

(1) The information has been designated in good faith by the submitter as information deemed protected from disclosure under Exemption 4, or (2) the component has reason to believe that the information may be protected from disclosure under Exemption 4.

(e) *Designation of Business Information.* Submitters of business information shall use good-faith efforts to designate, by appropriate markings, either at the time of submission or at a reasonable time thereafter, those portions of their submissions which they deem to be protected from disclosure under Exemption 4. Such designations shall be deemed to have expired ten years after the date of the submission unless the submitter requests, and provides reasonable justification for, a designation period of greater duration.

(f) *Opportunity to Object to Disclosure.* Through the notice described in paragraph (c) of this section, a component shall afford a submitter a reasonable period of time within which to provide the component with a detailed written statement of any objection to disclosure. Such statement shall specify all grounds for withholding any of the information under any exemption of the Freedom of Information Act and, in the case of Exemption 4, shall demonstrate why the information is contended to be a trade secret or commercial or financial information that is privileged or confidential. Whenever possible, the submitter's claim of confidentiality should be supported by a statement or certification by an officer or authorized representative of the submitter. Information provided by a submitter pursuant to this paragraph may itself be subject to disclosure under the FOIA.

(g) *Notice of Intent to Disclose.* A component shall consider carefully a submitter's objections and specific grounds for nondisclosure prior to determining whether to disclose business information. Whenever a component decides to disclose business information over the objection of a submitter, the component shall forward to the submitter a written notice which shall include:

- (1) A statement of the reasons for which the submitter's disclosure objections were not sustained;
- (2) A description of the business information to be disclosed; and
- (3) A specified disclosure date.

Such notice of intent to disclose shall be forwarded to the submitter a reasonable number of days prior to the specified disclosure date and the requester shall be notified likewise.

(h) *Notice of FOIA Lawsuit.*

Whenever a requester brings suit

seeking to compel disclosure of business information, the component shall promptly notify the submitter.

(i) *Exceptions to Notice Requirements.* The notice requirements of paragraph (c) of this section shall not apply if:

- (1) The component determines that the information should not be disclosed;
- (2) The information lawfully has been published or has been officially made available to the public;
- (3) Disclosure of the information is required by law (other than 5 U.S.C. 552); or
- (4) The designation made by the submitter in accordance with paragraph (e) of this section appears obviously frivolous; except that, in such case, the component shall provide the submitter with written notice of any final administrative decision to disclose business information within a reasonable number of days prior to a specified disclosure date.

Dated: July 8, 1988.

Edwin Meese III,

Attorney General.

[FR Doc. 88-16169 Filed 7-18-88; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 273

[DoD Directive 3210.2]

Research Grants and Title to Equipment Purchased Under Grants

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This amendment is issued to remove approval requirements previously required by 32 CFR Part 273. Paragraph 273.5(b) required approval of the Secretary of Defense or Deputy Secretary of Defense for research grants in excess of \$1 million to institutions of higher education, hospitals, or nonprofit organizations. Paragraph 273.5(c) provided for approval by the Under Secretary of Defense for Research and Engineering or the Secretaries of the Military Departments for grants of \$1 million or less. It has been determined by the Deputy Secretary of Defense that these approval requirements are no longer necessary.

EFFECTIVE DATE: July 19, 1988.

FOR FURTHER INFORMATION CONTACT: Dr. M. Herbst, Office of the Deputy Under Secretary of Defense (Research and Advanced Technology), Room 3E114, the Pentagon, Washington, DC 20301, telephone (202) 694-0205.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 273

Grant programs-science and technology; research.

Accordingly, 32 CFR Part 273 is amended as follows:

PART 273—RESEARCH GRANTS AND TITLE TO EQUIPMENT PURCHASED UNDER GRANTS—[AMENDED]

1. The authority citation continues to read as follows:

Authority: Rev. Stat 161, 5 U.S.C. 301; Pub. L. 85-934.

§ 273.5 [Amended]

2. Section 273.5 is amended by removing paragraphs (b) and (c) of that section and redesignating paragraph "(d)" to "(b)".

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

July 14, 1988.

[FR Doc. 88-16240 Filed 7-18-88; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL-3416-2]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Technical Correction

AGENCY: Environmental Protection Agency.

ACTION: Technical correction to special requirements for conditionally exempt small quantity generators.

SUMMARY: On March 24, 1986 (51 FR 10174), EPA promulgated a final rule that established special requirements for generators of between 100 and 1,000 kilograms of hazardous waste per month (kg/mo). Generators of acute hazardous waste were not affected by this rulemaking. However, in drafting the regulatory amendments, EPA, through a typographical error, inadvertently changed a requirement for generators of acute hazardous waste. EPA recently became aware of this mistake and is today amending the regulation to restore the correct language, and inserting a note to further clarify the point.

EFFECTIVE DATE: July 19, 1988.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at (800) 424-9346 or (202) 382-3000. For specific questions

on this notice, contact Ms. Emily Roth, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-4777.

SUPPLEMENTARY INFORMATION:

I. Technical Correction

On March 24, 1986 (51 FR 10174) EPA amended the regulations under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 *et seq.*, for hazardous waste generators to establish special standards for generators of 100-1,000 kg/mo. These generators had previously been conditionally exempt from regulation, but Congress, under RCRA Section 3001(d), required EPA to develop the new regulations. Congress, in RCRA section 3001(d)(7), made it clear that the EPA regulations that applied to generators of acute hazardous waste (see 40 CFR 261.11(a)(2)) were not to be affected by this new regulatory program. In drafting the new regulations, however, EPA inadvertently amended 40 CFR 261.5 in such a way as to imply that generators of acute hazardous waste would come under the new standards for generators of 100-1,000 kg/mo. The last sentence in the new § 261.5(f)(2), because of a typographical error, refers to "the time period of § 262.34(d)," emphasis added. Paragraph (d) was created on March 24, 1986 for generators of 100-1,000 kg/mo. EPA meant to refer to § 262.34(c), which is the paragraph generators of acute hazardous waste had been previously subject to. The difference is that paragraph (a) provides that, once the quantity limitations of § 261.5 are exceeded, generators may then accumulate waste on-site for up to 90 days without having to obtain a permit or interim status, while paragraph (d) allows 180 (or in some cases 270) days. EPA is today amending § 261.5(e) by adding a note clarifying how acute hazardous waste is regulated and amending § 261.5(f)(2) to refer to § 262.34(a) instead of (d).

EPA finds that it has good cause to make the corrections immediately effective and to promulgate the amendments without prior notice and opportunity for comment under both section 3010 of RCRA and section 552 of the Administrative Procedure Act. Comment is unnecessary because EPA, in the course of the rulemaking for generators of 100-1,000 kg/mo of hazardous waste, made it very clear we had no intention of amending the requirements for generators of acute hazardous waste. (See the preambles for the proposed rule, August 1, 1985, at 50 FR 31288, and the final rule, March 24, 1986, at 51 FR 10153). Generators of acute hazardous waste then had no

reason to believe their requirements were being changed. EPA also notes that when the public has asked about this point, the Agency has noted that the reference to paragraph (d) was incorrect, the result of a typographical error, and that we planned to correct the rule at our earliest opportunity.

Finally, EPA notes that we have no information to indicate that the 90-day time limit, or any of the requirements, in § 262.34(a) is inadequate for generators of acute hazardous waste. In fact, these are the time limits that have applied to such generators since November 19, 1980 (45 FR 76624), and public comment was accepted and considered on the 90-day generator requirements at that time (*id.*). Consequently, additional comment is unnecessary, and since EPA never indicated that it intended to change the requirements for acute hazardous waste generators (and in fact indicated the opposite), the regulated community should not need any time to come into compliance with today's amendment. (EPA notes that Section 262.34(b) provides that the EPA Regional Administrator may grant a 30-day extension, on a case-by-case basis, for waste to remain on-site due to "unforeseen, temporary, and uncontrollable circumstances." Any generator of acute hazardous waste who cannot comply with the 90-day limit because of his confusion over the regulatory language should contact the Regional Administrator to obtain a 30-day extension.)

II. Executive Order No. 12291-Regulatory Impacts

Under Executive Order No. 12291, EPA must determine whether a regulation is "major" and thus is subject to the requirement to prepare a regulatory impact analysis. Today's amendment merely corrects a typographical error and does not impose new requirements, so it does not have an economic impact.

III. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, EPA must consider the paperwork burden imposed by any information collection request in a proposed or final rule. This rule will not impose any new information collection requirements.

IV. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, EPA must prepare a regulatory flexibility analysis for all rules unless the Administrator certifies that the rule will not have a significant impact on a substantial number of small entities. Accordingly, I hereby certify,

pursuant to 5 U.S.C. 601(b), that this rule will not have a significant impact on a substantial number of small entities because it merely corrects a typographical error, and so does not change previously existing rules.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Dated: July 13, 1988.

J.W. McCraw,

Acting Assistant Administrator, Office of Solid Waste and Emergency Response.

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 is revised to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6922.

2. Section 261.5 is amended by adding the following comment to the end of paragraph (e) and by revising paragraph (f)(2) to read as follows:

§ 261.5 Special requirements for hazardous waste generated by conditionally exempt small quantity generators.

* * * * *

(e) * * *

(1) * * *

(2) * * *

[Comment: "Full regulation" means those regulations applicable to generators of greater than 1,000 kg of non-acutely hazardous waste in a calendar month.]

(f) * * *

(2) The generator may accumulate acute hazardous waste on-site. If he accumulates at any time acute hazardous wastes in quantities greater than those set forth in paragraph (e)(1) or (e)(2) of this section, all of those accumulated wastes are subject to regulation under Parts 262 through 266, 268, and Parts 270 and 124 of this chapter, and the applicable notification requirements of section 3010 of RCRA. The time period of § 262.34(a) of this chapter, for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit;

* * * * *

[FR Doc. 88-16189 Filed 7-18-88; 8:45 am]

BILLING CODE 5560-50-M

40 CFR Parts 262, 264, 265, 268 and 270

Farmer Exemptions; Technical Corrections

AGENCY: Environmental Protection Agency.

ACTION: Technical Corrections.

SUMMARY: On August 8, 1986, EPA promulgated regulations for the export of hazardous waste under the Resource Conservation and Recovery Act (RCRA), and in doing so moved the RCRA farmer exemption to a new section in the *Code of Federal Regulations* (CFR). EPA, however, failed to modify a number of other sections in the CFR which refer to the farmer exemption by section. Then, on July 8, 1987, EPA sought to amend the farmer exemption to make it clear that farmers who were otherwise exempt from hazardous waste regulations were also exempt from the land disposal restrictions. In doing so, however, EPA inadvertently moved the farmer exemption back to its old section (which was already occupied by the export regulations). Today's amendments will correct these errors.

EFFECTIVE DATE: July 19, 1988.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free (800) 424-9346 or (202) 382-3000. For specific questions on this notice contact Ms. Emily Roth, EPA, 401 M Street SW., Washington, DC 20460, (202) 382-4777.

SUPPLEMENTARY INFORMATION:

I. Technical Corrections

The following amendments are promulgated today in 40 CFR:

1. Section 262.10(b) is amended by changing the reference "\$ 262.51" to "\$ 262.70;"

2. Section 262.10(d) is amended by changing the reference "\$ 262.51" to "\$ 262.70" and by adding "Part 268" (the land disposal restrictions) to the list of Parts farmers are exempt from;

3. Section 262.51 is revised so that it contains the definitions for the hazardous waste export regulations. This change was made on August 8, 1986 (51 FR 28664), but then the Agency inadvertently revised the section on July 8, 1987 (52 FR 25760);

4. Section 262.70 is amended so that "Part 268" (the land disposal restrictions) is added to the Parts a farmer may be exempt from. The Agency attempted to make this change July 8, 1987 (52 FR 25760), but mistakenly amended the wrong section;

5. Section 264.1(g)(4) is amended by changing the reference from "\$ 262.51" to "\$ 262.70;"

6. Section 265.1(c)(8) is amended by changing the reference from "\$ 262.51" to "\$ 262.70;"

7. Section 268.1(c)(5) is amended by changing the reference from "\$ 262.51" to "\$ 262.70;"

8. Section 270.1(c)(2)(ii) is amended by changing the reference from "\$ 262.51" to "\$ 262.70;"

These amendments correct cross-references in the regulations and correct changes in the regulations made by mistake. All of the provisions were originally promulgated after public notice and opportunity for comment and there are no new issues raised by these corrections. In addition, these amendments do not impose any new substantive requirements on any persons. For these reasons, the Agency has good cause under RCRA § 3010 and the Administrative Procedure Act for making these amendments immediately effective without additional public notice and opportunity for comment.

II. Regulatory Impacts

The regulations promulgated today are merely renumbering actions and so have no impacts on the regulated community.

A. Executive Order No. 12291—Regulatory Impacts

Under Executive Order No. 12291, EPA must determine whether a regulation is "major" and thus is subject to the requirement to prepare a regulatory impact analysis. Today's amendment merely corrects CFR section numbering errors and does not impose new requirements, so it does not have an economic impact.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., EPA must prepare a regulatory flexibility analysis for all proposed rules unless the Administrator certifies that the rule will not have a significant impact on a substantial number of small entities. Accordingly, I hereby certify, pursuant to 5 U.S.C. 601(b), that this rule will not have a significant impact on a substantial number of small entities because it merely involves renumbering actions, and so does not change previously existing rules.

C. Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., EPA must consider the paperwork burden imposed by any information collection request in a proposed or final rule. This rule will not impose any new information collection requirements.

List of Subjects for Parts 262, 264, 265, and 270

Hazardous waste, Exports, Farmer exemption.

Dated: July 13, 1988.

J.W. McGraw,

Acting Assistant Administrator for Solid Waste and Emergency Response.

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

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

I. In Part 262:

1. The authority citation for Part 262 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912, 6922, 6923, 6924, 6925, and 6938.

2. Section 262.10 is amended by revising paragraphs (b), (c), and (d) to read as follows:

§ 262.10 Purpose, scope, and applicability.

(b) A generator who treats, stores, or disposes of hazardous waste on-site must only comply with the following sections of this part with respect to that waste: Section 262.11 for determining whether or not he has a hazardous waste, § 262.12 for obtaining an EPA identification number, § 262.34 for accumulation of hazardous waste, § 262.40 (c) and (d) for recordkeeping, § 262.43 for additional reporting, and if applicable, § 262.70 for farmers.

(c) Any person who imports hazardous waste into the United States must comply with the standards applicable to generators established in this part.

(d) A farmer who generates waste pesticides which are hazardous waste and who complies with all of the requirements of § 262.70 is not required to comply with other standards in this part or 40 CFR parts 270, 264, 265, or 268 with respect to such pesticides.

3. Section 262.51 is revised to read as follows:

§ 262.51 Definitions.

In addition to the definitions set forth at 40 CFR 260.10, the following definitions apply to this subpart:

"Consignee" means the ultimate treatment, storage or disposal facility in a receiving country to which the hazardous waste will be sent.

"EPA Acknowledgement of Consent" means the cable sent to EPA from the U.S. Embassy in a receiving country that acknowledges the written consent of the

receiving country to accept the hazardous waste and describes the terms and conditions of the receiving country's consent to the shipment.

"Primary Exporter" means any person who is required to originate the manifest for a shipment of hazardous waste in accordance with 40 CFR Part 262, Subpart B, or equivalent State provision, which specifies a treatment, storage, or disposal facility in a receiving country as the facility to which the hazardous waste will be sent and any intermediary arranging for the export.

"Receiving country" means a foreign country to which a hazardous waste is sent for the purpose of treatment, storage or disposal (except short-term storage incidental to transportation).

"Transit country" means any foreign country, other than a receiving country, through which a hazardous waste is transported.

4. Section 262.70 is revised to read as follows:

§ 262.70 Farmers.

A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this part or other standards in 40 CFR Parts 264, 265, 268, or 270 for those wastes provided he triple rinses each emptied pesticide container in accordance with § 261.7(b)(3) and disposes of the pesticide residues on his own farm in a manner consistent with the disposal instructions on the pesticide label.

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

II. In Part 264:

1. The authority citation for Part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

2. Section 264.1 is amended by revising paragraph (g)(4) to read as follows:

§ 264.1 Purpose, scope, applicability.

(g) * * *

(4) A farmer disposing of waste pesticides from his own use in compliance with § 262.70 of this chapter, or

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

III. In Part 265:

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

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

2. Section 265.1 is amended by revising paragraph (c)(8) to read as follows:

§ 265.1 Purpose, scope, applicability.

(c) * * *

(8) A farmer disposing of waste pesticides from his own use in compliance with § 262.70 of this chapter, or

PART 268—LAND DISPOSAL RESTRICTIONS

IV. In Part 268:

1. The authority citation for Part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

2. Section 268.1 is amended by revising paragraph (c)(5) to read as follows:

§ 268.1 Purpose, scope, and applicability.

(c) * * *

(5) Where a farmer is disposing of waste pesticides in accordance with § 262.70.

PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

V. In Part 270:

1. The authority citation for Part 270 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912, 6924, 6925, 6927, 6939, and 6974.

2. Section 270.1 is amended by revising paragraph (c)(2)(ii) to read as follows:

§ 270.1 Purpose and scope of these regulations.

(c) * * *

(2) * * *

(i) * * *

(ii) Farmers who dispose of hazardous waste pesticides from their own use as provided in § 262.70 of this chapter;

* * *

[FR Doc. 88-16190 Filed 7-18-88; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 22

[CC Docket No. 85-388]

Amendment of Sections of Part 22 of the Commission's Rules as They Apply to Applications To Serve Rural Service Areas

AGENCY: Federal Communications Commission.

ACTION: Final rule; corrections.

SUMMARY: The Federal Communications Commission is correcting the text of Section 22.917(c)(1)(ii) as amended in the Final Rule (*Fourth Report and Order*) FCC 88-154, a summary of which was published in the Federal Register at 53 FR 18091, May 20, 1988, concerning Rural Service Areas.

EFFECTIVE DATE: June 20, 1988.

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

FOR FURTHER INFORMATION CONTACT: Sari E. Greenberg, Mobile Services Division, Common Carrier Bureau; (202) 632-6450.

SUPPLEMENTARY INFORMATION: The Federal Communications Commission is correcting § 22.917(c)(1)(ii) at 53 FR 18093, by adding the following phrase at the end of the paragraph: "... and must be sufficient to cover the costs of the proposed RSA systems."

Federal Communications Commission.

H. Walker Feaster III,
Acting Secretary.

[FR Doc. 88-16093 Filed 7-18-88; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 88-14; RM-6099]

Radio Broadcasting Services; Batesville and Charleston, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The following action is taken in response to a request filed jointly by Batesville Broadcasting Company and