the hazardous constituents in the waste. See 50 FR 13463, April 4, 1985. If a person completely analyzes the wastes, however, and determines that the amount of each constituent in the waste spilled is below the RQ established for that constituent, no notification is required. The commenters are correct about calculating the RQ for the listed wastes, as long as they can demonstrate this point. Since the composition of the wastes may vary, the burden is placed on the regulated community to determine the quantity of each constituent that is spilled. It should be noted, however, that CERCLA does not impose any testing requirements. Therefore, the releaser should use the RQ of the listed waste stream if the concentrations of the hazardous substances in the waste are not known.

One commenter felt that CERCLA section 101 is time-specific, that section 102 does not mandate one pound RQs, and that section 102 should be used in this instance. At the time of CERCLA passage, Congress defined CERCLA hazardous substances pursuant to section 101(14). This definition has nothing to do with being "time-specific," as suggested by the commenter. Rather, the statute states that when the Agency

[3] Although these contaminants are not being identified as Appendix VII hazardous constituents, petitioners who submit delisting petitions will need to address these compounds as part of their petition.

[4] Test methods are currently designated in 40 CFR Part 261 Appendix III for the following compounds: Method Numbers 8010 and 8240 are to be used for analyzing for carbon tetrachloride, chloroform, and tetrachloroethylene; Method Numbers 8090 and 8250 are to be used for analyzing for 2,4-dinitrotoluene.

adds new listings, as is the case with section 101(14)(C) of CERCLA for newly promulgated RCRA section 3001 hazardous waste listings, they automatically become CERCLA hazardous substances. In addition, section 102(b) of CERCLA mandates a one-pound RQ for any newly listed CERCLA hazardous substance until such time as the Administrator adjusts the RQ by regulation.

One commenter also stated that the Agency has not contemplated the cost of the retroactive application of CERCLA to the industry. The commenter is correct that our cost analysis did not contemplate the retroactive cost of application of CERCLA notification to the industry. However, there is no retroactive application involved. Notification pursuant to CERCLA section 103(a) need only occur when a hazardous substance, as defined in CERCLA section 101(14), has been released in an amount that equals or exceeds its RQ. Since the hazardous wastes described in this rulemaking action do not become CERCLA hazardous substances until the effective date of this final rule, there is no requirement to notify the National Response Center of past releases, and no retroactive application of CERCLA notification requirements to the industry.

Although it was not explicitly stated, the commenter may have been referring to all CERCLA costs, including clean-up costs. However, CERCLA clean-up costs are not a direct consequence of this listing decision and, thus, should not be included in the regulatory impact cost estimate.

VII. State Authority

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. (See 40 CFR Part 271 for the standards and requirements for authorization.) Following authorization, EPA retains enforcement authority under sections 3008, 7003, and 3013 of RCRA, although authorized States have primary enforcement responsibility.

Prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA) amending RCRA, a State with final authorization administered its hazardous waste program entirely in lieu of the Federal program. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities in the State which 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 newly enacted 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 that they take effect in nonauthorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of 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.

Today's rule is being added to Table 1 in § 271.1(j), which identifies the Federal program requirements that are promulgated pursuant to HSWA. The Agency believes that it is extremely important to clearly specify which EPA regulations implement HSWA, since these requirements are immediately effective in authorized States. States may apply for either interim or final authorization for the HSWA provisions identified in Table 1 as discussed in the following section of this preamble.

B. Effect on State Authorizations

Today's announcement promulgates regulations that are effective in all States, since the requirements are imposed pursuant to section 222 of the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. 6921(e)(2). Section 222 of those amendments states, "the Administrator shall make a determination of whether or not to list . . . the following wastes: . . . TDI (toluene diisocyanate) . . . ." This requirement is not limited to toluene diisocyanate or the wastes directly resulting from its production. The HSWA provision encompasses the entire TDI production process, including intermediates. In a June 9, 1982, letter following the RCRA Reauthorization hearings, Senator Chafee asked the Agency a number of questions, including which wastes EPA intended to list within two to five years. In his response, Lee Thomas, then Acting Assistant Administrator for Solid Waste and Emergency Response, answered that, among others, wastes from toluene diisocyanate production would be considered for listing. The Agency thus was considering a particular project which included DNT, TDA, and TDI wastes. This position is supported by the fact that DNT and TDA are often generated as intermediates in TDI production and so the wastes generated from their production can be ascribed to that process. In addition, the TDI proposal had been published on May 8, 1984, before the HSWA. The Agency often referred to this listing as "TDI," and we believe Congress did likewise in the HSWA. Accordingly, all wastes listed today are requirements under HSWA. This includes product washwaters from the production of DNT via nitration of toluene when the DNT is produced as an intermediate in the production of trinitrotoluene (TNT). These wastes are part of the TDI listing, which is a requirement of HSWA. Thus, EPA will implement the standards in nonauthorized States and in authorized States until they revise their programs to adopt these rules, and the revision is approved by EPA.

A State may apply to receive either interim or final authorization under section 3006(g)(2) or 3006(b), respectively, on the basis of requirements that are substantially equivalent or equivalent to EPA's. The procedures and schedule for State program revisions under section 3006(b) are described in 40 CFR 271.21. The same procedures should be followed for section 3006(g)(2).

Applying § 271.21(e)(2), States that have final authorization must revise their programs within a year of promulgation of EPA's regulations if only regulatory changes are necessary, or within two years of promulgation if statutory changes are necessary. These deadlines can be extended in exceptional cases (40 CFR 271.21(e)(3)).

States with authorized RCRA programs may have listings similar to those in today's rule. These State regulations have not been assessed against the Federal regulations being promulgated today to determine whether they meet the tests for authorization. Thus, a State is not authorized to implement these listings in lieu of EPA until the State program revision is approved. As a result, the regulations promulgated in today's rule apply in all States, including States with listings similar to those in today's rule. States with existing listings may continue to administer and enforce their standards as a matter of State law. In implementing the Federal program, EPA will work with States under cooperative agreements to minimize duplication of efforts. In many cases, EPA will be able to defer to the States in their efforts to implement their programs, rather than

take separate actions under Federal authority.

States that submit official applications for final authorization less than 12 months after promulgation of EPA's regulations may be approved without including standards equivalent to those promulgated. However, once authorized, a State must revise its program to include standards substantially equivalent or equivalent to EPA's within the time periods discussed above.

VIII. Regulatory Status of Hazardous Wastewaters

Under the existing hazardous waste regulations, tanks that are treating or storing hazardous wastewaters are exempt from the Parts 264 and 265 management standards when the treatment unit is part of a wastewater treatment facility that is subject to regulation under either section 402 or section 307(b) of the Clean Water Act (CWA). (See 40 CFR 260.10 for definition of "tank.")

When wastewaters, including those covered by the listings promulgated today, are stored or treated in tanks, they are presently exempt from the Parts 264 and 265 management standards, whereas wastewaters that are stored or treated in surface impoundments are subject to regulation.

One commenter stated that treatment and disposal of the wastewaters listed in the proposal (K111 and K112) are currently controlled adequately by the NPDES regulations under sections 301, 302, 303, 304, 305, 306, 307, and 402 of the CWA; additional regulation will be burdensome, wasteful, and unnecessary. They also argue that if the proposed wastewater streams are listed as hazardous, then the wastewater treatment facilities receiving them will become subject to RCRA provisions.

The commenter is correct that when these wastewaters are listed, they will be subject to RCRA control. As indicated above, however, and as explained in the preamble to the proposed rule, when treated in tanks they will be exempt from regulation, but when treated in surface impoundments they will be subject to regulation. The commenter also believes that the CWA already adequately controls wastewater. We disagree. The CWA only controls the actual discharge point; any storage or treatment of these wastewaters before discharge is not controlled under the CWA. See 45 FR 33098, May 19, 1980, and 40 CFR 261.4(a)(2).

Furthermore, it should be noted that impoundments pose a particular threat of contaminating ground water and also have been one of the chief concerns of the hazardous waste management program. Not only is containment without a liner system probably impossible, but materials are constantly in the presence of liquids, creating the situation most conducive to forming leachate. Since most impoundments are unlined and many are underlain by permeable soils, the potential for downward seepage of contaminated fluids into ground water is high. Moreover, wastewaters do not always go to wastewater treatment facilities; some other known management methods of these wastewaters include surface impoundment and deep well injection. In addition, there may be other management techniques currently being employed of which the Agency is unaware at this time. Since the Agency has determined that these wastewaters are hazardous, they should be regulated as such. If any facility wishes to have its waste delisted, it can petition the Agency to do so.

IX. Regulatory Impact Analysis

Under Executive Order 12291, EPA must determine whether a regulation is "major" and, therefore, subject to the requirements of a Regulatory Impact Analysis. In the proposal, EPA addressed this issue by citing the results of an initial economic analysis that was conducted based on a worst case scenario (*i.e.*, none of these wastes are currently being handled as hazardous and, thus, they would be subject to the hazardous waste rules for the first time); the total combined cost was $52 million. The Agency received a number of comments on this figure.

One comment concerned the need for a review and consideration of the basis for deriving the Agency's cost estimates, and the consideration of facility-specific costs.

EPA agrees that both of these requirements should be addressed. The original economic analysis of this listing represented a worst case situation based on the total costs of hazardous waste management. An additional analysis that considers facility-specific costs has now been completed. The following approach was used in the revised economic impact analysis.

- For each facility generating the listed wastes, waste composition, waste generation rates, production volumes, waste management methods, RCRA compliance status, and economic profiles were characterized. These profiles were based primarily on information collected directly through industry surveys.
- The RCRA compliance requirements for each facility were projected, and incremental compliance costs were estimated. These compliance cost estimates were annualized, and include incremental Parts 262 and 264 compliance costs, permit modification costs, groundwater monitoring costs, and the incremental projected costs of new waste management methods. We also considered any requirements imposed by the new RCRA amendments. The sum of these costs for the regulated industry was compared to the $100 million threshold for a "major economic burden." Using this method, EPA estimated that the total annualized cost of the DNT/TDA/TDI listings is less than $500,000, which is well below the "major" rule threshold.
- The annualized compliance costs were used to calculate a series of ratios that measure economic impacts. The ratios calculated for DNT/TDA/TDI manufacturing facilities indicate that none of the facilities affected by the DNT/TDA/TDI listings will bear a significant economic burden.

Industry has requested that EPA make a revised economic impact assessment document available for review and extend the comment period for 60 days following the release of the document.

The revised economic impact assessment document contains mostly confidential business information (CBI) and, therefore, cannot be made public. In addition, sanitizing the analysis so that no CBI would be released would not provide much useful information. As a result, EPA did not put this analysis out for comment.

Although the commenters stated that the costs to industry are far higher than were stated in EPA's economic analysis, they failed to provide any data to support their allegations. EPA is using the revised economic analysis as the basis for the final figure.

As stated above, based on the revised economic analysis, the total combined cost for disposal of the wastes as hazardous is less than $500,000. In addition, we also evaluated the impact on the costs, prices, and markets of these products. Based on this evaluation, EPA has determined that major increases in consumer prices are not likely, and since these products have negligible foreign competition, the implementation of these regulations will have little or no adverse impact on the ability of U.S.-based enterprises to compete with foreign-based enterprises in either domestic or export markets.

EPA stated in the proposal that the addition of the new toxicants of concern to Appendix VIII also will not result in any significant increased burden in ground-water monitoring requirements. One comment addressed the issue of costs associated with adding compounds to Appendix VIII of Part 261. These costs are incurred by those land disposal facilities which have initiated ground-water compliance monitoring programs. See 40 CFR 264.99. The commenter stated that under current

regulations, such facilities are required to establish background values for the new Appendix VIII compounds in their ground water, and thus, the facilities will incur the additional costs associated with sampling and analysis.

The cost of monitoring for the additional Appendix VIII compounds is an insignificant portion of the cost of sampling for all Appendix VIII compounds. Both the cost of establishing background values and monitoring for new Appendix VIII compounds have been included in the economic impact analysis of the DNT/TDA/TDI listing and do not consitute a significant economic burden. The total cost of analyzing for all Appendix VIII compounds is approximately $5000. Each additonal compound is about $25, or about 0.5% of the total cost. therefore, the addition of two compounds (*o*- and *p*-toluidine) to Appendix VIII will add a minimal cost of about 1% to the total cost.

One commenter also raised the issue of start-up costs, such as the preparation of standards. The cost of preparation of standards is overhead built into the cost of analysis. Since most Appendix VIII analyses are performed by contract laboratories, these start-up costs will be shared by a large number of facilities.

Furthermore, one commenter pointed out that the new listing may require permit modification. The cost of permit modifications has also been included in the economic analysis of the listing and, likewise, does not constitute a significant economic impact. The cost of permit modifications is about 0.5% of the overall cost of getting a permit.

Furthermore, the addition of *o*-toluidine and *p*-toluidine to 40 CFR 261.33(f) (list of commercial chemical products) also will be minimal. Since the chemicals listed in § 261.33 are only hazardous when discarded, and we believe they are rarely discarded due to their inherent value, there will be minimal regulatory impact.

Since EPA does not expect that the amendments promulgated here will have an annual effect on the economy of $100 million or more, result in a measurable increase in costs of prices, or have an adverse impact on the ability of U.S.-based enterprises to compete in either domestic or export markets, these amendments are not considered to constitute a major action. As such, a Regulatory Impact Analysis is not required.

X. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an agency is required to publish a General Notice of Rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required, however, if the head of the agency certifies that the rule will not have a significant impact on a substantial number of small entities.

The hazardous wastes listed here are not generated by small entities (as defined by the Regulatory Flexibility Act), and the Agency received no comments that small entities will dispose of them in significant quantities. Accordingly, I hereby certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regualtory flexibility analysis.

XI. Paperwork Reduction Act

This rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects

40 CFR Part 261

Hazardous waste, Recycling.

40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergrovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply

Dated: October 7, 1985

Lee M. Thomas,

Administrator.

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulations is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for Part 261 continues to read as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

§ 261.32 [Amended]

2. § 261.32, add the following waste streams to the subgroup 'Organic Chemicals':

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
. . . . .		
K111	Product washwaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
. . . . .		

§ 261.33 [Amended]

3. In § 261.33(f), add the following entries in alphabetical order:

Hazardous waste No.	Substance
. . . . .	
U328	2-Amino-l-methylbenzene
U353	4-Amino-l-methylbenzene
U328	*o*-Toluidine.
U353	*p* Toluidine.
. . . . .	

Appendix III [Amended]

4. In Table 1 of Appendix III of Part 261, remove the column headed "First edition method(s)", revise the heading for the column now entitled "Second edition method(s)" to read "Method Numbers", and add the following compounds and analysis methods in alphabetical order:

Compound	Method numbers
. . . . .	
2-Amino-l-methylbenzene (*o*-Toluidine)	8250.
4-Amino-l-methylbenzene (*p*-Toluidine)	8250.
Aniline	8250.
2,6-Dinitrotoluene	8060 or 8250.
2,4-Toluenediamine	8250.
2,6-Toluenediamine	8250.
3,4-Toluenediamine	8250.
. . . . .	

Appendix VII [Amended]

5. Add the following entries in numerical order to Appendix VII of Part 261:

EPA hazardous waste No.	Hazardous constituents for which listed
. . . . .	
K115	2,4-Dinitrotoluene.

EPA hazardous waste No.	Hazardous constituents for which listed
K112	2,4-Toluenediamine, *o*-toluidine, *p*-toluidine, aniline.
K113	2,4-Toluenediamine, *o*-toluidine, *p*-toluidine, aniline.
K114	2,4-Toluenediamine, *o*-toluidine, *p*-toluidine
K115	2,4-Toluenediamine.
K116	Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene.

* * * * *

Appendix VIII [Amended]

6. Add the following hazardous constituents, in alphabetical order, to Appendix VIII of Part 261:

Constituent
* * * * *
Benzene, 2-amino-1-methyl (*o*-Toluidine)
Benzene, 4-amino-1-methyl (*p*-Toluidine)
2,4-Toluenediamine
2,6-Toluenediamine
3,4-Toluenediamine
* * * * *

7. Change the hazardous constituent listing in Appendix VIII of Part 261 from "toluenediamine" to "toluenediamine, N.O.S."

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

8. The authority citation for Part 271 continues to read as follows:

Authority: Sec. 1006, 2002(a), and 3006 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6926).

§ 271.1 [Amended]

9. Section 271.1(j) is amended by changing Table 1 as follows:

TABLE 1.—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Date	Title of regulation
Jan. 14, 1985	Listing Dioxin-Containing Wastes.
Apr. 30, 1985	Paint Filter Liquids Test.
July 15, 1985	Codification Rule.
Oct. 23, 1985	Listing Wastes from the of Production of Dinitrotoluene, Toluenediamine, and Toluene Diisocyanate

[FR Doc. 85-25253 Filed 10-22-85; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6683]

Flood Plain Insurance; Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final Rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATE: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, 500 C Street, Southwest, FEMA—Room 416, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet the statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fourth column, so that as of that date flood insurance is no longer available in the community. However, those communities which, prior to the suspension date, adopt and submit documentation of legally enforceable flood plain management measures required by the program, will continue their eligibility for the sale of insurance. Where adequate documentation is received by FEMA, a notice withdrawing the suspension will be published in the **Federal Register**.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 USC 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in Section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subject in 44 CFR Part 64

Flood insurance, Floodplains.

The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganizaton Plan No. 3 of 1978, E.O. 12127.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and county	Location	Community No.	Effective dates of authorization cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
			Region I		
Massachusetts: Essex	Newburyport, city of	250097C	Oct. 6, 1972, Emerg.; Feb. 5, 1978, Reg.; Nov. 1, 1985, Susp.	July 26, 1974, Oct. 22, 1976, Feb. 15, 1978 and Nov. 1 1985.	Nov. 1, 1985.
			Region II		
New Jersey: Bergen	Oakland, borough of	345309C	June 30, 1970, Emerg.; June 30, 1970, Reg.; Nov. 1, 1985, Susp.	July 1, 1970, July 1, 1974, July 23, 1976, Aug. 20, 1982 and Nov. 1, 1985.	Do.
New York: Ulster	Rosendale, town of	360662B	Aug. 18, 1975, Emerg.; Nov. 1, 1985, Reg.; Nov. 1, 1985, Susp.	May 31, 1974, July 2, 1976 and Nov. 1, 1985.	Do.
			Region III		
Maryland: Queen Anne's	Queen Anne, town of	240059E	Oct. 12, 1979, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	Aug. 9, 1974 July 9, 1976 and Sept. 27, 1985.	Do.
Pennsylvania: Franklin	Waynesboro, borough of	420473A	May 4, 1973, Emerg., Nov. 1, 1985, Reg.; Nov. 1, 1985, Susp.	Dec. 3, 1976 and Nov. 1, 1985	Do.
			Region IV		
Florida: Okaloosa	Valparaiso, city of	120176C	June 19, 1970, Emerg.; Apr. 1, 1977 Reg.; Nov. 1, 1985, Susp.	June 17, 1970, Jan. 9, 1975, Apr. 1, 1977 and Nov. 1, 1985.	Do.
Kentucky: Pike	Elkhorn City, city of	210356B	Sept. 1, 1979, Emerg.; Nov. 1, 1985 Reg.; Nov. 1, 1985, Susp.	Mar. 16, 1979 and Nov 1, 1985	Do.
			Region VI		
Louisiana:					
Jefferson	Gretna, city of	225198B	Aug. 14, 1970, Emerg.; June 18, 1971, Reg.; Nov. 1, 1985 Susp.	June 18, 1971, July 1,1974, Feb. 13, 1976 and Nov. 1, 1985.	Do.
Do	Kenner, city of	225201B	Nov. 13, 1970, Emerg., June 25, 1971, Reg., Nov. 1, 1985, Susp.	June 26, 1971, July 1, 1974, Aug. 22, 1975 and Nov. 1, 1985.	Do.
Texas: Harris	LaPorte, city of	485467D	Aug. 28, 1970, Emerg.; Feb. 12, 1971, Reg.; Nov. 1, 1985, Susp.	Feb. 17, 1971, July 1, 1974, Aug. 22, 1975 and Nov. 1, 1985.	Do.
			Region VII		
Missouri: St. Louis	Unincorporated areas	290327E	Sept. 3, 1971, Emerg.; Sept. 15, 1978, Reg.; Nov. 1, 1985, Susp.	Sept. 15, 1978, July 13, 1979, Nov. 16, 1983 and Nov. 1, 1985.	Do.
			Region VIII		
Wyoming: Uinta	Evanston, city of	560054	Mar. 2., 1977, Emerg.; Nov. 1, 1985, Susp.	May 21, 1976	Do.
			Region I Minimal Conversions		
Maine:					
Piscataquis	Brownville, town of	230161B	June 19, 1975, Emerg.; Nov. 1, 1985, Reg.; Nov. 1, 1985, Susp.	Sept. 6, 1974 and Nov. 1, 1985	Nov. 1, 1985.
Somerset	Caratunk town of	230539A	Apr. 25, 1975, Emerg.; Nov. 1, 1985, Reg.; Nov. 1, 1985, Susp.	Nov. 1, 1985	Nov. 1, 1985.
Do	Athens, town of	230354B	June 20, 1975, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	Jan. 17, 1975, July 30, 1976 and Sept. 27, 1985.	Nov. 1, 1985.
Waldo	Knox, town of	230259A	July 23, 1975, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	Jan. 17, 1975 and Sept. 27, 1985	Do.
Do	Liberty, town of	230259A	July 23, 1975, Emerg.; Sept 27, 1985, Reg.; Nov. 1, 1985, Susp.	Mar. 4, 1975 and Sept. 27, 1985	Do.
Somerset	St. Albans, town of	230369A	Aug 6, 1975, Emerg.; Sept 27, 1985, Reg.; Nov 1, 1985, Susp.	Apr. 11, 1975 and Sept. 27, 1985	Do.
Vermont:					
Rutland	Benson, town of	500259B	June 24, 1975, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	Dec. 13, 1974, Oct. 8, 1976 and Sept. 27, 1985.	Do.
Orange	Braintree, town of	500235A	Nov. 24, 1975, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	Dec. 13, 1974, May 8, 1979 and Sept. 27, 1985.	Do.
Orleans	Coventry, town of	500246A	July 23, 1975, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	Feb. 21, 1975, and Sept. 27, 1985	Do.
Do	Derby, town of	500248B	Feb. 13, 1975, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	Dec. 13, 1974, Nov. 19, 1976 and Sept. 27, 1985.	Do.
Essex	East Haven, town of	500209B	Mar. 16, 1976, Emerg., Sept 27, 1985, Reg., Nov. 1, 1985, Susp.	Dec. 13, 1974, May 7, 1976 and Sept. 27, 1985.	Do.
Chittenden	Hinesburg, town of	500322B	Mar. 5, 1976, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	Jan. 31, 1975, Feb 7, 1978 and Sept. 27, 1985.	Do.
Bennington	Readsboro, town of	500017B	July 17, 1975, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	May 31, 1974, Feb. 18, 1977 and Sept. 27, 1985.	Do.
Do	Readsboro, village of	500182B	Nov. 3, 1975, Emerg.; Nov. 1, 1985, Reg.; Nov. 1, 1985, Susp.	Aug. 9, 1974, Oct. 29, 1976, and Nov. 1, 1985.	Do.
Caledonia	Sheffield, town of	500194A	July 22, 1975, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	Feb. 7, 1975, and Sept. 27, 1985	Do.
			Region IV		
Alabama: Tallapoosa	Alexander City, city of	010210A	Dec. 17, 1975, Emerg.; Sept 27, 1985, Reg.; Nov. 1, 1985, Susp.	Nov. 8, 1974, June 18, 1976 and Sept. 27, 1985.	Do.

State and county	Location	Community No.	Effective dates of authorization cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Kentucky: Lincoln	Hustonville, city of	210144B	Aug. 26, 1976, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	Aug. 2, 1974, June 18, 1976 and Sept. 27, 1985.	Do.
Breathitt	Jackson, city of	210024B	July 21, 1975, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	May 17, 1974, Jan. 2, 1976 and Sept. 27, 1985.	Do.
Mississippi: Tallahatchie	Glendora, city of	280210B	Apr. 9, 1974, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	Jan. 10, 1975, Dec. 9, 1976, and Sept. 27, 1985.	Do.
		Region V			
Illinois: Pulaskie	Ullin, village of	170566B	May 8, 1975, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	Apr. 12, 1974, May 14, 1976 and Sept. 27, 1985.	Do.
Minnesota: Hennepin	Eden Prairie, city of	270159B	May 16, 1975, Emerg.; Sept. 27, 1975, Reg.; Nov. 1, 1985, Susp.	Mar. 1, 1974, Sept. 26, 1975 and Sept. 27, 1985.	Do.
Mille Lacs	Unincorporated areas	270624B	Apr. 15, 1974, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	Feb. 2, 1979, and Sept 27, 1985.	Do.
		Region VII			
Iowa: Sioux	Rock Valley, city of	190253B	Sept. 24, 1976, Emerg.; Nov. 1, 1985, Reg.; Nov. 1, 1985, Susp.	Nov. 1, 1985.	Nov. 1, 1986.
Nebraska: Buffalo	Gibbon, city of	310015B	June 25, 1975, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	May 31, 1974, July 23, 1976 and Sept. 1, 1985.	Nov. 1, 1985.
Do.	Shelton, village of	310019B	Oct. 30, 1975, Emerg.; Sept. 27, 1985, Reg.; Nov. 1, 1985, Susp.	Mar. 19, 1976, Sept. 3, 1976 and Sept. 27, 1985.	Do.

Code for reading 4th column: Emerg.—Emergency, Reg.—Regular, Susp.—Suspension.
[1] Date certain Federal assistance no longer available in special flood hazard area.

Jeffrey S. Bragg,
Administrator, Federal Insurance Administration.
Issued: October 17, 1985.
[FR Doc. 85-25238 Filed 10-22-85; 8:45 am]
BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 84-1235; FCC 85-540]

Guidelines for Dominant Carriers' MTS Rates and Rate Structure Plans

AGENCY: Federal Communications Commission.

ACTION: Memorandum opinion and order adopting guidelines.

SUMMARY: The Commission adopts guidelines which govern MTS optional calling plans offered by dominant carriers. The Commission believes the guidelines are necessary to permit dominant carriers, such as American Telephone & Telegraph Co., to offer flexible pricing packages to consumers in light of increased competition in the interstate long-distance market while protecting other ratepayers and promoting fair competition. The guidelines reject a requirement that the plans be based upon the carriers' fully distributed costs. Instead, the guidelines require that a plan be reasonably projected to increase net revenues for switched services (MTS and WATS) both within the 12-month period following the date local exchange carrier access charges are revised to reflect the optional calling plan-stimulated demand and within the 36-month period following the effective date of the plan. The guidelines also permit a dominant carrier to levy subscription, minimum monthly and termination charges, provided that they are cost-based and not anticompetitive. The Commission also requires that optional calling plans not be geographically deaveraged and that they be offered nationwide within a reasonable period of time. The Commission rejected other guidelines which had been proposed in the Notice of Proposed Rulemaking, such as zones of flexibility which would have permitted a dominant carrier without Commission approval to decrease its prices by 10 percent or to offer a plan involving less than $100 million in annual expenses.

EFFECTIVE DATE: October 17, 1985.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Greg Vogt or Beverly Baker at (202) 632-6917 or John Cimko at (202) 632-6387.

SUPPLEMENTARY INFORMATION:

Memorandum Opinion and Order

In the matter of Guidelines for Dominant Carriers' MTS Rates and Rate Structure Plans, CC Docket No. 84-1235.

Adopted: October 4, 1985.
Released: October 17, 1985.

By the Commission: Commissioner Dawson dissenting in part and issuing a statement at a later date.

TABLE OF CONTENTS

I. Introduction

1. This proceeding was initiated to establish tariff review principles for certain message telecommunications service (MTS) offerings proposed by dominant carriers.[1] The guidelines

[1] CC Docket No. 84-1235, Notice of proposed rulemaking, 50 FR 1881 (Jan. 14, 1985) (*Notice*).