with analysis In the Matter of Batesville Casket Company, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely Or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.85 Government approval, action, connection or standards; § 13.85–30 Federal Trade Commission orders or endorsements; § 13.170 Qualities or properties of product or service; § 13.170–30 Durability or permanence; § 13.170–50 Leakproof or leakproofing; § 13.205 Scientific or other relevant facts. Subpart—Claiming Or Using Endorsements Or Testimonials Falsely Or Misleading: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly; § 13.330–90 United States Government: § 13.330–90(h) Federal Trade Commission. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–45 Maintain records; § 13.533–45(a) Advertising substantiation; § 13.533–50 Maintain means of communication. Subpart—Misrepresenting Oneself And Goods:—Goods: § 13.1590–20 Federal Trade Commission Act; § 13.1632 Government endorsement or recommendation; § 13.1665 Endorsements; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts.

List of Subjects in 16 CFR Part 13

Caskets, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

Donald S. Clark,

Secretary.

[FR Doc. 89-4437 Filed 2-24-89; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Dkt. C-3244]

West Point-Pepperell, Inc. et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, West Point-Pepperell to divest certain towel and sheet making facilities to The Bibb Co., an NTC subsidiary, and prohibits West Point from making certain acquisitions in the towel and sheet industries without prior Commission approval.

DATE: Complaint and Order issued December 14, 1988.[1]

FOR FURTHER INFORMATION CONTACT: Ernest A. Nagata, FTC/S-2105, Washington, DC 20580. (202) 326-2714.

SUPPLEMENTARY INFORMATION: On Friday, August 12, 1988, there was published in the **Federal Register**, 53 FR 30436, a proposed consent agreement with analysis In the Matter of West Point-Pepperell, Inc., Magnolia Partners, L.P. and The NTC Group, Inc., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to divest in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Acquiring Corporate Stock Or Assets: § 13.5 Acquiring corporate stock or assets; § 13.5-20 Federal Trade Commission Act. Subpart-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–45 Maintain records; § 13.533–45(k) Records, in general; § 13.533–50 Maintain means of communication

List of Subjects in 16 CFR Part 13

Sheets, Towels, Trade practices.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 89-4438 Filed 2-24-89; 8:45 am]

BILLING CODE 6750-01-M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue NW., Washington, DC 20580.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 8

[Docket No. R-89-528; FR-770]

Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities in the Department of Housing and Urban Development; Correction

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule; correction.

SUMMARY: The purpose of this document is to correct a cross-reference contained in the definition for "Individual with handicaps" in 24 CFR 8.3 of the final rule for nondiscrimination based on handicap in programs and activities receiving Federal financial assistance from the Department of Housing and Urban Development, which appeared in the **Federal Register** on June 2, 1988 (53 FR 20216).

FOR FURTHER INFORMATION CONTACT: Robert Ardinger, Section 504 Program Manager, Office of Fair Housing and Equal Opportunity, Room 5230, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410, telephone, (202) 755-5404. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On June 2, 1988 (53 FR 20216), the Department published a final rule that adopted procedures and policies to assure nondiscrimination based on handicap in programs and activities receiving Federal financial assistance from the Department of Housing and Urban Development. The definition for "Individual with handicap", in 24 CFR 8.3, contained an error in paragraph (d)(3) of that definition and is being corrected by this document.

Accordingly, the following correction is made in FR Doc. 88-12141, published in the **Federal Register** on June 2, 1988 (53 FR 20216), as follows:

§ 8.3 [Corrected].

On page 20235, first column, in § 8.3, in paragraph (d)(3), the cross-reference to "(d)(1)" is corrected to read "(a)".

Authority: Sec. 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); sec. 109 of the Housing and Community Development Act of 1974 (42 U.S.C. 5309); sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: February 22, 1989.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 89-4481 Filed 2-24-89; 8:45 am]

BILLING CODE 4210-32-M

VETERANS ADMINISTRATION

38 CFR Part 21

Temporary Program of Vocational Training for Certain New Pension Recipients

AGENCY: Veterans Administration.

ACTION: Final rule; correction.

SUMMARY: The Veterans Administration (VA) is correcting previously published information concerning implementation of provisions of the Veterans' Benefits Improvement Act of 1984.

EFFECTIVE DATE: These final rules were retroactively effective February 1, 1985, the date on which the provisions of law on which these regulations are based became effective.

FOR FURTHER INFORMATION CONTACT: Doneld R. Howell, Acting Chief, Directives Management Division (731), Paperwork Management and Regulations Service, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC (202) 233-4244.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 16, 1988 (53 FR 4396), the VA published its regulations to provide vocational training and other services to veterans in receipt of VA pension for nonservice-connected disability. In that final regulation the VA inadvertently omitted two words and hereby corrects that error.

List of Subjects in 38 CFR Part 2l

Civil rights, Claims, Education, Grant programs, Loan programs, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Dated: February 21, 1989.

Doneld R. Howell,

Acting Chief, Directives Management Division.

38 CFR Part 21 is amended as set forth below:

PART 21—[AMENDED]

1. In § 21.6180, paragraph (b)(2) is revised to read as follows:

§ 21.6180 Case status system.

* * * * *

(b) * * *

(2) Other incidental references to service-connected disability Chapter 31, "extended evaluation" status, or "independent living" status or other services precluded under § 21.6060(b) of this part, found in § 21.180 to § 21.198 of this part, are not for application to this temporary program.

* * * * *

2. In § 21.6284, the introductory text of paragraph (b) is revised to read as follows:

§ 21.6284 Reentrance into a training program.

* * * * *

(b) *Reentrance into rehabilitation to the point of employability during a period of employment services.* A finding of rehabilitation to the point of employability by the VA may be set aside during a period of employment services and an additional period of training and related services provided if any of the conditions in paragraph (a) of this section or one of the following conditions are met and the veteran is otherwise eligible:

* * * * *

[FR Doc. 89-4395 Filed 2-24-89; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3519-1]

Approval and Promulgation of Implementation Plans; State of Maine; Stack Height Reviews

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a declaration by the State of Maine that revisions to EPA's stack height regulations promulgated on July 8, 1985 (49 FR 44878) do not necessitate revisions to their State Implementation Plan (SIP). The intended effect of this action is to formally document that Maine has satisfied its obligation under section 406 of the Clean Air Act to review potentially effected emission limits under its SIP with respect to EPA's revised stack height regulations.

EFFECTIVE DATES: This notice will be effective April 28, 1989, unless notice is received on or before March 29, 1989, that adverse or critical comments will be submitted.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air Management Division, Room 2311, JFK Federal Building, Boston, MA 02203. Copies of the submittal and EPA's evaluation are available for public inspection during normal business hours at the Environmental Protection Agency, Room 2311, JFK Federal Building, Boston, MA 02203; and the Bureau of Air Quality Control, Maine Department of Environmental Protection, Ray Building, Hospital Street, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: Susan Kulstad, (617) 565-3225; FTS 835-3225.

SUPPLEMENTARY INFORMATION:

Background

On February 8, 1982, EPA promulgated final regulations limiting stack height credits and other dispersion techniques (47 FR 5864) as required by section 123 of the Clean Air Act (the Act). These regulations were challenged in the U.S. Court of Appeals for the D.C. Circuit by the Sierra Club Legal Defense Fund, Inc., the Natural Resources Defense Council, Inc., and the Commonwealth of Pennsylvania in *Sierra Club* v. *EPA*, 719 F.2d 436 (D.C. Cir. 1983). On October 11, 1983, the court issued its decision ordering EPA to reconsider portions of the stack height regulations, reversing certain portions, and upholding other portions.

On February 28, 1984, the electric power industry filed a petition for a writ of certiorari with the U.S. Supreme Court. On July 2, 1984 the Supreme Court denied the petition, 104 S. Court 3571 (1984), and on July 18, 1984, the Court of Appeals' mandate was formally issued, implementing the court's decision and requiring EPA to promulgate revisions to the stack height regulations within six months. The promulgation deadline was ultimately extended to June 27, 1985.

Revisions to the stack height regulations were proposed on November 9, 1984 (49 FR 44878) and finalized on July 8, 1985 (50 FR 27892). The revisions redefine a number of specific terms including "excessive concentrations," "dispersion techniques," "nearby," and other important concepts, and modified some of the bases for determining good engineering practice (GEP) stack height.

Pursuant to section 406(d)(2)(B) of the Act the State of Maine was to review all existing emission limitations to determine whether any of these limitations have been affected by stack height credits above GEP or any other dispersion techniques. For any limitations so affected, states were to prepare revised limitations consistent with their revised SIPs. All SIP revisions and revised emission limits were to be submitted to EPA following promulgation of the revised stack height regulations, as required by section 406.

Subsequently, EPA issued detailed guidance on carrying out the necessary reviews. For the review of emission limitations, states were to prepare inventories of stacks greater than 65 meters in height and sources with emissions of sulfur dioxide (SO_2) in excess of 5,000 tons per year. These limits correspond to the *de minimis* GEP stack height and the *de minimis* SO_2 emissions exemption from prohibited dispersion techniques. These sources were then to be subjected to detailed review for conformance with the revised regulations. State submissions to EPA were to contain an evaluation of each stack and source in the inventory.

Maine's Submission

EPA has received Maine's review in separate submissions received on September 30, 1988; September 8, 1988; August 6, 1987; October 2, 20, and 24, 1986; May 30, 1986; and December 17, 1985.

Maine has concluded that no existing emission limitations have been affected by stack height credits greater than GEP or any other prohibited dispersion techniques. A summary of Maine's findings is provided below.

Maine has revised its new source review regulations to meet current EPA stack height regulations and, in a separate submission to EPA received on August 22, 1988, Maine formally submitted rule changes to its SIP for consistency with the revised regulations.

EPA Review

EPA has reviewed Maine's submission and concurs with the conclusion that no SIP revisions to revise emission limitations are necessary as a result of EPA's revised stack height regulations. The state's emission limitations are consistent with the EPA stack height regulations. The new Maine stack height regulations recently submitted to EPA will be addressed elsewhere in a separate rulemaking action. In the interim period until Maine's stack height rules are approved, Maine has assured EPA that it will follow the revised EPA regulations.

Maine reviewed 20 stacks for GEP stack height and 14 sources for prohibited dispersion techniques. The state found no emission limitations affected by stack height credits above GEP or any other dispersion technique.

The stack height rules apply to all new sources and modifications as required in 40 CFR 51.164, as well as existing sources as required in 40 CFR 51.118. This means that these rules apply to all sources that were or are constructed, reconstructed or modified subsequent to December 31, 1970. As mentioned above, Maine's stack height rules will be formally reviewed as part of a future rulemaking on its new source review program. Maine has met its obligations with respect to the review of existing emission limits.

EPA's detailed review and approval of the technical support submitted by Maine is contained in a Technical Support Document which summarizes the state's findings for each inventoried source. This document is available for public inspection at the EPA Regional Office listed in the **ADDRESSES** Section of this notice.

EPA intends to add the documented reviews to Maine's SIP as additional material. This will ensure a clear record of the state's actions and intentions in these matters. Since Maine did not formally revise their SIP as a result of their emissions limitation review, the state has not gone through the public notice and hearing process normally associated with a SIP revision. Thus, prior to this action, there has been no opportunity for public comment on Maine's review and negative declaration. By publishing this approval with a solicitation for public comment, EPA is ensuring the opportunity for public participation in this process.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of this **Federal Register** notice unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on 60 days from today.

Final Action

EPA is approving a declaration by the State of Maine that revisions to EPA's stack height regulations promulgated on July 8, 1985 do not necessitate SIP revisions for any existing emission limitations in that state.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 28, 1989. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subject in 40 CFR Part 52

Air pollution control, Sulfur dioxide.

Date: February 3, 1989.

Paul. G. Keough,

Acting Regional Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

Subpart U—Maine

1. The authority citation for Part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1034 is added to read as follows:

§ 52.1034 Stack height review.

The State of Maine has declared to the satisfaction of EPA that no existing emission limitations have been affected by stack height credits greater than good engineering practice or any other prohibited dispersion techniques as defined in EPA's stack height regulations as revised on July 8, 1985. Such declarations were submitted to EPA on December 17, 1985; May 30, 1986; October 2, 20, and 24, 1986; August 6, 1987; September 8 and 30, 1988.

[FR Doc. 89-4452 Filed 2-24-89; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 272

[FRL-3526-8]

Final Authorization of State Hazardous Waste Management Program: Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Resource Conservation and Recovery Act of 1976, as amended (RCRA), provides for the U.S. Environmental Protection Agency (EPA) to grant authorization to State agencies to operate their hazardous waste management programs in lieu of the Federal program. The State of Missouri has applied for authorization of revisions to its previously authorized

hazardous waste management program under RCRA. EPA has reviewed Missouri's application and has made a decision, subject to public review and comment, that Missouri's hazardous waste management program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is approving Missouri's hazardous waste management program revisions. Missouri's application for program revision is available for public review and comment.

DATES: Final authorization for Missouri shall be effective April 28, 1989, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Missouri's program revision application must be received by the close of business March 29, 1989. The incorporation by reference of certain Missouri statutes and regulations was approved by the Director of the **Federal Register** as of April 28, 1989, in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51.

ADDRESSES: Copies of Missouri's program revision application are available for inspection and copying during normal business hours at the following addresses: Waste Management Program, Missouri Department of Natural Resources, Jefferson Building, 205 Jefferson Street, Jefferson City, Missouri 65102; U.S. EPA Headquarters Library, PM 211A, 401 M Street SW., Washington, DC 20460 Phone: 202/382–5926; U.S. EPA Region VII, Library, (Ms. Constance McKenzie) 726 Minnesota Avenue, Kansas City, Kansas 66101, 913/236–2828. A copy of the applicable State statutes and regulations is also available at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC. Written comments should be sent to Daniel J. Wheeler, RCRA Branch, U.S. EPA, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Daniel J. Wheeler, U.S. EPA, 726 Minnesota Avenue, Kansas City, Kansas 66101; 913–236–2852, (FTS) 757–2852.

SUPPLEMENTARY INFORMATION:

A. Background

Authorization Process

Section 3006 of RCRA, 42 U.S.C. 6926 *et. seq.*, allows EPA to authorize State hazardous waste management programs to operate in the states in lieu of the Federal hazardous waste program. This is done when a state submits to EPA a request for authorization demonstrating that the state program is equivalent to the Federal program.

In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter referred to as "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary whenever Federal or State statutory or regulatory authority is modified or when certain other changes occur. This is because states with final Authorizations under section 3006(b) of RCRA have continuing obligations to maintain state programs that are equivalent to, consistent with, and no less stringent than the Federal hazardous waste management program. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260–266 and 124 and 270 that require corresponding changes in the state program in order for the state to maintain its authorization.

Codification Process

EPA codifies its approval of State programs in Part 272 of Title 40, Code of Federal Regulations (CFR) and incorporates by reference in Part 272 the State statutes and regulations that EPA will enforce under section 3008, 3013 and 7003 of RCRA. The purpose of codification is to provide clear notice to the public of the scope of the *authorized* program in each State. Such notice is particularly important in view of the HSWA amendments and the changes in authorized State programs required to reflect these new Federal requirements. By codifying authorized State programs and by amending the Code of Federal Regulations whenever a new or different set of requirements is authorized, the status of federally approved requirements in each State will be readily discernible. Thus, EPA is today codifying the Missouri authorized program in 40 Part 272. (See 50 FR 28702, July 15, 1985, for a full discussion of the codification process.)

The Agency will only codify for enforcement purposes those provisions of the Missouri hazardous waste management program for which authorization approval has been granted by EPA. Concerning HSWA, some State requirements may be similar to HSWA requirements that are in effect under Federal statutory authority in that State. However, a State's HSWA-type requirements are not authorized and will not be codified into the CFR until the Regional Administrator publishes his final decision to authorize the State for specific HSWA requirements. Until such time, EPA will enforce the HSWA requirements and not the State analogs.

B. Missouri

On November 20, 1985, EPA published a **Federal Register** notice announcing its decision to grant final authorization for the RCRA base program to the State of Missouri. (See 50 FR 47740.)

As noted above, a State with final authorization has a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. To meet this obligation, Missouri has submitted a request for additional program approvals. The initial request was submitted June 27, 1986. Based on EPA comments on that submission, the State submitted a revised and expanded request on December 1, 1987. The State is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Missouri's application, and determined that Missouri's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA is granting final authorization for the additional program modifications to Missouri. Today's decison is being published as an "immediate final" rule in accordance with the provisions of 40 CFR 271.21(b)(3). The public may submit written comments on this immediate final decision until the date noted in the "Dates" section of this document. Approval of Missouri's program revision shall become effective 60 days from today unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publich either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Missouri has adopted by reference all of the required Federal Regulations through July 1, 1986, as State requirements, plus one revision after that date. There are some areas in which the State has adopted Federal requirements but is not requesting authorization for those requirements at this time. Also, the State has adopted some provisions which, being broader in scope than the Federal requirements, are not included in the Federally enforceable State rules being approved today.

The State has adopted and applied for authorization of the program provisions listed below. For a fulll discussion of each of the provisions, the reader is referred to **Federal Register** promulgation of that provision. The provisions are: Exclusion of Household Waste (November 13, 1984, 49 FR 44980), Interim Status Standards—Applicability (November 21, 1984, 49 FR 46095), Corrections to Test Methods Manual (December 4, 1984, 49 FR 47391), Satellite Accumulation (December 20, 1984, 49 FR 49571), Redefinition of Solid Waste (January 4, 1985, 50 FR 614), Interim Status Standards for Landfills (April 23, 1985) 50 FR 16044) State Availability of Information (see HSWA section 3006(f)), Closure, Post-Closure and Financial Responsibility Requirements (May 2, 1986, 51 FR 16422), Listing of Spent Pickle Liquor (May 28, 1986, 51 FR 19320) and Liability Coverage-Corporate Guanantee (July 11, 1986, 51 FR 25350).

Availability of Information provisions where the subject of a compliance schedule published March 11, 1987 (52 FR 7412) allowing the State until June 30, 1987, for adoption, with an expectation that the State would submit an authorization request for it by September 30, 1987. The State met this schedule.

In addition to the ten non-HSWA provisions, the State has adopted and requested authorization for several HSWA provisions. The State has adopted the listings of the hazardous wastes dioxin (January 14, 1985, 50 FR 1978), toluene (October 23, 1985, 50 FR 42936), ethylene dibromide (February 13, 1986, 51 FR 5330) and spent solvents (February 25, 1986, 51 FR 6541) as routine parts of the ongoing waste management program. The State will also require the use of the paint filter test (April 30, 1985, 50 FR 18370), as corrected (May 28, 1986, 51 FR 19176).

The application for the additional waste listings will not significantly impact the State's workload. The paint filter test is a requirement on the regulated community and will not impact the State's workload. The management standards for dioxin wastes are extensive and generally considered quite burdensome for a State program. However, the Missouri Department of Natural Resources has been deeply involved in the management of dioxin wastes in several parts of the State for many years. It is felt that reorganizing the State requirements along the lines of the EPA requirements will be more efficient for the State and for the regulated community and will not result in an increased burden on the State. In summary, EPA has reviewed the State program in light of current and proposed activities and has determined that authorizing these new provisions will not have profound effect on the ability of the State to carry out the program.

There are some additional provisions which the State has adopted which are broader in scope than Federal requirements. EPA is not approving these provisions and they will not become Federally enforceable. These provisions are identified in the regulatory text of this document.

The State will assume lead responsibility for issuing permits for those program areas authorized today. For those HSWA provisions for which the State is not authorized, EPA will retain lead responsibility. For those permits which will now change to State lead from EPA, EPA will transfer copies of any pending applications, completed permits or pertinent file information to the State within thirty days. EPA will be responsible for enforcing the terms and conditions of Federally issued permits while they remain in force. EPA will also be responsible for enforcing the terms and conditons of RCRA permtis regarding HWSW provisions that the State does not have the authority to address. The State has agreed to review all State issued permits and to modify or reissue them as necessary to require compliance with the currently approved State law and regulations. When the State reissues Federally issued permits as State permits, EPA will rely on the State to enforce them, with the exception of those HSWA provisions not yet authorized.

C. Decision

I conclude that Missouri's application for program revisions meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Missouri is granted final authorization to operate its hazardous waste management program, as revised. Missouri now has responsibility for the permitting of treatment, storage and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitation of its revised program application and previously approved authorities. Missouri also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under sections 3007, 3013, and 7003 of RCRA.

D. Missouri Codification

As noted above, EPA is codifying for enforcement purposes those provisions of the Missouri hazardous waste management program for which authorization approval has been granted by EPA.

To codify Missouri's authorized hazardous waste program, EPA is adding Subpart AA to Part 272 of Title 40 of the CFR. Subpart AA has previously been reserved for Missouri. In § 272.1301(a), EPA is codifying for enforcement purposes the State statutes and regulations. Similarly, the Memorandum of Agreement, the Attorney General's Statement and the Program Description are made part of the hazardous waste management program under Subtitle C of RCRA by codifying them in § 272.1301 (b), (c) and (d).

The Agency retains the authority under sections 3008, 3013 and 7003 of RCRA to undertake enforcement actions in authorized States. With respect to such an enforcement action, the Agency will rely on Federal sanctions, Federal inspection authorities and the Federal Administrative Procedure Act rather than the State authorized analogs to these requirements. Therefore, the Agency does not intend to codify *for purposes of enforcement* such particular, authorized Missouri enforcement authorities. Section 272.1301(a), Column (3) identifies those Missouri authorities that are part of the authorized program but are not codified.

The public also needs to be aware that some provisions of the State's hazardous waste management program are not part of the Federally authorized State program. These non-authorized provisions are not part of the RCRA Subtitle C program because they are "broader in scope" than RCRA Subtitle C. (See 40 CFR 271.1(i).) As a result, State provisions which are "broader in scope" than the Federal program are not codified for purposes of enforcement in Part 272. Section 272.1301(a), Column (4), of the codified text identifies for reference and clarify the statutory and regulatory provisions which are "broader in scope" than the Federal program and which are therefore not part of the authorized program being codified. "Broader in scope" provisions will not be enforced by EPA; the State, however, will continue to enforce such provisions.

E. HSWA Provisions

As noted above, the Agency is not amending Part 272 to include many HSWA requirements and prohibitions that are immediately effective in all States. Section 3006(g) of RCRA provides that any requirement or prohibition of HSWA (including implementing regulations) takes effect in authorized States at the same time that it takes effect in non-authorized States. Thus, EPA has immediate authority to implement a HSWA requirement or prohibition once it is effective. A HSWA requirement or prohibition supersedes any less stringent or inconsistent State provision which may have been previously authorized by EPA. (See 50 FR 28702, July 15, 1985.) Because of the vast number of HSWA statutory and regulatory requirements taking effect over the next few years, EPA expects that many previously authorized and codified State provisions will be affected. The States are required to revise their programs to adopt the HSWA requirements and prohibitions by the deadlines set forth in 40 CFR 271.21, and then to seek authorization for those revisions pursuant to Part 271. EPA expects that the States will be modifying their programs substantially and repeatedly. Instead of amending the Part 272 codification every time a new HSWA provision takes effect under the authority of RCRA section 3006(g), EPA will wait until the State receives authorization for its analog to the new HSWA provision before amending the State's Part 272 codification. In the interim, persons wanting to know whether a HSWA requirement or prohibition is in effect should refer to 40 CFR 271.1(j), as amended, which lists each such provision.

The codification of State authorized programs in the CFR should substantially enhance the public's ability to discern the current status of the authorized State program and clarify the extent of Federal enforcement authority. This will be particularly true as more State program revisions to adopt HSWA provisions are authorized.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 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 Missouri'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.

Compliance With Executive Order 12291

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

List of Subjects in 40 CFR Part 272

Administrative practice and procedure, Confidential business information, Hazardous waste transportation, Hazardous waste, Incorporation by reference, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Morris Kay,
Regional Administrator.

For the reasons set forth in the preamble, 40 CFR Part 272 is amended as follows:

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

1. The authority for Part 272 continues to read as follows:

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

2. In the table of contents for Part 272, the entry for Subpart AA is revised to read as follows:

* * * * *

Subpart AA—Missouri

Sec.
272.1300 State authorization.
272.1301 State-administered program; Final authorization.
272.1302–272.1349 [Reserved]

* * * * *

3. 40 CFR Part 272, Subpart AA is amended by adding §§ 272.1300 and 272.1301 to read as follows:

§ 272.1300 State authorization.

(a) The State of Missouri is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under Subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6921 *et seq.*, subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA), (Pub. L. 98–616, Nov. 8, 1984), 42 U.S.C. 6926 (c) and (g)). The Federal program for which a State may receive authorization is defined in 40 CFR Part 271. The State's program, as administered by the Missouri Department of Natural Resources was approved by EPA pursuant to 42 U.S.C. 6926(b) and Part 271 of this Chapter. EPA's approval was effective on December 4, 1985 (50 FR 47740, November 20, 1985).

(b) Missouri is not authorized to implement any HSWA requirements in lieu of EPA unless EPA has explicitly indicated its intent to allow such action in a **Federal Register** notice granting Missouri authorization.

(c) Missouri has primary responsibility for enforcing its hazardous waste program. However, EPA retains the authority to exercise its enforcement authorities under sections 3007, 3008, 3013, and 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, and 6973, as well as under other Federal laws and regulations.

(d) Missouri must revise its approved program to adopt new changes to the Federal Subtitle C program in accordance with section 3006(b) of RCRA and 40 CFR Part 271, Subpart A. Missouri must seek final authorization for all program revisions pursuant to section 3006(b) of RCRA, but, on a temporary basis, may seek interim authorization for revisions required by HSWA pursuant to section 3006(g) of RCRA, 42 U.S.C. 6926(g). If Missouri obtains final authorization for the revised requirements pursuant to section 3006(g), the newly authorized provisions will be listed in § 272.1301 of this subpart. If Missouri obtains interim authorization for the revised requirements pursuant to section 3006(g), the newly authorized provision will be listed in § 227.1302.

§ 272.1301 State-administered program; Final authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b) Missouri has final authorization for the following elements as submitted to EPA in Missouri's program application for final authorization which was approved on November 20, 1985. Missouri submitted a program revision application on December 1, 1987, which was approved by EPA on February 27, 1989. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be obtained from the Waste Management Program, Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102. Copies may be inspected at: U.S. EPA Headquarters Library, PM 211A, 401 M Street, SW., Washington, DC 20460. Phone: 202/382–5926; U.S. EPA Region VII, Library, (Ms. Constance McKenzie) 726 Minnesota Avenue, Kansas City, Kansas 66101, 913/236–2828 and at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC.

(a) *State statutes and regulations.* The requirements in the Missouri statutes and regulations cited in this paragraph are incorporated by reference and codified as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* The specific provisions are reference in Column 1 and refer to Chapters 260 and 610 of the Revised Statutes of Missouri (1986) and to Title 10, Division 25, Chapters 3 through 8 of the Missouri Code of State Regulations (as effective on August 1, 1987). Provisions which are approved and incorporated by reference are noted in Column 2. Those provisions which duplicate EPA procedural requirements are approved as parts of the official State program but are not needed for enforcement purposes and are not incorporated by reference. They are noted in Column 3. Those provisions which are not approved because they are broader in scope than the Federal program are noted in Column 4.

Section of law or regulation (1)	Incorporated by reference (2)	Approved but not codified (3)	Not approved (4)
STATUTORY PROVISIONS			
260.350 to 260.360(11)	X		
260.360(12)			X
260.360(13) to 260.360(18)	X		
260.365 to 260.377		X	
260.378			X
260.360-1. to 260.380-1.(9)	X		
260.380-1.(10)			X
260.380-2. to 260.385 (unnumbered first paragraph)	X		
260.385(1)			X
260.385(2) to 260.390(7)	X		
260.390(8)			X
260.390(9)	X		
260.391 to 260.395-5			X
260.395-6. to 260.395-7.(4)	X		
260.395-7.(5) to 260.395-7.(6)			X
260.395-7.(7) to 260.395-18	X		
260.396			X
260.400		X	
260.405			X
260.410 to 260.420		X	
260.423 to 260.424			X
260.425 to 260.430		X	
610.010 to 610.028		X	
REGULATORY PROVISIONS			
3.260 to 3.260(1)(A)19	X		
3.260(1)(A)20			X
3.260(1)(A)21. to 3.260(1)(A)22	X		
3.260(1)(B)			X
3.260(1)(C) to 3.260(1)(D)		X	
3.260(2)	X		
4.261 to 4.261(2)(A)4	X		
4.261(2)(A)5. to 4.261(2)(D)2			X
4.261(2)(D)3	X		
5.262 to 5.262(2)(B)1	X		
5.262(2)(B)2		X	
5.262(2)(B)3. to 5.262(2)(F)	X		
5.262(2)(G)			X
6.263 to 6.263(2)(A)2	X		
6.263(2)(A)3. to 6.262(2)(A)4			X
6.263(2)(A)5. to 2.263(2)(D)	X		
7.264 to 7.264(2)(O)3	X		
7.264(2)(P)			X
7.264(2)(Q)	X		
7.265	X		
7.266 to 7.266(2)(D)	X		
7.266(2)(D)1			X
7.266(2)(D)2	X		
7.266(2)(E) to 7.266(2)(G)			X
7.270 to 7.270(2)(B)6	X		
7.270(2)(B)7. to 7.270(2)(B)8			X
7.270(2)(B)9. to 7.270(2)(B)13	X		
7.270(2)(B)14			X
7.270(2)(C) to 7.270(2)(C)1.A. (The un-numbered first sentence before the phrase noted below)	X		
In 7.270(2)(C)1.A., the phrase " * * * upon payment of a fee * * * the first year."			X
7.270(2)(C)1.A. (The un-numbered second sentence) to 2.270.(2)(C)1.C	X		
7.270(2)(C)1.D		X	
7.270(2)(C)2. to 270(2)(C)2.E	X		
7.270(2)(C)2.F			X
7.270(2)(D) to 7.270(2)(G)	X		
8.010		X	

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region VII and the Missouri Department of Natural Resources, signed by the EPA Regional Administrator on August 30, 1988, is codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(c) *Statement of Legal Authority.* (1) "Attorney General's Statement for Final Authorization," signed by the Attorney General of Missouri on June 27, 1985, is codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(2) "Attorney General's Statement for Final Authorization of Changes to the Federal RCRA Program," signed by the delegated Assistant Attorney General of Missouri on December 1, 1987, is codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(d) *Program Description.* The Program Description and any other materials submitted as part of the original application or as supplements thereto are codified as part of the authorized hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[FR Doc. 89-4302 Filed 2-24-89; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 20

Employee Responsibilities and Conduct

February 7, 1989.

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of availability of Appendix C.

SUMMARY: This notice announces the availability of Appendix C to 43 CFR Part 20. This Appendix lists positions within the Department of the Interior for which Confidential Statements of Employment and Financial Interests (DI-212) are required to be filed. This Appendix has been updated as of December 1, 1988 and has been printed as an agency document. This Appendix will not be published in the **Federal Register** but will be available to the public upon request.

EFFECTIVE DATE: December 1, 1988.

ADDRESS: Copies of Appendix C may be obtained from the Deputy Ethics Counselor for each bureau or office within the Department of the Interior. You may address your requests to the Deputy Ethics Counselor (insert the name of the specific bureau or office), 18th & C Streets NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. Gabriele J. Paone or Mr. Mason Tsai, Departmental Ethics and Audit Coordination Staff, U.S. Department of the Interior, Washington, DC 20240, (202) 343-5916 or 343-3932.

SUPPLEMENTARY INFORMATION: The Department of the Interior has received approval from the Office of Government Ethics, Office of Personnel Management, to publish Appendix C to 43 CFR Part 20 as an agency document. The availability of this document is hereby announced in the **Federal Register.** The initial notice of this annual process was provided with the publication of 43 CFR Part 20 as a proposed rule on October 6, 1980 (45 FR 66370). This arrangement meets administrative requirements which affect only Department of the Interior employees and at the same time defrays the cost of publishing the Appendix C listing in the **Federal Register.** Copies of Appendix C may be obtained from the ethics officials of each respective agency.

Appendix C lists Department of the Interior positions, in addition to GS (or GM)-15's for which a Confidential Statement of Employment and Financial Interests (Form DI-212) is required to be filed by Executive Order 11222 (as amended). Positions identified in Appendix C are effective for the February 1, 1989 filing deadline. Appendix C has been approved by the Office of Personnel Management.

Lists of Subjects in 43 CFR Part 20

Conflicts of interest, Government employees.

Authorities: Appendix C to Part 20 of Title 43 of the Code of Federal Regulations is published under Executive Order 11222 (as amended). 30 FR 6459, 3 CFR, 1964-65 Comp., as amended (18 U.S.C. 201 Note); 5 CFR 735.104; and 5 U.S.C. 301.

Appendix C was compiled by Bureau and Office Ethics Counselors and consolidated by Deborah Williams of the Departmental Ethics and Audit Coordination Staff.

Dated: February 7, 1989.

Charles E. Kay,

Principal Deputy Assistant Secretary, Policy, Budget and Administration.

[FR Doc. 89-4399 Filed 2-24-89; 8:45 am]

BILLING CODE 4310-PK-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 221

[Docket No. R-125]

RIN 2133-AA79

Regulated Transactions Involving Documented Vessels and Other Maritime Interests; Correction

AGENCY: Maritime Administration, DOT.

ACTION: Notice of correction in interim final rule.

SUMMARY: The Maritime Administration ("MARAD") is issuing this notice to correct a part of the interim final rule which appeared in the **Federal Register** on Thursday, February 2, 1989 (54 FR 5382).

FOR FURTHER INFORMATION CONTACT: Robert J. Patton, Jr., Deputy Chief Counsel, Maritime Administration, Washington, D.C. 20590, tel. (202) 366-5711.

SUPPLEMENTARY INFORMATION: The revised 46 CFR Part 221 which was published as an interim final rule implements significant changes in the law effected by section 102 of Pub. L. 100-710, which amended and codified the former Ship Mortgage Act, 1920. Part 221 is intended to reflect MARAD's regulatory responsibilities with respect to transactions involving citizen-owned documented vessels. A significant element of the new regulatory scheme is the grant by MARAD, in § 221.17(a), of general administrative approval for transactions involving certain categories of vessels and, in § 221.17(c), of certain charters of documented vessels. While the discussion of the rulemaking clearly stated that "Any noncitizen acquiring a vessel, or an interest in or control of a vessel pursuant to this section [221.17] would, perforce, be precluded from using that vessel in the coastwise trade." (54 FR 5384), the text of § 221.17 as published did not contain such an explicit prohibition. In addition, preexisting policy regarding transfer to foreign registry or operation under the authority of a foreign country of documented vessels of under 200 gross tons was inadvertently omitted. Accordingly, § 221.17 is revised to read as follows:

§221.17. General approval.

(a) *All transactions.* Except when the transferee of a vessel or an interest in or control of a vessel is a corporation holding a Certificate of Compliance issued under 46 App. U.S.C. 883-1, and