2. In § 2676.15, paragraph (c) is revised to read as follows:

§ 2676.15 Interest

* * * * *

(c) *Interest rates.*

For valuation dates occurring in the month—	The values of i_t are—															
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}	i_n
April 1986	.09875	.095	.09	.085	.08	.07375	.07375	.07375	.07375	.07375	.0675	.0675	.0675	.0675	.0675	.06
May 1986	.09625	.0925	.0875	.0825	.0775	.07125	.07125	.07125	.07125	.07125	.065	.065	.065	.065	.065	.06
June 1986	.09625	.0925	.0875	.0825	.0775	.07125	.07125	.07125	.07125	.07125	.065	.065	.065	.065	.065	.06

Issued at Washington, DC, on this 8th day of May, 1986.

Kathleen P. Utgoff,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 86–10789 Filed 5–14–86; 8:45 am]

BILLING CODE 7708-01-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1153

Authorities and Delegations

AGENCY: Architectural and Transportation Barriers Compliance Board (ATBCB).

ACTION: Final rule: Authorities and delegations.

SUMMARY: The Architectural and Transportation Barriers Compliance Board at its September 11, 1985 meeting adopted amendments to its Authorities and Delegations, which set forth the duties and responsibilities of the ATBCB, its officers and committees. The amendments were adopted to effect changes from the previous authorities and delegations and are being published so that all affected persons will be fully informed about the responsibilities and authorities of ATBCB officials.

EFFECTIVE DATE: September 11, 1985.

FOR FURTHER INFORMATION CONTACT: Ms. Laurinda Steele, Office of Administration and Management, Architectural and Transportation Barriers Compliance Board, 330 C Street, SW, Washington, D.C. 20202, Phone (202) 245–1801 voice or TDD. Copies of this notice are also available on tape for visually impaired persons.

SUPPLEMENTARY INFORMATION: Pursuant to section 502 of the Rehabilitation Act of 1973, Pub. L. 93–112, 87 Stat. 391, as amended, the Architectural and Transportation Barriers Compliance Board (ATBCB or Board) adopted Authorities and Delegations on July 12, 1983. The Authorities and Delegations were published at 48 FR 53074 (1983) and codified at 36 CFR Part 1153. The ATBCB adopted amendments to the Authorities and Delegations on September 11, 1985. The reasons for the amendments were to achieve a better balance of authority among the Board, officers, staff, and committees.

List of Subjects in 36 CFR Part 1153

Authority delegations, Archives and records, Consultants, Equal employment opportunity, Freedom of information, Government procurement, Handicapped, Organization and functions.

For the reasons stated in the preamble, 36 CFR Part 1153 is revised to read as follows:

PART 1153—AUTHORITIES AND DELEGATIONS

Sec.

Authority: 29 U.S.C. 792, Pub. L. 93–112, as amended by Pub. L. 95–602.

§ 1153.1 The Board.

The Board is the governing body of the agency. The composition of the Board and its functions are established by section 502 of the Rehabilitation Act of 1973. The Board has the following duties and responsibilities, including:

(a) To carry out its responsibilities under section 502 of the Rehabilitation Act of 1973, as amended. In carrying out these responsibilities, the Board may hold public hearings throughout the country.

(b) To establish policies and issue regulations in accordance with its statutory mandate.

(c) To resolve issues that are within its jurisdiction.

(d) To determine and adopt a contracting and procurement policy for the agency. In carrying out this responsibility, the Board will enter into contracts only in accordance with its contracting and procurement policy, published in the **Federal Register**.

(e)(1) To effect the prompt and efficient disposition of all matters within its jurisdiction. In carrying out this responsibility, the Board in accordance with Article VI of its Statement of Organization and Procedures:

(i) By majority vote delegate to the Executive Committee authority to implement its decisions.

(ii) By two-thirds vote delegate to the Executive Committee any other of its authorities, to the extent permitted by law.

(iii) To the extent permitted by law, delegate other duties to its officers, committees, or staff by a vote of two-thirds of the membership of the Board at the time the vote is taken.

(2) A separate delegation is necessary for each action the Board desires the Executive Committee to implement. Unless so permitted in the original delegation, an officer, committee, or staff person shall not redelegate authority.

(f) To make to Congress, at the end of each fiscal year, an annual report of the Board's activities during that fiscal year. The annual report shall include such material as it is required by law to include and such other material as the Board may decide.

(g) To make to the President and Congress such other reports as it is required by law to make, and such recommendations as it considers necessary or desirable to eliminate environmental barriers confronting handicapped individuals.

(h) To allocate funds appropriated by the Congress for such activities as conducting investigations and surveys, initiating public hearings, collecting data on past and current studies, and providing stenographic or other services, as necessary, appropriate, and in accordance with law.

(i) To determine the jurisdiction of each standing committee of the Board.

§ 1153.2 Chairperson.

The Chairperson represents the Board as the head of the agency, whenever an applicable Federal statute or regulation imposes a duty or grants a right or authority to the head of the agency. The Chairperson or his or her designee has the following duties and responsibilities:

(a) To coordinate and organize the work of the Board in such a manner as to promote the prompt and efficient disposition of all matters within the jurisdiction of the Board. In carrying out these responsibilities, the Chairperson is delegated the authority to:

(1) Supervise the Executive Director.

(2) Direct the Executive Director concerning appropriate action to implement decisions of the Board.

(3) Evaluate the Executive Director's performance, and approve performance evaluations of employees who report directly to the Executive Director. A delegation of this authority may only be made to the Vice-Chairperson of the Board.

(4) Authorize domestic travel for the Executive Director, which authority may be delegated, and authorize foreign travel for staff, Board members and the Executive Director, which authority may not be delegated.

(5) Make necessary administrative decisions for the agency and direct the Executive Director concerning implementation of such decisions during periods when the Board is not in session.

(6) Review and approve publication of the Board newsletter and press releases which contain expressions of Board policy.

(7) Appoint members and chairpersons to the Board's subject matter committees, and appoint the chairperson of the Executive Committee.

(8) Nominate one or more Board members to serve, with their consent, at each public hearing which may be held by the Board.

(9) Request from departments or agencies represented on the Board such technical, administrative, or other assistance as may be required to carry out the Board's activities.

(10) Hire and fire staff at the GS–14 level and above, and approve promotions to the GS–14 level and above, with the consent of the Executive Committee. The authority to fire staff may only be delegated to the extent permitted by applicable Office of Personnel Management regulations.

(11) Nominate the General Counsel, who is to be confirmed by the Board, and appoint division directors, with the consent of the Executive Committee.

(b) To preside at all meetings and sessions of the Board.

(c) To represent the Board in all matters relating to congressional testimony and legislative reports. However, any other Board member may present his or her own or minority views on supplemental reports.

(d) To represent the Board in all matters involving submissions of comments on agencies' proposed regulations and responses to published directives of the Office of Management and Budget. The Board shall be given advance written notice of any action taken under this authority. The Chairperson may file comments on agencies' draft notices of proposed rulemaking (NPRMs), published NPRMs, final rules, other notices published in the **Federal Register**, only with advance approval of the Executive Committee.

(e) To call a special meeting of the Board at the request of the Executive Committee, to take action on a request to the Board to enter litigation as *amicus curiae*.

(f) To maintain going liaisons with constituency groups and other organizations and with staff of interested congressional committees to keep them informed of general Board policies and activities and to obtain information for use by the Board in formulating policy, developing budget requests, and drafting recommended legislative changes.

(g) To carry out other duties and responsibilities as may be delegated by the Board.

§ 1153.3 Vice Chairperson.

The Vice Chairperson shall, in the absence of the Chairperson from a Board meeting, or in the event of his or her death or disqualification, perform the duties and exercise the powers of the Chairperson, and shall generally assist the Chairperson and perform such other duties as may be directed by the Chairperson or the Board.

§ 1153.4 Executive Director.

The Executive Director is appointed by the Board and is responsible to the Board under the supervision of the Chairperson. He or she has the following duties and responsibilities:

(a) To assist the Chairperson in carrying out the administrative and executive responsibilities of the Chairperson in a manner that may be directed by the Chairperson. These duties may include acting as the administrative head of the agency and in connection therewith assisting in the planning, directing, coordinating, and managing of the administrative affairs of the Board. In carrying out these responsibilities, the Executive Director may exercise authority delegated to him or her in accordance with the Board's contracting and procurement policy published in the **Federal Register**. In addition, the Executive Director is delegated the authority to:

(1) Authorize travel expenses for consultants, specialists, experts, witnesses, and other persons whose presence is deemed essential for attendance at Board meetings, hearings, advisory committee meetings or other functions of the Board.

(2) Reimburse members of the Board who are not regular full-time employees of the United States for travel, subsistence, and other necessary expenses incurred in carrying out their duties.

(b) To recommend to the Executive Committee matters that should be considered by the Board or any of its designated committees.

(c) To review with the Board and with heads of the several units and offices, the program and procedures of the Board and to make recommendations thereon as may be necessary to administer Section 502 of the Rehabilitation Act of 1973 most effectively in the public interest.

(d)(1) To provide sustained administrative leadership, and supervision and management of staff activities in carrying out the policies and decisions of the Board under the direction and supervision of the Chairperson. Supervision of staff includes:

(i) Authority to detail, reassign and train all staff, hire and fire staff at the GS–13 level and below, and promote staff to the GS–13 level.

(ii) Making recommendations to the Chairperson on hiring and firing staff at the GA–14 level and above, and promoting to the GS–14 level and above.

(iii) Evaluating the performance of all staff who report directly to the Executive Director and approving the performance evaluations of all other staff.

(iv) Advance approval of work activities which are outside the normal scope of the employee's job duties.

(v) The utilization and assignment of staff in support of any Board member or Board committee.

(vi) All other utilization and assignment of staff.

(2) In carrying out these responsibilities, the Executive Director is delegated the authority to:

(i) Authorize domestic travel for all staff, within the Board designated levels in the budget. Approval by the Executive Committee is required for any travel expenditures above those designated levels.

(e) To direct compliance and enforcement activities in accordance with the procedures set forth in 36 CFR Part 1150 including:

(1) Issuing citations and determinations not to proceed.

(2) Conducting negotiations for compliance, and entering into agreements for voluntary compliance.

(3) All other actions authorized by law pertaining to compliance and enforcement not otherwise reserved to the Board by 29 U.S.C. 792.

(4) Issuing staff manuals which have been approved by the Board, to provide guidance to staff in interpreting the Architectural Barriers Act of 1968 and section 502 of the Rehabilitation Act of 1973, as amended, and standards and guidelines issued pursuant to those Acts. Positions taken in any such manuals will not be inconsistent with established Board policy, and administrative and court rulings, to the maximum extent possible. The manuals will be for staff guidance and will be available to the public upon request.

(f) To direct and supervise the development and execution of routine technical assistance and public information programs, as authorized by law. These activities may be carried out in cooperation with state and local government units, other Federal agencies, and interested consumer groups. Public information program initiatives other than routine program activities shall be approved by the Board in advance.

(g) To provide special administrative assistance to the Board at the request of the Chairperson.

(h) To direct investigation and research of initiatives submitted by staff or Board members regarding technical assistance or other Board functions.

(i) To propose and implement changes in the functional organization of the Board staff offices, following a written notification to the Board of the nature and reasons for the proposed changes. Personnel actions necessary to implement such changes shall not be approved until there has been a meeting of the Board, following the Board's written notification of the changes, and shall be taken consistent with § 1153.2 (a)(10).

(j) To submit biweekly reports to the Chairperson.

(k) To incorporate proposed revisions in the minutes if corrections or additions have been submitted, and present both the original and the corrected minutes to the Board for final approval. The Executive Director shall distribute the approved minutes within the (10) days after approval to: (1) Board members; (2) the House Education and Labor Committee, the House Public Works and Transportation Committee, the Senate Labor and Human Resources Committee, and the Senate Environment and Public Works Committee; and make minutes available to others upon request.

(l) To refer correspondence by the Board which involves a specific department or agency, to that department or agency for reply.

(m) To account to the Board for the administration of program expenditures and keep records which disclose disposition of any funds and the nature and extent of the Board's activities.

(n) To report semi-annually, in writing, to the Board on each procurement regardless of amount entered into to date in the fiscal year, listing each procurement separately with its amount and date. In addition, the report shall list all procurements then in progress that have not been awarded and any procurements being considered for any future time.

(o) To maintain and keep current a separate file containing all delegations of authority, which shall be in writing, and provide copies of all delegations to the Board as they occur.

§ 1153.6 General Counsel.

The General Counsel is nominated by the Chairperson and confirmed by the Board. He or she is responsible to the Board under the supervision of the Executive Director. The General Counsel has the following duties and responsibilities:

(a) To coordinate and organize the work of the legal staff in order to provide prompt and comprehensive legal advice to the Board.

(b) To provide legal interpretation of statutes, regulations, and rules of procedure for the Board's consideration.

§ 1153.61 Committees of the Board.

(a) *Committee chairpersons.* Committee chairpersons are appointed by the Chairperson of the Board. They have the following duties and responsibilities:

(1) To preside at all meetings of their respective committees.

(2) To provide, after each committee meeting (with the exception of teleconference meetings), an evaluation of the performance of the Board staff person assigned as liaison to the committee. Providing assistance to the committee shall be included as a critical element in the performance standards of each committee liaison staff person. The evaluations are to be considered by the supervisor of each Board committee liaison staff person in the annual performance evaluation.

(3) The chairperson of the Budget and Planning committee will ensure that work on each Board budget is begun no later than 21 months prior to the date on which the budget is to become operative.

(b) *Executive Committee.* The Executive Committee has the following duties and responsibilities:

(1) To report directly to the Board on matters submitted to it by members and subject matter committees, and all other matters that are within its jurisdiction.

(2) To review and consider recommendations and proposals from the various subject matter committees, and take appropriate action thereon. This may result in placing a proposal on the Board agenda for Board action, referring it back to the subject matter committee for further refinement of its proposal or revision of its reports, or referring it to another committee for appropriate actions.

(3) To issue recommendations to the Board concerning proposals on the agenda.

(4) To place items of business on the Board's agenda.

(5) To ensure the orderly functioning of the committees' work and the process for reviewing matters that are proposed for the Board's consideration.

(6) To assist the Chairperson in other circumstances at his or her request.

(7) To arrange joint meetings among the appropriate subject matter committees whenever two or more committees have jurisdiction over a matter, or other related responsibilities.

(8)(i) To review requests to the Board to enter litigation as *amicus curiae.*

(ii) In carrying out these responsibilities, the Executive Committee is delegated the authority to disapprove such requests and make recommendations to the Board to approve such requests. Board approval shall be required prior to any *amicus* filing. The Committee may request the Chairperson of the Board to call a special meeting of the Board to expedite Board action on the Committee's recommendations.

(9) To review and make recommendations to the Board to amend or approve the Board's statement of organization and procedures, formal policy statements, and authorities and delegations.

(10) To carry out other duties and responsibilities as may be duly delegated by the Board.

(c) *Subject matter committees.* Each subject matter committee studies and reports to the Executive Committee on matters that are within the subject matter committee's province, and has the following duties and responsibilities:

(1) To review and consider recommendations or proposals submitted by Board members,

committees, and other individuals and entities.

(2)(i) To identify issues and develop policy recommendations for review by the Executive Committee. This includes further refinement of matters that are referred from the Executive Committee, and submission of reports containing recommendations or proposals on which action is to be taken by the Board.

(ii) In carrying out these responsibilities, each subject matter committee is delegated the authority to arrange briefings, reports and research by designated staff, experts, or Federal member agency staff through requests to the Chairperson or the Executive Director, whichever is appropriate.

(3) To formulate and present projections of matters to be undertaken by the committee to the Budget and Planning Committee.

(4) To project and formulate the need for staff assistance in performing the committee's functions.

(5) To report, at the direction of the Chairperson of the Board or the committee, the status of matters that are within the committee's particular jurisdiction.

(6) To advise the Executive Committee to forward materials originating within the subject matter committee to other committees with jurisdiction over the matter involved.

(c) *Special Committees.* A Special Committee has the duties and responsibilities specified by its creator, who shall report the names of its members and chairperson to the Chairperson of the Board.

§1153.7 Chief Procurement Officer.

The Chief Procurement Officer is designated by the Head of the Procuring Activity in accordance with the Board's contracting and procurement policy published in the **Federal Register**. He or she has the following duties and responsibilities:

(a) To ensure that staff is provided with equipment and other basic supplies and services that are necessary to perform their duties.

(b) To report to the Head of the Procuring Activity in all other matters pertaining to the agency's needs for supplies and services.

§1153.8 Equal employment opportunity.

(a) The Director of Equal Employment Opportunity (EEO Director) is designated by the Chairperson. The EEO Director has the responsibility on a collateral duty basis, to carry out the functions of the EEO Director, Federal Women's Program Coordinator, Hispanic Employment Program Manager, and Handicap Program Coordinator, in accordance with regulations of the Equal Employment Opportunity Commission.

(b) For the purposes of 29 CFR 1613.221, the Chairperson shall make the final decision of the Board on a complaint based on information in the complaint file. The Chairperson may designate another Board member to discharge this responsibility. A person designated to make the decision for the head of the agency shall be one who is fair, impartial and objective.

§1153.9 Freedom of Information Officer.

(a) The Board has the responsibility to disseminate information on matters of interest to the public and to disclose on request all information contained in records in its custody insofar as it is compatible with the discharge of its responsibilities and consistent with the Freedom of Information Act, as amended, 5 U.S.C. 552 and the Board regulations "Public Availability of Information" (36 CFR Part 1120).

(b) The Board designates the Executive Director as the Freedom of Information (FOI) Officer. The FOI Officer has the responsibility for implementing the policies and procedures to ensure compliance with the requirements of the Freedom of Information Act and the Board regulations. The Executive Director may delegate that responsibility.

§1150.10 Delegations records.

All delegations authorized by these Authorities and Delegations shall be made in writing. Records of all such delegations will be maintained by the Executive Director in a separate file.

Adopted September 11, 1985, Meeting of the ATBCB.

Charles Hauser,

Chairman, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 86-11000 Filed 5-14-86; 8:45 am]

BILLING CODE 4000-07-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[SW-2-FRL-3016-1]

New York; Decision on Final Authorization of the State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final Determination on Application of New York for Final Authorization.

SUMMARY: New York has applied for final authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed New York's application and has reached a final determination that New York's hazardous waste program satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is granting final authorization to the State to operate its program.

DATE: Final authorization of New York's program shall be effective for purposes of judicial review at 1:00 p.m. eastern standard time on May 29, 1986. This approval shall become effective on May 29, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Joel Golumbek, U.S. Environmental Protection Agency Region II, 26 Federal Plaza, Room 907, New York, New York 10278. Telephone (212) 264-7309.

SUPPLEMENTARY INFORMATION: Section 3006 of RCRA allows the EPA to authorize state hazardous waste programs to operate in the state in lieu of the Federal hazardous waste program. To qualify for final authorization, a state program must: (1) Be "equivalent" to the Federal program, (2) be consistent with the Federal program, and (3) provide for adequate enforcement. (Section 3006(b) of RCRA, 42 U.S.C. 6226(b)).

On November 5, 1985, New York submitted a complete application to obtain final authorization to administer the RCRA program. On January 7, 1986, EPA published a tentative decision announcing its intent to grant New York final authorization. Further background on the tentative decision to grant final authorization appears at Vol. 51, No. 4, page 631, January 7, 1986.

Along with the **Federal Register** notice of tentative determination, EPA also announced the availability of New York's application for public inspection and copying, the dates of the public comment period, the date of the EPA public hearing on New York's application and EPA's tentative determination to grant the State final authorization via a special press release, issued by Region II, and appearing Statewide in various newspapers, as well as on radio and television news programs. The public hearing was held on February 7, 1986, in Albany, New York, and the public comment period ended at 5 p.m. on Tuesday, February 11, 1986.

Responsiveness Summary

By the close of the public comment period, EPA received comments from three persons on the tentative determination to grant final authorization to New York. Each of the commentors opposed authorization of the State's hazardous waste program. The significant issues raised by these commenters and EPA's responses are summarized below.

Issue—The New York State Department of Environmental Conservation has sought to apply the State program to the handling of a broad range of functional electrical equipment which has not served its original intended purpose, and is still in productive use. This material is not a solid waste within the meaning of RCRA or EPA's RCRA program, and New York's program as applied to this equipment is neither equivalent to nor consistent with the Federal or state programs applicable on other states. Federal authorization should be denied for these reasons.

Response—The Federal program does not preclude states from adopting and enforcing regulations which are either more stringent than or broader in scope than the Federal program. New York's regulation of electrical equipment containing PCB wastes represents a program area in which the State's regulatory authority is broader in scope than the Federal program. EPA's approval of New York's hazardous waste program does not include the State's broader-in-scope regulations.

Issue—New York seeks to regulate a broad range of electrical equipment as a "hazardous waste" under the provisions of 6 NYCRR 371.4(e), thereby creating a separate and intricate scheme for regulating wastes containing PCBs. Such equipment is already subject to comprehensive regulation under EPA's Toxic Substances Control Act (TSCA). New York's program under 6 NYCRR Parts 370–373 is in conflict with the TSCA program, and with the regulatory policies on which that program is based. The State's program is therefore preempted by TSCA, and for this reason EPA has no authority to authorize its implementation.

Response—The EPA believes that the statutory scheme and legislative history of TSCA clearly demonstrate Congress' intention to preserve authority to the states to regulate the disposal of toxic wastes, including PCBs. Although Congress included an express Federal preemption provision in Section 18 of the Act, it concurrently recognized the importance of allowing the states to regulate local matters pertaining to the safety and health of their citizens, such as the disposal of PCBs. As a result, Congress specifically exempted the disposal of toxic wastes from the preemption provision of section 18. However, while Congress exempted the disposal of toxic wastes from Federal preemption, it did not give the states the authority to impede constitutional restraints, such as imposing a burden on interstate commerce.

The EPA has consistently interpreted sections 6 and 18 of TSCA as authorizing the states to regulate the disposal of PCBs since the Agency promulgated its PCB regulations in 1978. In view of EPA's interpretation of its statutory mandate and TSCA's legislative history, many states have adopted programs regulating the use and disposal of PCBs as a hazardous substance. The EPA supports the states' initiative and enforcement actions in the spirit of cooperative federalism, and as a necessary adjunct to the Federal PCB disposal program. Indeed, the states' PCB disposal programs have become an important part of the national effort to ensure proper and safe disposal of PCBs.

Issue—New York's inclusion of PCBs and items containing that substance as "hazardous waste" under the State program is not authorized by RCRA and is in conflict with the policy of national uniformity which Congress has required under the statute. New York's attempt to impose a set of separate and unique PCB regulations in the State renders its hazardous waste program not equivalent to, and inconsistent with, the Federal and state programs applied in other states. Final authorization should be denied for these reasons.

Response—New York's hazardous waste regulatory program is broader in scope than was the Federal program, in that the State lists as hazardous wastes ". . . all solid wastes containing 50 parts per million by weight or greater of polychlorinated biphenols (PCBs). . .", with certain exclusions. Such wastes are not regulated by the EPA under the RCRA program. In accordance with 40 CFR 271.1(i) and 272.121(e)(2), state-imposed requirements which are beyond the coverage of the Federal program are not part of the Federally-approved program. Therefore, EPA approval of New York's hazardous waste program does not include the State's PCB regulation. Also pursuant to 40 CFR 271.1.(i), the State may adopt or enforce requirements which are more stringent than the Federal requirements. In either case, the State may adopt and enforce programs that are either broader in scope or more stringent than the Federal program, while remaining consistent with and equivalent to the Federal program under RCRA for the purpose of program authorization.

Region II conducted a comprehensive Capability Assessment, evaluating past State program performance and State resource capacity for future program implementation. The Capability Assessment, together with the Letter of Intent, highlighted the areas in which New York needed improvement and the measures that EPA and New York will take to ensure that these improvements are implemented. These areas were the taking of timely enforcement actions against facilities with Class I violations; the use and documentation of the EPA penalty policy; and timely and appropriate reporting. Since the publication of the tentative determination, Region II has continued to monitor the progress of the New York program in the above-noted areas of concern. Region II has found that New York continues to make progress in those areas.

Decision

After reviewing the State's application, capability to implement a quality hazardous waste management program and the public comments received on EPA's January 7, 1986 tentative determination and February 7, 1986 public hearing, I conclude that New York's application for final authorization meets all of the statutory and regulatory requirements established by RCRA. Accordingly, New York is granted final authorization to operate its hazardous waste program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984) (HSWA). New York now has the responsibility for permitting hazardous waste treatment, storage and disposal facilities within its borders and carrying out the other aspects of the RCRA program.

New York also has primary enforcement responsibility, although EPA retains the right to conduct inspections under section 3007 of RCRA, and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA. New York is not authorized to operate the RCRA program on Indian lands, and this authority will remain with EPA.

As stated above, New York's authority to operate a hazardous waste program under Subtitle C of RCRA is limited by the November 8, 1984 HSWA amendments to RCRA. Prior to that date, a state with final authorization administered its hazardous waste management program entirely in lieu of the EPA. The Federal requirements no longer applied in the authorized state, and EPA could not issue permits for any facilities that 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 timeframes. New Federal requirements did not take effect in an authorized state until the state adopted those requirements as state law.

In contrast, under 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 as they take effect in non-authorized states. EPA is directed to carry out these requirements and prohibitions in authorized states, including the issuance of full or partial Federal permits, until the state is granted authorization to do so. While states must adopt HSWA-related provisions as state law to retain final authorization, HSWA provisions apply in authorized states in the interim. As a result of HSWA, there will be a dual State/Federal regulatory program in New York. To the extent the authorized State program is unaffected by HSWA, the State program is hereby authorized to operate in lieu of the Federal program. Where HSWA-related requirements apply, however, EPA will administer and enforce them in New York until the State receives authorization to do so. Any State requirement that is more stringent than its analogous HSWA provision also remains in effect; thus, the universe of the more stringent provisions in HSWA and the approved State program defines the applicable Subtitle C requirements in New York.

New York is not now being authorized for any requirement implementing HSWA. Once the State is authorized to implement a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal program. Until that time, the State will assist EPA's implementation of the HSWA under a Cooperative Agreement.

EPA has published a **Federal Register** notice that explains in detail HSWA and its effect on authorized states. That notice was published in the July 15, 1985 **Federal Register** (at 50 FR 28702), and should be referred to for further information.

Effective Date

Final authorization of New York's program takes effect at 1:00 p.m. eastern standard time, on May 29, 1986.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 505(b), I hereby certify that this authorization will not have a significant impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of New York's program, thereby eliminating duplicative requirements for handlers of hazardous wastes in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 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.

Authority: Sec. 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6926 and 6974(b), EPA Delegation 8-7.

Dated: March 28, 1986.

Christopher J. Daggett,

Regional Administrator.

FR Doc. 86-10941 Filed 5-14-86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 271

[SW-3-FRL-3015-9]

West Virginia; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final Determination on West Virginia's Application for Final Authorization.

SUMMARY: The State of West Virginia has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed West Virginia's application and has reached a final determination that West Virginia's hazardous waste management program satisfies all of the requirements necessary to qualify for Final Authorization. Thus, EPA is granting Final Authorization to the State of West Virginia to operate its hazardous waste program in lieu of the Federal program, subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984) (HSWA).

EFFECTIVE DATE: Final Authorization for the State of West Virginia shall be effective at 1:00 pm May 29, 1986.

FOR FURTHER INFORMATION CONTACT: Renee Gruber, Program Manager, VA/WV Section, Waste Management Branch (3HW31), U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, (215) 597-3436.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984. To qualify for Final Authorization, a State's program must: (1) Be "equivalent" to the Federal program, (2) be consistent with the Federal program and other State programs, and (3) provide for adequate enforcement (Section 3006(b) of RCRA, 42 U.S.C. 6926(b)).

B. The State of West Virginia

On October 29, 1985, the State of West Virginia submitted an official application to obtain Final Authorization to administer the RCRA program. On January 13, 1986, EPA published a tentative decision announcing its intent to grant West Virginia Final Authorization. Further background on the tentative decision to grant authorization appears at 51 FR 1394, January 13, 1986.

Along with the tentative determination EPA announced the availability of the application for public review and comment and the date of a public hearing on the application. The public hearing was not held as scheduled on February 13, 1986, since neither EPA nor the State received sufficient interest in holding the hearing. In addition, no written comments were received on the application.

C. Decision

I conclude that West Virginia's application for Final Authorization meets all of the statutory and regulatory requirements established by RCRA. Accordingly, the State of West Virginia is granted Final Authorization to operate its hazardous waste program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984) (HSWA). In accordance with 40 CFR 271.21(e)(1) (i), official State applications shall be reviewed on the bases of Federal self-implementing statutory provisions that were in effect twelve months prior to the State's submission of its official application and the regulations in 40 CFR Parts 124, 260-266, 270 and 271 that were promulgated twelve months prior to the State's submission of its official application. In addition, a State may receive Final Authorization for any provision of its program corresponding to a Federal provision in effect on the date of the State's authorization. Therefore, West Virginia is receiving Final Authorization for its program corresponding to any Federal self-implementing statutory provisions that were in effect on October 29, 1984, and to the Federal regulatory program promulgated up to October 29, 1984, as well as for the technical amendment issued on November 21, 1984 (49 FR 46094), and the amended interim status standards for landfills issued on April 23, 1985 (50 FR 16044–48).

West Virginia now has the responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out the other aspects of the RCRA program, subject to the HSWA. West Virginia also has primary enforcement responsibility, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA. The State has not sought the authority to operate the RCRA program on Indian Lands.

As stated above, West Virginia's authority to operate a hazardous waste program under Subtitle C of RCRA is limited by the November 1984 HSWA amendments to RCRA. Prior to that date, a State with Final Authorization administered its hazardous waste program entirely in lieu of the EPA. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities 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 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 as they take effect in non-authorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial Federal 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.

As a result of HSWA, there will be a dual State and Federal regulatory program in West Virginia. To the extent the authorized State program is unaffected by the HSWA, the State program is authorized to operate in lieu of the Federal program. Where HSWA-related requirements apply, however, EPA will administer and enforce them in West Virginia until the State receives authorization to do so. Any State requirement that is more stringent than a HSWA provision also remain in effect; thus, the universe of more stringent provisions in the HSWA and the approved State program define the applicable Subtitle C requirements in West Virginia.

West Virginia is not being authorized now for any requirement implementing HSWA. Once the State is authorized to implement a HSWA requirement or prohibition, West Virginia's program in that area will operate in lieu of the Federal program. Unitl that time the State will assist EPA's implementation of the HSWA under a Cooperative Agreement.

EPA has published a **Federal Register** notice that explains in detail the HSWA and its effect on authorized States. That notice was published at 50 FR 28702–28755, July 15, 1985.

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

Certification Under The Regulatory Flexibility Act: Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of West Virginia's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 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.

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

Dated: April 22, 1986.

James M. Seif,

Regional Administrator.

[FR Doc. 86–10942 Filed 5–14–86; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 721

[OPTS-50518A; FRL-2926-9]

Benzoic Acid, 3,3′-Methylenebis [6-Amino-, Di-2-Propenyl Ester; Significant New Uses

Correction

In FR Doc. 86–10102 beginning on page 16684 in the issue of Tuesday, May 6, 1986, make the following correction: On page 16684, in the third column, in the **DATES** paragraph, in the fifth line, remove "14 days".

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 310

Merchant Marine Training

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: The Maritime Administration (MARAD) is amending its merchant marine training regulations to effect a reduction in the entering classes at the United States Merchant Marine Academy.

EFFECTIVE DATE: May 15, 1986.

FOR FURTHER INFORMATION CONTACT: Mr. Edwin M. Hackett, Academies Program Officer, Office of Maritime Labor & Training, Maritime Administration—DOT, 400 Seventh Street, SW., Room 7302, Washington, DC 20590. Telephone: (202) 426–5759.

SUPPLEMENTARY INFORMATION: MARAD is amending Subpart C of 46 CFR Part 310—Admission and Training of Midshipmen at the United States Merchant Marine Academy—to lower quotas for all geographical areas that are eligible to send students to the United States Merchant Marine Academy (Academy). State quotas are set in proportion to a state's representation in Congress (House and Senate), with no state having a quota of less than one.

The Academy regulations were amended in 1983 and 1984 to reduce the size of the classes entering the Academy in each of those years. The two reductions were necessary because it was estimated that there would be substantially more deck and engine officers than needed to sustain an adequate deck and engine officer work force for our current and projected active fleet of large oceangoing ships.