property from sabotage or other subversive acts, accidents, criminal actions or other causes of a similar nature. Entry into this zone is prohibited unless authorized by the Captain of the Port.

DATES: This regulation is effective on February 4, 1986. It terminates on May 30, 1986.

FOR FURTHER INFORMATION CONTACT: LCDR Steven P. Mojonnier, USCG, C/O U.S. Coast Guard, Captain of the Port, 2710 N. Harbor Drive, San Diego, CA 92101-1064, telephone (619) 293-5860.

SUPPLEMENTARY INFORMATION: .

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to secure the interests of the United States.

Drafting Information

The drafters of this regulation are LCDR Steven P. Mojonnier, project officer for the Captain of the Port, and LT Joseph R. McFaul, project attorney, Eleventh Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation will occur from 4 February 1986 to 30 May 1986. During this period of time, three aircraft carriers will be moored at Naval Air Station North Island Carrier (L-P) Piers. These aircraft carriers extend beyond the quay wall which forms these piers, and out of the existing security zone. This temporary extension of the zone is intended to provide the same level of protection to these vessels when three carriers are moored at this location. The security zone is needed to protect persons and property from sabotage or other subversive acts, accidents criminal actions, or other causes of a similar nature, and secure the interests of the United States.

This regulation is issued pursuant to 50 U.S.C. 191 as set out in the authority citation for all of Part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water); Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, Subpart D of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6 and 33 CFR 160.5.

2. In Part 165, a new S165.T1113 is added to read as follows:

§ 165.T1113 Security Zone: San Diego Bay, California.

(a) *Location:* This security zone consists of the water area described as follows:

Commencing at a point on the shoreline of Naval Air Station North Island, Coronado, California at latitude 32°42'13.O" N., longitude 117°10'48.O" W. (Point A), for a place of beginning; thence northerly (approximately 020°T) to latitude 32°42'21.3" N., longitude 117°10'44.2" W. (Point B); thence easterly (approximately 110°T) to latitude 32°42'19.2" N., longitude 117°10'37.5" W. (Point C); thence southerly (approximately 200°T) to latitude 32°42'11.0" N., longitude 117°10'41.3" W. (Point D); thence westerly (approximately 290°T) to the place of beginning (Point A) on the shoreline of the Naval Air Station.

(b) *Effective Dates:* This security zone is effective on February 4, 1986. It terminates on May 30, 1986.

(c) *Regulations:* In accordance with the general regulations in § 165.33 of this part, entry into the area of this zone is prohibited unless authorized by the Captain of the Port. Section 165.33 also contains other general requirements.

Dated: February 4, 1986.

E.A. Harmes,

Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.

[FR Doc. 86-3213 Filed 2-12-86; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 265

Organization and Administration; Modification of Fees for Record Retrieval by Computer

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule modifies the fees charged for furnishing Postal Service records retrieved by computer to members of the public. The modified fees inplement existing policy to recover the actual cost incurred by the Postal Service for the retrieval and represent no change in policy concepts.

EFFECTIVE DATE: March 17, 1986.

FOR FURTHER INFORMATION CONTACT: Betty Sheriff, (202) 268-5158.

SUPPLEMENTARY INFORMATION: On November 14, 1985 the Postal Service published in the **Federal Register** for comment (50 FR 47068) proposed modifications of 39 CFR Part 265 that would revise the fees for retrieving data by computer to reflect current labor and administrative costs. Existing fees were established in 1984 and do not reflect current direct costs.

No comments on the proposed modifications were received. Accordingly, part 265 of title 39 CFR is amended as follows:

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

List of Subjects in 39 CFR Part 265

Release of information, Postal Service.

PART 265—RELEASE OF INFORMATION

1. The authority citation for Part 265 is revised to read as follows:

Authority: 39 U.S.C. 401; 5 U.S.C. 552.

§ 265.8 [Amended]

2. In § 265.8, paragraph (b)(3) is amended by striking out "1984" and inserting "1986" in lieu thereof.

3. Appendix A to Part 265 is revised to read as follows:

Appendix A—Information Services Price List in Effect January 1, 1986

Whenever an individual requests information which must be retrieved by computer, standard charges will be incurred based upon resources required to furnish this information. Estimates are provided to the requester in advance and are based on the following standard price list.

Description of services	Price	Unit
A. System utilization services:		
Central processor unit (CPU).		Hour.
3033N (RA)	$888.00	
3033U (RA)	1,134.00	
Amdahl 5860 (NA NB)	2,608.00	
3081K (RA)	2,722.00	
Amdahl 5870 (MB MC SA SB).	4,158.00	
3084QX (SL ST)	5,198.00	
3090-200	5,708.00	
3090-400	10,849.00	
Disk usage (selector) channel.	366.25	Hour.
Multiplexor (Byte) channel	17.50	Hour.
Tape usage (block MPX) channel.	6.50	Hour.
Volume mounts	.50	Mount.
Minimum job charges, flushed.	1.00	Job.
Executed	2.00	Job.
3800 printing	1.10	1,000 lines.
Dedicated use of 370/135	13,023.00	Per A/P.
B. System occupancy chargers:		
Tape occupancy	34.00	Hour.

Description of services	Price	Unit
Unit record occupancy		Hour.
WDSS 1288 OCR	137.00	
Printers	1.10	1,000 lines.
Teleprocessing/graphics occupany.	5.00	Hour.
C. System spooling charges:		
Cards read, local	6.35	1,000 cards.
Cards read, remote	.65	1,000 cards.
Lines printed, local	1.10	1,000 lines.
Lines printed, remote	.20	1,000 lines.
Cards punched, local	34.00	1,000 cards.
Cards punched, remote	3.40	1,000 cards.
D. Peripheral charges:		
Keypunching	10.00	100 cards.
Key-to-tape	17.60	Hour.
Xeroxing offline	3.80	100 pages.
Magnetic tape purchase	13.50	Reel.
Microfilm processing, offline	.01	Frame.
Microfiche processing	.01	Frame.
Microfiche duplicating	.05	Sheet.
Programmer support	33.60	Hour.
Programmer support, overtime.	50.40	Hour.
Systems analysis support	39.40	Hour.
Systems analysis support, overtime.	59.10	Hour.
Inspection service processing.	2,960.00	Per A/P
Wilkes-Barre Nucleus processing.	7.34	1,000 transact.
St. Louis nucleus processing.	7.34	1,000 transact.

[FR Doc. 86-3197 Filed 2-12-86; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261 and 271

[SW-FRL-2968-1]

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 three wastes generated during the production of ethylene dibromide (EDB). 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 August 13, 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, that person 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) that treat, store, or dispose of hazardous wastes covered by today's rule, and that are currently operating pursuant to interim status under section 3005(e) of RCRA, must file with EPA an amended Part A permit application by [insert date six months from publication]. In addition, facilities which currently treat, store, or dispose of the wastes subject to this rule, but which have not received a permit pursuant to section 3005 and are not operating pursuant to interim status may also be eligible for interim status under the Hazardous and Solid Waste Amendments of 1984. See section 3005(e)(1)(A)(ii) of RCRA, as amended. In order to operate pursuant to interim status, such facilities must get an identification number pursuant to 40 CFR 262.12 and submit a Part A permit application by August 13, 1986. Land disposal facilities which qualify for interim status under section 3005(e)(1)(A)(ii) must also apply for a final determination regarding the issuance of a permit and certify that the facility is in compliance with all applicable ground-water monitoring and financial responsibility requirements within twelve months of becoming subject to such permit requirements. See RCRA section 3005(e)(3). If not, interim status will terminate on that date.

A hazardous waste management facility which has received a permit pursuant to section 3005, however, may not 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, DC 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) 424-9446 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, DC 20460, (202) 382-7392.

SUPPLEMENTARY INFORMATION:

I. Background

On November 8, 1984, EPA proposed to amend the regulations for hazardous waste management under RCRA by listing as hazardous two wastes generated during the production of EDB.[1] See 49 FR 44718–44721. The Agency also stated that one more waste, still bottoms from purification of EDB, would be included in the final listing if the Agency determined that it is being generated. The Agency has now determined that still bottoms are being generated, or are likely to be generated, and, therefore, they are being listed as hazardous wastes (EPA Hazardous Waste No. K136) in this final rule (see 49 FR 44718, footnote 1). The hazardous constituent in these wastes, EDB, is carcinogenic, mutagenic, teratogenic, causes reproductive effects, and is otherwise chronically toxic. Moreover, it typically is present in each waste at significant concentrations; in addition, EDB is mobile and persistent and can reach environmental receptors in harmful concentrations if these wastes are mismanaged. (See the preamble to the proposed rule at 49 FR 44718 and the listing background document 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 hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

The Agency recevied comments on these proposed waste listings from two commenters. We have evaluated these comments carefully, and have responded to them accordingly. This notice makes final the regulation proposed on November 8, 1984, and outlines EPA's response to the comments received on that proposal.

[1] It should be noted that the Hazardous and Solid Waste Amendments of 1984 require the Agency to make a determination as to whether wastes from organobromine manufacturing should be listed as hazardous; this listing would satisfy, in part, that requirement.

II. Response to Comments

This section presents the comments received on the proposed rule, as well as the Agency's response.

A. Clarification of the Scope of Waste K117—Wastewater From the Reactor Vent Gas Scrubber in the Production of Ethylene Dibromide via Bromination of Ethene

One commenter, a producer of EDB, agreed that waste K117, wastewater from the reactor vent gas scrubber in the production of EDB via the bromination of ethene, may pose a substantial present or potential hazard to human health or the environment if allowed to exit the EDB production facility untreated. The commenter stated that this waste, however, is typically treated within the EDB process to the point that the waste stream ultimately exiting the facility has EDB levels significantly below the levels of concern noted in the proposed rule (*i.e.*, orders of magnitude below cited concentration range 0.01–0.22%). They claim that this treatment is an integral part of the process that recovers EDB. The commenter stated that the waste stream following this treatment does not pose a substantial hazard and, therefore, the definition of waste K117 should be amended to include only "untreated" wastewaters from a facility having a reactor vent gas scrubber.

The Agency disagrees with the commenter. The Agency has information that waste K117, as defined, is not always treated in the process as described by the commenter. More importantly, however, the Agency does not believe that treatment necessarily will render the waste non-hazardous. Treatment, as defined in the statute, includes methods, techniques, or processes that may be used solely to neutralize waste, or to recover energy or material resources, or to render such waste less hazardous, or to accomplish other goals, as well as to render waste non-hazardous. So, even if treatment does take place, it may not render the waste non-hazardous. Furthermore, no information was provided by the commenter to support their claim that the wastewater, after treatment, would contain insignificant levels of EDB. Waste K117, therefore, will continue to be listed as proposed. If any current or future producer of EDB believes that his particular waste does not meet the criteria for listing in 40 CFR 261.11(a)(3), however, he can petition the Agency to delist his waste (see §§ 260.20 and 260.22).

Any facility wishing to have its wastes delisted still would have to demonstrate, among other things, that the hazardous constituent cited as the basis for listing the waste is not present, or is present at a concentration that 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 additional constituents) reasonably may cause the waste to be hazardous still.

B. Impact of Federal Regulation of Waste K117

The same commenter stated that the impact from Waste K117 is local and not national in scale, since there are only four facilities producing EDB. Moreover, the commenter indicates that state agencies are currently regulating these facilities. Based on these factors, the commenter concludes that regulation of these EDB wastes should be left to the states.

In listing, the Agency looks primarily to the properties of the waste, such as toxicity, mobility, and persistence, although state and local regulation may be relevant under the criteria for listing a waste. The Agency is concerned, however, that waste K117 (or wastes such as sludges derived from K117) could be transported interstate. This is particularly true due to changes in the requirements for disposal of wastes resulting from the Hazardous and Solid Waste Amendments of 1984. Those requirements have already affected, and will continue to affect, the decisions made by the regulated community in how they manage waste. Many generators are reassessing existing practices for waste disposal. Given this environment, it is particularly difficult to conclude that this EDB waste will continue to be disposed of in the states in which the waste is generated. Accordingly, EPA did not give substantial weight to the existence of state regulatory controls over EDB wastes in making the listing decisions.

The commenter further appears to be asking for an exemption for certain downstream units receiving those wastes (*e.g.*, pipelines, vessels, reinjection brinewells). They also argue that the waste should not be regulated if it is subject to a state water permit.

The Agency notes that once a waste is regulated, residues of that waste downstream are also regulated. The commenter has provided no data or rationale for a blanket exemption. The only apparent rationale is that when a waste is subject to a state water permit, it would be duplicative to regulate that waste under RCRA as well. Although the commenter has not been clear, EPA assumes that the "state water permit" referred to is the state analog to the NPDES permit required under the Clean Water Act (CWA). RCRA does exempt discharges which are point sources subject to permits under Section 402 of the CWA. 42 U.S.C. 6903(27); 40 CFR 261.4. These water permits look primarily at the actual point-source discharge. The exclusion from RCRA coverage does not cover wastewaters while they are being collected, stored, or treated before discharge, or sludges generated by wastewater treatment. See comment following 40 CFR 261.4(a)(2); 45 FR 33120, May 19, 1980. The commenter has not indicated whether the "state water permit" referred to covers the multimedia impacts (*e.g.*, ground water, air) that may occur prior to the point of discharge. Given the absence of such an analysis, EPA sees no basis for excluding these units from regulatory controls.

C. Listing of Any Waste Containing EDB

One other commenter was concerned about EPA's apparent establishment of a precedent that the presence of any EDB in an undescribed process waste at an undefined concentration level could result in that process waste being labeled as a hazardous waste.

No such precedent has been established. A process waste is a hazardous solid waste only if it exhibits any of the characteristics of a hazardous waste identified in 40 CFR 261.21 to 261.24, or if it is listed as a hazardous waste. A waste will be listed if it meets the criteria of an acutely hazardous waste (40 CFR 261.11(a)(2)) or, when evaluated against the criteria for listing toxic wastes (40 CFR 261.11(a)(3)), EPA determines that the waste is hazardous because it is capable of causing a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed. The concentration of a constituent in a waste is only one of eleven factors against which the Agency evaluates the waste. The waste need not meet all the criteria for listing in 40 CFR 261.11(a)(3), but a combination of these factors is considered sufficient for listing a waste as hazardous.

In evaluating these wastes, we believe the concentration of EDB is significant. A 70 kg person daily consuming 2 liters of water containing 0.000003 mg EDB per liter throughtout his lifetime incurs an

additional risk of developing cancer of one in a million.[2] The lowest concentration of EDB in the wastes we are listing is 0.01%, or 100 mg/l, which is approximately 3 million times that of the 10^{-6} cancer risk level. See 49 FR 44719, November 8, 1984. Accordingly, we are listing these wastes as hazardous.

III. Addition of Waste K136, Still Bottoms From the Purification of Ethylene Dibromide in the Production of Ethylene Dibromide via Bromination of Ethene

In the November 8, 1984 proposal, in footnote 1 (49 FR 44718), we specifically requested comments on the generation of still bottoms, and stated that if the Agency determined that they are being generated, or are likely to be generated, we would include still bottoms from the production of EDB in the final listing.

Based on industry-supplied data, we find that still bottoms are being generated, and that, as in the other two wastes listed here, EDB is the hazardous constituent present. Although the actual concentration of EDB in the still bottoms waste stream is confidential business information, it is on the same order of magnitude as in the spent adsorbent solids waste stream. Furthermore, EDB is mobile and persistent, and can reach environmental receptors in harmful concentrations if this waste is mismanaged. We, therefore, are listing still bottoms from the purification of EDB as EPA Hazardous Waste No. K136.

IV. Test Methods for New Appendix VII Compounds

On October 1, 1984, the Agency proposed, among other things, a number of test methods to be used in evaluating solid waste, and designated their use in analyzing for certain substances. Method Numbers 8010 and 8240 are designated to be used for EDB. Since there were no public comments received on the use of these specific methods for analyzing for EDB, EPA today is making final those proposed designations.

Persons wishing to submit delisting petitions are to use the methods identified in Appendix III to demonstrate the concentration of EDB in the waste.[3] See 40 CFR 260.22(d)(1). As part of their petitions, 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.

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

V. CERCLA Impacts

All hazardous wastes designated by today's rule will, upon the effective date, automatically become hazardous substances under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Section 103(a) of CERCLA requires that persons in charge of vessels or facilities from which a hazardous substance has been released in a quantity equal to or greater than the reportable quantity (RQ) for that substance immediately notify the National Response Center (at (800) 424–8802 or (202) 426–2675) of the release.

Except as noted below, all hazardous wastes newly designated under RCRA will have a statutorily imposed RQ under section 102 of CERCLA until adjusted by regulation. If, however, a newly listed F or K hazardous waste stream has only one constituent of concern, the waste will have the same RQ as that of the constituent. (The RQ to be considered for this purpose would be the RQ of the constituent as promulgated in 50 FR 13456 (April 4, 1985), whether statutorily imposed or adjusted by regulation.) Since in the case of waste streams K117, K118, and K136, EDB is identified as the only hazardous constituent, and EDB currently retains its statutory RQ of 1000 pounds (see 50 FR 13487, April 4, 1985), these wastes also will have RQ's of 1000 pounds. The RQ methodology for carcinogens is currently being assessed, however, and EDB's RQ is subject to change when the Agency completes this assessment and proposes final RQ's for carcinogens. Thus, the RQ's of these wastes also may change if EDB's RQ is adjusted.

Although this rule is not changing Table 302.4 of 40 CFR 302.4, the RQ's 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 and their RQ's will be added to Table 302.4 of § 302.4 at the time of its next **Federal Register** publication, subject to change as noted above.

VI. 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), a State with final authorization administered its hazardous waste program entirely in lieu of EPA administering the Federal program in that State. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities in the State that the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obliged to enact equivalent authority within specified timeframes. 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 non-authorized States. EPA is directed to implement 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 promulgated pursuant to section 3001(e)(2) of RCRA, a provision added by HSWA. Therefore, it is being added to Table 1 in § 271.1(j), which identifies the Federal program requirements that are promulgated pursuant to the HSWA, and that take effect in all States, regardless of their authorization status. 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.

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[2] Average daily dose = 3×10^{-6} mg EDB/l water × 2 l water/day × 1/70 kg/body weight = 8.6×10^{-8} mg/kg/day. Upper limit estimate of excess lifetime cancer risk = average daily dose × cancer potency = 8.6×10^{-8} mg/kg/day × 41/mg/day = 3.5×10^{-6}.

[3] Petitioners may use other test methods to analyze for EDB if, among other things, they demonstrate the equivalency of these methods by submitting their quality control and assurance information along with their analysis data. See 40 CFR 260.21.

B. Effect on State Authorizations

As noted above, EPA will implement today's rule in authorized States until they modify their programs to adopt these rules, and the modification is approved by EPA. Because the rule is promulgated pursuant to the HSWA, a State submitting a program modification may apply to receive either interim or final authorization under section 3006(g)(2) or 3006(b), respectively, on the basis of regulations that are substantially equivalent or equivalent to EPA's. The procedures and schedule for State program modifications 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 modify 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 already may have regulations 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 modification is approved. Of course, States with existing listings may continue to administer and enforce their regulations 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 regulations equivalent to those promulgated. Once authorized, however, a State must modify its program to include regulations substantially equivalent or equivalent to EPA's within the time periods discussed above.

VII. Regulatory Impact Analysis

Under Executive Order 12291, EPA must determine whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. In the proposal, EPA addressed this issue by citing the results of an economic analysis; the total annual additional cost to industry was less than $10,000. The Agency received no comments on this figure.

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 cost or prices, or have an adverse impact on the ability of U.S.-based enterprises to compete in either domestic or foreign markets, these amendments are not considered to constitute a major action. As such, a Regulatory Impact Analysis is not required.

VIII. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an agency in 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 regulatory flexibility analysis.

IX. Paperwork Reduction Act

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

X. 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, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Dated: February 3, 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—INDENTIFICATION 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. In § 261.32, add the following waste streams to the subgroup 'Organic Chemicals':

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)

Appendix III—[Amended]

3. Add the following compound and analysis methods in alphabetical order to Table 1 of Appendix III of Part 261:

Compound	Method No.
Ethylene dibromide	8010, 8240

Appendix VII—[Amended]

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

EPA hazardous waste No.	Hazardous constituents for which listed
K117	Ethylene dibromide.
K118	Ethylene dibromide.
K136	Ethylene dibromide.

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

5. 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]

6. Section 271.1(j) is amended by adding the following entry to Table 1 in chronological order by date of publication:

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

Date	Title of regulation
. . . . .	
February 13, 1986	Listing wastes from the production of ethylene dibromide.
. . . . .	

[FR Doc. 86-2946 Filed 2-12-86; 8:45 am]
BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3110

Noncompetitive leases; Consideration of Request To Withdraw Simultaneous Oil and Gas Lease Applications and Offers

AGENCY: Bureau of Land Management, Interior.

ACTION: Consideration of Requests to Withdraw simultaneous Oil and Gas Lease Applications and Offers.

SUMMARY: In those instances where the Department of the Interior has suspended action on the application for a simultaneous oil and gas lease on a parcel for at least one year after a random selection has occurred, the Department has determined it would be in the public interest to accept and consider a request to allow the specific priority applicant for such parcel to withdraw said pending application or offer, and if allowed, to refund the first-year's rental to the priority applicant.

EFFECTIVE DATE: Feburary 13, 1986.

ADDRESS: Requests for withdrawal of the above described simultaneous oil and gas lease applications or offers should be filed with the Bureau of Land Management State Office where the results of the random selection process have been posted. The addresses for the State Offices are set forth in 43 FR 1821.2-1 .

FOR FURTHER INFORMATION CONTACT: Gloria J. Austin, (202) 653-2190.

SUPPLEMENTARY INFORMATION: As a result of a review of the procedures for issuing oil and gas leases on certain public domain lands and acquired lands, the Department of the Interior suspended action on the issuance of noncompetitive oil and gas leases involving such lands. This suspension has resulted in the United States retaining the first-year's rental for simultaneous oil and gas lease applications and offers, in some cases, for as long as two years. Even though 43 CFR 3110.2 prohibits the withdrawal of any simultaneous oil and gas application or offer, the Department has determined that the public interest would be served by offering those priority applicants whose applications or offers have been suspended for more than one year subsequent to their being selected through the random selection process the opportunity to request the withdrawal of said applications or offers. The opportunity to request a withdrawal is being made by the Department because it does not wish to create a situation where the narrow enforcement of an existing regulatory provision harms the public unnecessarily. Therefore, the Department has determined that it will provide a priority applicant affected by a suspension of a simultaneous oil and gas lease parcel for more than one year after the date of the selection of the winner of that parcel through the random selection process an opportunity to request a withdrawal of the application or offer. If the request for withdrawal is granted, the first-year's rental will be refunded to such priority applicant. In addition, the Department is considering amending 43 CFR 3110.2 through the rulemaking process, at which time the public will be given an opportunity to comment on this change.

The Department of the Interior has determined that a 30-day comment period is unnecessary on this notice because it is not required under 5 U.S.C. 553(b)(B). This opportunity to request a withdrawal of an application or offer does not adversely affect anyone and relieves a restriction that results from the Department's failure to act on a simultaneous oil and gas lease application or offer for more than one year subsequent to the selection of a winner through the random selection process. Therefore, this notice is effective immediately, without a 30-day wait, because it relieves a burdensome restriction and is consistent with 5 U.S.C. 553(d)(1).

Dated: February 7, 1986.

J. Steven Griles,

Assistant Secretary of the Interior.

[FR Doc. 86-3158 Filed 2-12-86; 8:45 am]
BILLING CODE 4310-84-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 501, 533, and 536

[APD 2800.12 CHGE 23]

General Services Administration Acquisition Regulation; Protests to the GAO and Charges for Bidding Documents

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5 is amended by amending Part 501 to prescribe a format for determinations to award a contract or continue contract performance pending a decision on a protest filed with GAO and to indicate the signatory authority for such determinations; by amending Part 533 to incorporate the substance of Acquisition Circular AC-85-4 which temporarily implemented Federal Acquisition Circular (FAC) 84-9, and by amending Part 536 to remove the restriction on charging for bid documents or using bid deposits for negotiated construction contracts. Miscellaneous and other minor editorial changes are made in Parts 501, 533, and 536 for clarity. Acquisition Circular AC-85-4 is canceled. The intended effect is to improve the regulatory coverage and to provide uniform procedures for contracting under the regulatory system.

EFFECTIVE DATE: January 29, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. John Joyner, Office of GSA Acquisition Policy and Regulations (VP), (202) 523-4764.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 1985, the General Services Administration (GSA) published in the **Federal Register** (50 FR 26998) Acquisition Circular AC-85-4 which temporarily amended Section 533.104 (b) and (c) of the GSAR to implement Federal Acquisition Circular 84-9 and invited comments from interested parties. No public comments were received. The comments received from various GSA offices have been reviewed, reconciled and incorporated, when appropriate, into this final rule.

Impact

This is not a major rule as defined in Executive Order 12291. Therefore, preparation of a regulatory impact analysis was not necessary. The GSA certifies that this document will not