725 17th Street NW., (NEOB), Room 9025, Washington, DC 20503.

The public hearing will be held in Room 2010, New Executive Office Building (NEOB), 725 17th Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Donna Fossum, (202) 395–3300.

SUPPLEMENTARY INFORMATION: The Buy American Act (the Act) was enacted in 1933 to ensure that Federal agencies gave domestic products priority in competition for government contracts. The Act provides that, unless it is inconsistent with the public interest or unreasonably costly, all materials and supplies purchased by any department of the Federal Government, and all materials and supplies furnished by contractors doing work for the Federal Government, be produced within the jurisdictional limits of the United States.

Historically, for purposes of implementing the Act, the determination of what constitutes a domestic unmanufactured product has been based simply on the geographic origin of the product. Determining what constitutes a domestic manufactured product has been more difficult, however, and has ultimately come to be based on where the final manufacturing occurred *and* where the cost of mining, producing, or manufacturing the components of such a product was incurred. Depending on the method of acquisition and the agency involved, domestic products are given 6, 12, or 50 percent price evaluation preferences over foreign products in the award of Federal procurement contracts. Such price evaluation preferences are waived under certain conditions for signatory countries of the GATT Agreement on Government Procurement and in accordance with Title III of the Trade Agreements Act of 1979 and they do not apply to procurements conducted in accordance with appropriate reciprocal defense procurement Memoranda of Understanding.

In 1988, the Act was amended by several sections of Title VII of Pub. L. 100–418. Among other things, the 1988 amendments directed the Administrator of Federal Procurement Policy to "conduct an assessment of the rules currently used under this Act for making determinations of country of origin and alternatives to such rules." In conducting this assessment, the Administrator was directed to identify and evaluate reasonable alternative rules of origin, including one which requires that a determination be made on the basis of total cost. The results of this analysis, including policy guidance and recommended legislative changes, are to be submitted to designated committees of Congress by February 1990.

In conducting this analysis, the Administrator was instructed to consult and seek comment from representatives of the United States labor and business communities, other interested United States persons, and other Federal agencies. To obtain such comment the Administrator was directed to hold public hearings. Consequently, the Administrator is calling the public hearing described in this notice.

To focus discussion at the public hearing announced in this notice, witnesses are requested to include a discussion of the following questions in their testimony:

How is the "rule of origin" under the Act currently interpreted and applied? In your experience, what has been the impact of this interpretation?

How would you describe the problem(s) that the "rule of origin" is intended to remedy?

How are costs currently factored into the determination of origin under the Act? What problems have you experienced in calculating origin based on current cost factors?

How should costs of mixed contracts (e.g., 40% service and 60% product) be calculated under the Act?

Where there are many products to be awarded under one contract (i.e., not competed on a line item basis), how should costs be calculated? How should the determination of manufacturing be made in this case?

How should assembly be treated in determining origin? For example, should the assembly of components into an integrated computer system be treated as manufacturing? Why?

What rule should be used to determine the origin of products from foreign countries which are subject to sanctions under the Act as amended (i.e., a country-specific rule of origin for foreign goods)?

What would happen if the determination of origin under the Act were based on the total cost of a product?

What specific cost factors should be used in determining the total cost of a product under the Act? Why? Are these factors auditable for purposes of certifying they were in fact incurred in the production of this product?

What other way(s) might costs be factored into the determination of origin under the Act?

What would be the effect of using the "rule of origin" under the Buy American Act as amended for the "rule of origin" for a designated country end-product under the Trade Agreements Act (i.e., manufactured in a designated country and containing 51% combined-designated content)?

What other ways might reasonably be used to determine the origin of products for purposes of implementing the Act? How would these changes alter the remedial intent of the Act?

Allan V. Burman,

Deputy Administrator and Acting Administrator.

[FR Doc. 89–14208 Filed 6–13–89; 8:45 am]

BILLING CODE 3110–01–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated June 8, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515–0147
Form Number: None
Type of Review: Extension
Title: Convention on Cultural Property Implementation Act
Description: The collection of information is necessary in order for Customs to effectively monitor the importation of items of cultural property. The information may be provided by declaration, certificate of ownership, etc.
Respondents: Individuals or households, Non-profit institutions, Small businesses or organizations
Estimated Number of Respondents: 5
Estimated Burden Hours Per Response: 1 hour
Frequency of Response: On occasion
Estimated Total Reporting Burden: 5 hours

Clearance Officer: Dennis Dore (202) 535–9267, U.S. Customs Service, Paperwork Management Branch, Room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management

and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Department Reports, Management Officer.

[FR Doc. 89-14095 Filed 6-13-89; 8:45 am]

BILLING CODE 4810-25-M

Public Information Collection Requirements Submitted to OMB for Review

DATE: June 8, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub.L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545-0057
Form Number: 1024
Type of Review: Revision
Title: Application for Recognition of Exemption Under Section 501(a) or for Determination Under Section 210
Description: Organizations wanting to be exempt from Federal income tax under section 501(a) as organizations described in most paragraphs of section 501(c), or a legal service plan described in section 120, must apply to IRS for a determination or ruling letter. The information supplied is used to determine whether the organization qualifies for exempt status.
Respondents: Non-profit institutions
Estimated Number of Respondents: 16,088
Estimated Burden Hours Per Response/ Recordkeeping:
Recordkeeping: 52 hours 51 minutes
Learning about the law or the form: 2 hours 45 minutes
Preparing, copying, assembling, and sending the form to IRS: 4 hours 56 minutes
Frequency of Response: On occasion
Estimated Total Recordkeeping/ Reporting Burden: 1,021,303 hours.

OMB Number: 1545-0073
Form Number: 1310
Type of Review: Extension
Title: Statement of Person Claiming Refund Due a Deceased Taxpayer
Description: Form 1310 is used by a claimant to secure payment of a refund on behalf of a deceased taxpayer. The information enables IRS to send the refund to the correct person.
Respondents: Individuals or households
Estimated Number of Respondents: 7,500
Estimated Burden Hours Per Response/ Recordkeeping:
Learning about the law or the form: 3 minutes
Preparing the form: 14 minutes
Copying, assembling, and sending the form to IRS: 17 minutes
Frequency of Response: On occasion
Estimated Total Recordkeeping/ Reporting Burden: 5,100 hours

OMB Number: 1545-0172
Form Number: 4562
Type of Review: Revision
Title: Depreciation and Amortization
Description: Taxpayers use Form 4562 to: (1) Claim a deduction for depreciation and/or amortization; (2) make a section 179 election to expense depreciable assets; and (3) answer questions regarding the use of automobiles and other listed property to substantiate the business use under section 274(d).
Respondents: Individuals or households, Farms, Businesses or other for-profit, Non-profit institutions, Small businesses or organizations
Estimated Number of Respondents: 12,500,000
Estimated Burden Hours Per Response/ Recordkeeping:
Recordkeeping: 29 hours 39 minutes
Learning about the law or the form: 3 hours 16 minutes
Preparing and sending the form to IRS: 3 hours 54 minutes
Frequency of Response: Annually
Estimated Total Recordkeeping/ Reporting Burden: 522,250,000 hours

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW. Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 89-14096 Filed 6-13-89; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 113
Wednesday, June 14, 1989

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m. Tuesday, June 20, 1989.

PLACE: Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Marine Accident Report: Explosion Aboard the Maltese Tank Vessel FIONA in Long Island Sound, Northport, New York, August 31, 1988.

2. Recommendation to NHTSA: Grade Crossing Accident Involving Ford Tractor Semitrailer and an Amtrak Passenger Train, Pontiac, Illinois, April 28, 1987.

Proposed Comments on Federal Aviation Administration (FAA) Proposed Rulemaking: "Special Federal Aviation Regulation (SFAR) No. XX; Advanced Qualification Program," (FAA Docket No. 25804).

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382-6525.

Bea Hardesty,

Federal Register Liaison Officer.

June 9, 1989.

[FR Doc. 89-14256 Filed 6-12-89; 2:46 pm]

BILLING CODE 7533-01-M

federal register

Wednesday
June 14, 1989

Part II

Environmental Protection Agency

40 CFR Part 704

Comprehensive Assessment Information Rule; Technical Amendment

ENVIRONMENTAL PROTECTION AGENCY

40 CFR PART 704

[OPTS-82013; FRL-3601-7]

Comprehensive Assessment Information Rule; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: This document amends the Comprehensive Assessment Information Rule (CAIR) by adding chemical substance trade names to the list of substances subject to reporting. This amendment is necessary because certain processors may purchase and process a CAIR regulated substance under a trade name and not realize they are required to report.

DATES: This rule is effective on June 14, 1989.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M St., SW., Washington, DC 20460, Telephone: (202-554-1404), TDD (202)554-0551).

SUPPLEMENTARY INFORMATION: Under TSCA section 8(a), EPA requires manufacturers, importers, and processors of chemical substances listed in the Comprehensive Assessment Information Rule (CAIR) to complete specified sections of the CAIR reporting form. For some of these substances, EPA is requiring processors in addition to the original manufacturer(s) or importer(s) to report. Since some processors may purchase and process a listed substance under a trade name, they may not realize the substance is listed on the CAIR and that they are required to report.

EPA is hereby notifying those persons who purchase and process a substance known to them by any of the trade names listed in this amendment of their reporting and recordkeeping obligations under the CAIR. This method of notification was set forth in the **Federal Register** of December 22, 1988 (53 FR 51698).

There are two other reporting/notification options involving trade name substances under § 704.208(a) of the CAIR outlined in the above-mentioned **Federal Register**. Manufacturers, importers, or processors of CAIR listed substances who distribute the substance under a trade name but did not wish to submit a list of trade names to EPA for publication in this amendment had the option to do one of the following: (1) Report on behalf of each processor customer, or (2) notify each proecessor customer of their reporting obligations under CAIR.

EPA issued a notice of temporary administrative relief regarding the trade name reporting provisions of the CAIR on May 10, 1989 (54 FR 14324), in response to a petition EPA received from the Synthetic Organic Chemical Manufacturers Association (SOCMA) requesting EPA to stay certain aspects of the CAIR. In the **Federal Register** notice, EPA granted temporary administrative relief to persons who believe that compliance with each of the provisions under § 704.208(a) of the CAIR will result directly or indirectly in the disclosure of a trade secret concerning the identity of substances in certain trade name products. The temporary administrative relief announced in the **Federal Register** notice also permitted those persons who had already submitted a trade name to EPA to subsequently notify EPA that the submitted trade name is Confidential Business Information (CBI).

Trade names that are listed in this trade name amendment were not submitted under claims of CBI or subsequently identified as CBI. In accordance with 40 CFR 704.708, EPA is publishing these trade names.

List of Subjects in 40 CFR Part 704

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements.

Dated: June 6, 1989.

Gary E. Timm,

Acting Division Director, Existing Chemical Assessment Division.

Therefore, 40 CFR Part 704 is amended as follows:

1. The authority citation for Part 704 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

2. Section 704.225 is amended by revising the section heading and adding paragraph (b) to read as follows:

§ 704.225 Chemical substance matrix by CAS registry number and trade name matrix in alphabetical order.

* * * * *

X/P = Each person who manufactured, imported, or processed the substance for commercial purposes and distributed the substance under a trade name

(b) List of trade names

CAS No./trade name	Who must report	Exemptions added (+) removed (-)	Coverage period	Question selection	Effective date
91-08-7/584-84-9	X/P		2/8/87-2/5/89	1, 2.04 thru 2.09, 2.11 thru 2.16, 3 all, 4.01 thru 4.05, 5 all, 6.05, 7.01, 7.03 thru 7.06, 8.01, 8.05, 8.06, 8.23, 9.01 thru 9.15, 9.19, 9.20, 9.22, 10.01, 10.02, 10.05, 10.08 thru 10.16, 10.23	6/14/89
AD-20 Part A					
AD-20 Part B					
Andur 2-90 AP					
Andur 2-92 AP					
Andur 2-95 AP					
Andur 8 AP-LM					
Andur 9 AP-LM					
Andur 9000 APX					
Andur 2-72 DP					
Andur 5 DP-LM					
Andur 6 DP-LM					
Andur 7 DP-LM					
CC-130A					
CC-132A					
CC-133A					
Clear resin solution					
920C134 CORROCOOL™/curling agent					
700C540 COROTHANE/curing agency					
975C623 COROTHANE/urethane clear glaze					
DP-1001-B Prepolymer					
DP-2077 Part A					
DP-3138 Part A					

CAS No./trade name	Who must report	Exemptions added (+) removed (−)	Coverage period	Question selection	Effective date
DP-8448 Part A					
DP-8696-8					
DP-8696-8 Part A					
DP-8798 Part A					
DP-8837					
DP-9783 Part A					
DP-10469					
DP-10476 Part A					
DP-10490					
DP-10602					
DP-10856					
DP-10971					
DP-10974					
DP-10976					
DP-10979 Part A					
DP-11304					
DP-11933 Part A					
DP-11998					
DP-12079					
DP-12211					
DP-12488					
DP-12521					
DP-12768					
DP-12922 Part A					
DP-14381					
DP-14811					
DP-15227 Part A					
EN-4 Part A					
EN-5 Part A					
EN-6 Part A					
EN-7 Part A					
EN-8 Part A					
EN-9 OZR Part A					
EN-9 Part A					
EN-10 Part A					
EN-11 Part A					
EN-12 Part A					
EN-1554 Part A					
Mondur TDS					
RN-1501					
RN-1505					
RN-1511					
RN-1512					
RN-1513					
RN-1526					
RN-1527					
Scuranate T 100					
Solithane 790: 3.2%					
Solithane S-113:6 to 7%					
ST-115 MF Part A					
ST-115 Part A					
Stepanfoam A-206-T					
Stepanfoam A-210-T					
Stepanfoam A-216-T					
Stepanfoam BH-610-T					
Stepanfoam BH-614-T					
Stepanfoam BX-105-C-6-T					
Stepanfoam BX-105-C-10-T					
Stepanfoam BX-105-C-14-T					
Stepanfoam BX-105-C-20-T					
Stepanfoam BX-273-8-T					
Stepanfoam C-605-T					
Stepanfoam C-608-T					
Stepanfoam C-614-T					
Stepanfoam CA-620-T					
Stepanfoam F-302-A-T Modified					
Stepanfoam F-202-T					
Stepanfoam F-302-T					
Stepanfoam F-302-T (odorless C)					
Stepanfoam F-403-T					
Stepanfoam F-403-T (odorless C)					
Stepanfoam F-506-T					
Stepanfoam F-506-T (odorless C)					
Stepanfoam F-516-T					
Stepanfoam G-302-T					
Stepanfoam G-302-T modified					
Stepanfoam G-304-T					
Stepanfoam G-304-T modified					
Stepanfoam G-306-T					

CAS No./trade name	Who must report	Exemptions added (+) removed (−)	Coverage period	Question selection	Effective date
Stepanfoam G-306-T modified					
Stepanfoam G-308-T					
Stepanfoam G-308-T modified					
Stepanfoam G-502-T					
Stepanfoam G-504-T					
Stepanfoam G-506-T					
Stepanfoam G-508-T					
Stepanfoam H-102-N-T					
Stepanfoam H-402-N-T					
Stepanfoam H-602-N-T					
Stepanfoam H-103-T					
Stepanfoam H-104-T					
Stepanfoam H-106-T					
Stepanfoam J-108-T					
Stepanfoam KA8812					
Stepanfoam KA8821					
Stepanfoam KA8843					
Stepanfoam KA8846					
Stepanfoam KA8847					
Stepanfoam KA8848					
Stepanfoam KA8851					
Stepanfoam KA8852					
Stepanfoam KA8853					
Stepanfoam KA8854					
Stepanfoam KA8855					
Stepanfoam KA8857					
Stepanfoam KA8858					
Stepanfoam KA8859					
Stepanfoam KA8860					
Stepanfoam KA8861					
Stepanfoam KA8865					
Stepanfoam KA8866					
Stepanfoam P-502-T					
Stepanfoam P-506-T					
Stepanfoam R-109					
Stepanfoam R-112					
Stepanfoam R-222					
Stepanfoam SX-195-T					
TDI 100					
Toluene diisocyanate 100					
Toluene diisocyanate R-30					
700C753 UH3/hardener					
Uralite 1060 Part A					
Uralite 1070 Part A					
Uralite 1090 Part A					
Uralite 3143 Part A					
Uralite 3144 Part A					
Uralite 3204 prepolymer					
Uralite 3206 prepolymer					
Uralite 3207 prepolymer					
Uralite 3209 prepolymer					
Uralite 3213 prepolymer					
Uralite 3214 prepolymer					
Uralite 3215 prepolymer					
Uralite 3232 prepolymer					
Uralite 3237 prepolymer					
Uralite 3241 prepolymer					
Uralite 3242 prepolymer					
Uralite 3243 prepolymer					
Uralite 3263 prepolymer					
Uralite 3268 prepolymer					
700C760 urethane/curing agent					
975C931 urethane moisture/cured clear 50-00-0500-04					
101-14-4	X/P		2/8/87-2/5/89	1, 9.01, 9.03, 9.06, 9.08, 9.12, 9.15	6/14/89
Activator M					
AH-5					
AH-18					
AH-20					
AH-23					
Andur 9000AS Part B					
Cuamine M					
Curene 185					
Curene 442					
Curene 3005					

CAS No./trade name	Who must report	Exemptions added (+) removed (−)	Coverage period	Question selection	Effective date
Cyanaset M					
DP-2077 Part B black					
DP-2077 Part B green					
DP-5801-B green					
DP-6322-2 Part B					
DP-6325 Part B tan					
DP-6332 Part B					
DP-7626 Part B black					
DP-8513-B					
DP-10000 Part B					
DP-10000 Part B gray					
DP-10744 Part B					
DP-10847					
DP-11252 Part B					
DP-12105 Part B					
DP-14346 Part B					
EN-1554 Part B					
EN-1554 Part B black					
ST-80 Part B brown					
ST-80 Part B green					
ST-80 Part B med					
ST-80 Part B red					
ST-90 Part B					
Suncure M					
TU-50A Part B					
TU-65 Part B					
TU-65 Part B green					
TU-70 Part B					
TU-70 Part B blue					
TU-79 Part B					
TU-79 Part B green					
TU-79 Part B med. blue					
TU-79 Part B red					
TU-80 Part B					
TU-80 Part B blue					
TU-80 Part B red					
TU-89 Part B					
TU-89 Part B black					
TU-89 Part B green					
TU-89 Part B red					
TU-89 Part B white					
Uracure 3730 Part B					
Uralite 3111 Part B					
Uralite 3113 Part B					
Uralite 3115 Part B					
Uralite 3117 Part B					
Uralite 3120 Part B					
Uralite 3121 Part B					
Uralite 3122 Part B					
Uralite 3128 Part B					
Uralite 3167 Part B					
Zebron 385					
Zebron 385 blue					
Zebron 385-6					
Zebron 385-6 gray					
Zebron 386					
Zebron 386 brown					
Zebron 386C					
Zebron 386 PC					
Zebron 486					
584-84-9 (See trade names listed under CAS No. entry 91-08-7.)					
1321-38-6/26471-62-5	X/P		2/8/87-2/5/89	1, 2.04 thru 2.09, 2.11 thru 2.16, 3 all, 4.01 thru 4.05, 5 all, 6.05, 7.01, 7.03 thru 7.06, 8.01, 8.05, 8.96, 8.23, 9.01 thru 9.15, 9.19, 9.20, 9.22, 10.01, 10.02, 10.05, 10.06, 10.08 thru 10.16, 10.23	6/14/89
AH-18					
AH-20					
AH-23					
Andur 8 AP					
Andur 8 AP W/24% TXIB					
Andur 8 APF					
Andur 8 APF (Vail)					
Audur 8 APF-LM					
Audur 9 AP					
Andur 9 AP-LM					
Andur 9 APF					
Andur 9 APF-LM					

CAS No./trade name	Who must report	Exemptions added (+) removed (−)	Coverage period	Question selection	Effective date
Andur 70 DP					
Andur 80-5 AP					
Andur 90 AP					
Andur 93 AP					
Andur 95 AP					
Andur 520 DP					
Andur 700 AP					
Andur 720 DP					
Andur 800 AP					
Andur 800 DP					
Andur 850 AP					
Andur 900 AP					
Andur 920 AP					
Andur 930 AP					
Andur 950 AP					
Andur 3300 AS Part A					
Andur 5000 DP					
Andur 5500 DP					
Andur 6500 DP					
Andur 7000 AS					
Andur 7000 DP					
Andur 7200 DP					
Andur 7500 DP					
Andur 8000 AP					
Andur 8200 AP					
Andur 8500 AP					
Andur 9000 AP					
Andur 9200 AP					
Andur 9000 AS Part A					
Andur 9500 AP					
Andur CP-9000					
Andurcoat 60					
Autoflex component A					
Bayfit 540 A					
Bayfit 550 A					
Bayfit 551 A					
Bayfit 552 A					
Bayfit 554 A					
Bayfit 555 A					
Bayfit 556 A					
Bayfit 880-A					
CE-115-35 Part A					
CE-1157-30					
CE-1163					
CE-1164					
DP-1001-B prepolymer					
DP-1963 Part A					
DP-4541 Part A					
DP-4736 Part A					
DP-5758 A					
DP-6332 Part A					
DP-6872 Part A					
DP-8222					
DP-8348-3 Part A					
DP-8449					
DP-8536 black					
DP-8536 part A					
DP-8806					
DP-8806					
DP-9170					
DP-10000 Part A					
DP-10485					
DP-10561					
DP-10744 Part A					
DP-11021					
DP-11251 Part A					
DP-11252 Part A					
DP-11289 Part A					
DP-11321 Part A					
DP-11339 Part A					
DP-11373 Part A					
DP-12105 Part A					
DP-12390 Part A					
DP-12752 Part A					
DP-12768					
DP-12792 Part A					
DP-12816 Part A					
DP-14120 Part A					
DP-14346 Part A					

CAS No./trade name	Who must report	Exemptions added (+) removed (−)	Coverage period	Question selection	Effective date
DP-14455 Part A					
DP-14552 Part A					
DP-14726 Part A					
DP-14943 Part A					
DV-5159					
Elastan 6054U Iso					
Elastan 6055U Iso					
Elastan 6059U Iso					
Elastocast 7050U Iso					
Elastoflex C 2006U Iso					
Elastoflex C 2007U Iso					
Elastoflex C 2010U Iso					
Elastoflex C 2013U Iso					
Elastoflex C 2024U Iso					
Elastoflex C 2025U Iso					
Elastoflex C 2034U Iso					
Elastoflex C 2035U Iso					
Elastoflex C 2036U Iso					
Elastoflex C 2038U Iso					
Elastoflex C 2048U Iso					
Elastoflex C 2066U Iso					
Elastoflex R 2017U Iso					
Elastopan S 4500U Iso					
Elastopor P 1059U Iso					
EN-2 Part A					
EN-3 Part A					
EN-1554 Part B					
EN-1554 Part B					
FR-1259 black					
Hypol 2000					
Hypol 2002					
Hypol 2003					
Hypol 3000					
Isocyanate 05					
Isocyanate 37 Normal					
Isocyanate 37 Rev.					
Isocyanate 56					
Lupranate 7525					
Lupranate 8020					
Lupranate T80 Type 1					
Lupranate T80 Type 2					
Lupranate T80 Type 3					
Lupranate T80 Type 4					
Lupranate TM 105					
LX 700 Iso					
MDI/TDI Based Iso					
Mondur 000					
Mondur 102					
Mondur 425					
Mondur 428					
Mondur 437					
Mondur 445					
Mondur 446					
Mondur 450					
Mondur 452					
Mondur 466					
Mondur 473					
Mondur 494					
Mondur 510					
Mondur 521					
Mondur 531					
Mondur 532					
Mondur 536					
Mondur 537					
Mondur 539					
Mondur 545					
Mondur 569					
Mondur 574					
Mondur 595					
Mondur A-39-S					
Mondur HR					
Mondur MT-40					
Mondur T-422					
Mondur TD					
Mondur TD-80 all grades					
Mondur TD-564					
Multrathane 000					
PBA-2279 (Formerly 4397-32-5)					
Pecora Duramem 600CTF					

CAS No./trade name	Who must report	Exemptions added (+) removed (−)	Coverage period	Question selection	Effective date
Pecora Duramem H-500					
Pecora Duramem R-500					
Pecora Duramem V-500					
Pecora Dynaflex					
Pecora Dynatred					
Pecora Dynatrol I					
Pecora Dynatrol II					
Pecora Dynaweld					
Pecora Urexpan NR-200					
Pecora Urexpan NR-201					
Pecora Urexpan NR-300					
PX Iso 1					
PX Iso 2					
PX Iso 12					
PXI SF-52 Iso					
PXI 3453M Iso					
PXI 4502-03 Iso					
PXI 4744-63 Iso					
PXI 4834-64 Iso					
PXI 5157-82 Iso					
PXO 38-01 Iso					
PXO 44U-39 Iso					
PXO 47-03 Iso					
PXO 68-12 Iso					
PXO 100-18 Iso					
PXO 135-32 Iso					
PXO 1091-36 Iso					
Resale Isocyanate					
RN-1503					
RN-1515					
RN-1520					
RN-1521					
RN-1525					
RN-1558					
RN-1559					
RN-1560					
RN-2000					
RN-2025					
RN-3000					
RN-3038					
RN-3038ER					
RN-3039					
RN-3050					
Rubinate TDI 80/20					
Scuranate BT (inactive)					
Scuranate MT 37 (inactive)					
Scuranate T 65					
Scuranate T 80					
Scuranate T 80P					
Scuranate TB 826					
Scuranate TB 831					
Solithane 291: 3.2%					
Spenkel M 21-40X					
Spenkel M 21-47X					
Spenkel M 21-Z-40					
Spenkel M 26					
Spenkel M 37-A6X-42					
Spenkel M 37-A6X-45					
Spenkel M 80-A6X-50					
Spenkel M 86-50CX					
Spenkel M 86-50E					
Spenkel M 86-A6X-50					
Spenkel M 86-Z-50					
Spenkel P 14-75S					
Spenkel P 49-A6-60					
Spenkel P 49-A6X-60					
Spenkel P 82-K4-75					
Spenkel P 1976					
Spenkel P 4146-60A1X					
Spenkel P 4448-40AX					
Spenkel P 4820-32A1X					
Spenkel P 5562					
ST-80 Part A					
ST-90 Part A					
TDI Based Iso					
TDI 80					
TDI 65/35					
TDI 80/20					
TDI/MDI Based Iso					

CAS No./trade name	Who must report	Exemptions added (+) removed (−)	Coverage period	Question selection	Effective date
Toluene diisocyanate 65/35					
Toluene diisocyanate 80/20					
Toluene diisocyanate T 80					
Toluene diisocyanate T 80 P					
Tremthane Urethane Sealant 4995					
TU-50A Part A					
TU-65 Part A					
TU-70 Part A					
TU-75 Part A					
TU-79 Part A					
TU-80 Part A					
TU-89 Part A					
UN-708 Isocyanate					
Uralite 0164 Part A					
Uralite 3109 prepolymer (Part A)					
Uralite 3110 prepolymer (Part A)					
Uralite 3111 Part A					
Uralite 3113 Part A					
Uralite 3115 Part A					
Uralite 3117 Part A					
Uralite 3121 Part A					
Uralite 3122 Part A					
Uralite 3124 Part A					
Uralite 3128 Part A					
Uralite 3167 Part A					
Uralite 3208 prepolymer					
Uralite 3211 prepolymer					
Uralite 3215 prepolymer					
Uralite 3216 prepolymer					
Uralite 3217 prepolymer					
Uralite 3231 prepolymer					
Uralite 3238 prepolymer					
Uralite 3239 prepolymer					
Uralite 3240 prepolymer					
Uralite 3257 prepolymer					
Uralite 3259 prepolymer					
Uralite 3261 prepolymer					
Uralite 3264 prepolymer					
Uralite 3267 prepolymer					
Uralite 3269 prepolymer					
Uralite 3270 prepolymer					
Uralite 3272 prepolymer					
Uralite 3274 prepolymer					
Uralite 3275 prepolymer					
Uralite 6108 Part A					
Urethane Windshield Sealant 2421-11					
Voranate 3071 Isocyanate					
Voranate 3138 Isocyanate					
Voranate DAC Isocyanate					
Voranate T-80 Type I Toluene diisocyanate					
Voranate T-80 Type II Toluene diisocyanate					
Voranate T-7000 Isocyanate					
Voranate TCPA Isocyanate					
Voranate TM-821 Isocyanate					
WP-102					
Wuc 3083T Iso					
Wuc 3104T Iso					
Wuc 3129T Iso					
Wuc 3133T Iso					
Wuc 3187T Iso					
Wuc 3205T Iso					
Wuc 3214T Iso					
Wuc 3240T Iso					
Wuc 3246T Iso					
XAS 1565.01L Experimental Isocyanate Type I					
XAS 1565.00L Experimental Isocyanate Type II					
XAS 10848.00 Experimental Isocyanate					
XUS 15116.00 Developmental Isocyanate Blend					
5470-11-1 (See trade names listed under CAS No. entry 10039-54-0.)					
10039-54-0/5470-11-1	X/P		2/8/87-2/5/89	1, 2.07, 2.12 thru 2.14, 3.04, 6.03 thru 6.05, 9.01	6/14/89
C-41 Agfa Color Process F Kit-Color Developer Part A					
Agfa Color RSF 600 Rejuvenator Part B					
Agfa Color RSP 100 Regenerator Part C					
Agfa Color RSP 770 Regenerator Part C					
Agfa Pro CN Process Kit—Color Developer Replenisher Part C					
Arostit LF Powder					
Arostit LF Powder *					

CAS No./trade name	Who must report	Exemptions added (+) removed (−)	Coverage period	Question selection	Effective date
Choice Film Developer, Part B					
Choice Print Developer, Part B					
Colenta Paper Developer, Part A					
LV-48 Colorprint Developer Replenisher					
Colorprint Developer Regenerator Part B					
Colorprint 101 ER Developer Replenisher					
Colorprint 101 ER Developer Replenisher Part A					
Colorprint-XL Developer Replenisher, Part B					
CPR-3 Developer Replenisher, Part C					
Dealer Supply Opt III Developer, Part B					
Dealer Supply Phase III Developer, Part B					
Dealer Supply Phase IV Developer, Part B					
E-Prep Neutralizer					
Electro-Brite A-474					
Electro-Brite E-Prep Neutralizer					
Electro-Brite N-466					
Electro-Brite N-466L					
Fuji CN-160Q NQ1-R Color Developer Replenisher					
Fuji Color Developer Replenisher NQ1-R					
Fuji CP-25Q PQ1-R Color Developer Replenisher					
Hydroxylamine Reagent					
KIS DN Film Developer, Part B					
KIS Micro 2.002 Film Developer, Part B					
KIS Micro 2.002 Paper Developer, Part B					
KIS Super DN Film Developer, Part B					
KIS Super X-Press Developer Part B					
KIS Ultra X-Press Developer, Part A					
Kodak Developer Replenisher-Process R-3, MX 1238-1					
Kodak Developer Replenisher-MX 1341					
Kodak Developer Replenisher-RT MX-1286-2					
Kodak Double Check Position Proofing Developer Replenisher					
Kodak EA-5 Neutralizer and Replenisher					
Kodak Ektachrome Movie Neutralizer and Replenisher					
Kodak Ektachrome R-3 Color Developer and Replenisher					
Kodak Ektachrome R-3000 Color Developer					
Kodak Ektaprint 2 Developer					
Kodak Ektaprint 2 Developer and Replenisher					
Kodak Ektaprint 2 Developer and Replenisher LORR					
Kodak Ektaprint 2 Developer and Replenisher LORR H					
Kodal Ektaprint 2 Developer and Replenisher LORR M					
Kodak Ektaprint 2 Developer and Replenisher RT					
Kodak Ektaprint 2 Processing Kit					
Kodak Ektaprint 200 Developer					
Kodak Ektaprint R-100 Color Developer and Replenisher					
Kodak Ektaprint R-1000 Color Developer					
Kodak Ektaprint R-1000 Processing Kit					
Kodak Flexicolor AR Developer Replenisher					
Kodak Flexicolor AR Developer Replenisher LORR					
Kodak Flexicolor Developer					
Kodak Flexicolor Developer Replenisher					
Kodak Flexicolor Developer Replenisher LORR					
Kodak Flexicolor Developer Regenerator, MX-1445					
Kodak Flexicolor Developer Replenisher, MX-1210-3					
Kodak Flexicolor Processing Kit for Process C-41					
Kodak Flexicolor Replenisher, RT, MX-1398					
Kodak Hobby-Pac Color Reversal Kit					
Kodak Hobby-Pac Negative Film Kit					
Kodak ME-4/ECO-3 Neutralizer and Replenisher					
Kodak MX1445 Developer Regenerator					
Kodak Neutralizer and Replenisher, Process E-4					
Kodak Neturalizer, Process E-4					
Kodak Neutralizing Agent NA-1					
Konica Color-7 Developer Replenisher					
N-1 Konica Color Developer Replenisher					
N-1B Konica Color Developer Solution					
P-1 Konica Color Developer Replenisher					
Manver II Hardness Indicator (Reagent)					
Negacolor Developer Replenisher, Part B					
Negacolor-2 Developer Replenisher, Part B					
Negacolor-LR Developer Replenisher, Part B					
Photo KIS Developer, Part A					
Posakwik Developer Replenisher (Cat. No. 822271), Part A					
Posakwik Developer Replenisher (Cat. No. 821271, 821275) Part B					
Process 63 CDR Color Developer Replenisher Part C					

CAS No./trade name	Who must report	Exemptions added (+) removed (−)	Coverage period	Question selection	Effective date
Process 63 CDR Color Developer/Replenisher Working Strength					
Process 70 CDJ Color Developer Rejuvenator Part B					
Process 70 CDR Color Developer Replenisher					
Process 70 CDR Color Developer/Replenisher Working Strength					
Process 70 CD-LR Color Developer Replenisher Part B					
Process 70 CD-LR Color Developer/Replenisher Working Strength					
Process 71 CDR Color Developer/Replenisher Working Strength					
Process 71 CDR Color Developer Replenisher Part B					
Process 92 CDJ Color Developer Rejuvenator Part C					
Process 92 CDR Color Developer/Replenisher Part C					
Process 92 CDR Color Developer/Replenisher Working Strength					
Process 92 CDR Professional Color Developer					
Process 92 CDR Professional Color Developer Replenisher Part C					
Process 92 CD-LR Color Developer Replenisher Part B					
Process 92 CD-LR Developer/Replenisher Working Strength					
Process 92 CD-MR Color Developer Replenisher Part B					
Process 92 DC-MR Color Developer/Replenisher Working Strength					
Process 92 CDR-RT Part C					
Process 92 CDR-RT Working Strength					
Recoprint 92CDR-RT Color Developer/Replenisher Part C					
26471-62-5 (See trade names listed under CAS No. entry 1321-38-6.)					

[FR Doc. 89-14003 Filed 6-13-89; 8:45 am]

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Federal Register

Wednesday
June 14, 1989

Part III

Office of Management and Budget

Budget Rescissions and Deferrals, Notice

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

June 1, 1989.

This report is submitted in fulfillment of the requirement of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to the Congress.

This report gives the status as of June 1, 1989 of six rescission proposals and 14 deferrals contained in the first four special messages of FY 1989. These messages were transmitted to the Congress on September 30 and November 29, 1988, and January 9 and April 18, 1989.

Rescissions (Table A and Attachment A)

As of June 1, 1989, there are no funds being withheld related to rescission proposals. Two of the six rescission proposals made by the prior Administration (R89–5 and R89–6, as described in Attachment A) continue to be supported by President Bush as offsets to supplemental requests.

Deferrals (Table B and Attachment B)

As of June 1, 1989, $5,094.9 million in budget authority was being deferred from obligation. Attachment B shows the history and status of each deferral reported during FY 1989.

Information From Special Messages

The special messages containing information on the rescission proposals and deferrals covered by this cumulative report are printed in the **Federal Registers** listed below:

Vol. 53, FR p. 39879, Wednesday, October 12, 1988

Vol. 53, FR p. 49530, Wednesday, December 7, 1988

Vol. 54, FR p. 1650, Friday, January 13, 1989

Vol. 54, FR p. 18234, Thursday, April 27, 1989

Richard G. Darman,

Director.

BILLING CODE 3110-01-M

TABLE A

STATUS OF 1989 RESCISSIONS

	Amount (In millions of dollars)
Rescissions proposed by President Reagan.....	143.1
Accepted by the Congress as of June 1, 1989.....	0
Funding made available.....	123.1
Funding never withheld.....	20.0

NOTE: President Bush continues to support two rescission proposals (identified as R89-5 and R89-6 in Attachment A) as offsets to pending supplemental requests, even though the related funds have been made available. They total $6.4 million.

****

TABLE B

STATUS OF 1989 DEFERRALS

	Amount (In millions of dollars)
Deferrals proposed by the President.....	9,156.2
Routine Executive releases through June 1, 1989... (OMB/Agency releases of $4,067.3 million and cumulative adjustments of $6.0 million)	-4,061.3
Overturned by the Congress.....	0
Currently before the Congress.....	5,094.9

Attachments

Attachment A - Status of Rescissions - Fiscal Year 1989

As of June 1, 1989 Amounts in Thousands of Dollars Agency/Bureau/Account	Rescission Number	Amount Previously Considered by Congress	Amount Currently before Congress	Date of Message	Amount Rescinded	Amount Made Available	Date Made Available	Congression Action
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Housing Programs:								
Subsidized housing programs	R89-1	20,000		1-9-89		(See note below.)		
Community Planning and Development:								
Urban development action grants	R89-2	51,651		1-9-89		51,651	2-28-89	
DEPARTMENT OF THE INTERIOR								
Fish and Wildlife Service:								
Land acquisition	R89-3	30,000		1-9-89		30,000	2-28-89	
National Park Service:								
Land acquisition and State assistance	R89-4	35,000		1-9-89		35,000	2-28-89	
DEPARTMENT OF JUSTICE								
Office of Justice Programs:								
Justice assistance	R89-5	5,000		1-9-89		5,000	3-16-89	
DEPARTMENT OF LABOR								
Employment Standards Administration:								
Black lung disability trust fund	R89-6	1,445		1-9-89		1,445	3-16-89	
TOTAL, RESCISSIONS		143,096	0			123,096		

NOTE. - The $20 million proposed for rescission in Rescission Proposal No. 89-1 was never withheld from obligation. Therefore, there was no need to release the funds.

Attachment B - Status of Deferrals - Fiscal Year 1989

As of June 1, 1989 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change (+)	Date of Message	Cumulative OMB/Agency Releases (-)	Congressionally Required Releases (-)	Congressional Action	Cumulative Adjustments (+)	Amount Deferred as of 6-1-89
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Foreign military sales credit	D89-11	4,122,750		11-29-88	1,490,000				2,632,750
Economic support fund	D89-01	592,760		09-30-88					
	D89-01A		2,054,000	11-29-88	1,700,254				946,506
Military assistance	D89-12	457,000		11-29-88	291,250				165,750
International military education and training	D89-13	37,400		11-29-88	37,400				0
Agency for International Development									
International disaster assistance	D89-14	18,125		11-29-88	15,164				2,961
Special Assistance for Central America									
Promotion of stability and security in Central America	D89-2	1,000		09-30-88	1,000				0
DEPARTMENT OF AGRICULTURE									
Forest Service									
Expenses, brush disposal	D89-3	144,649		09-30-88	751				143,898
Cooperative work	D89-4	335,263		09-30-88					
	D89-4A		172,737	04-18-89	508,000				0
DEPARTMENT OF DEFENSE - CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation, Defense	D89-5	1,212		09-30-88					
	D89-5A		227	04-18-89					1,439
DEPARTMENT OF ENERGY									
Power Marketing Administration									
Southwestern Power Administration, Operation and maintenance	D89-6	2,800		09-30-88					
	D89-6A		5,600	04-18-89					8,400

Attachment B - Status of Deferrals - Fiscal Year 1989

As of June 1, 1989 Amounts in Thousands of Dollars Agency/Bureau/Account	Deferral Number	Amount Transmitted Original Request	Amount Transmitted Subsequent Change (+)	Date of Message	Cumulative OMB/Agency Releases (-)	Congressionally Required Releases (-)	Congressional Action	Cumulative Adjustments (+)	Amount Deferred as of 6-1-89
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Social Security Administration									
Limitation on administrative expenses (construction).....	D89-7	6,745		09-30-88					
	D89-7A		80	04-18-89					6,824
DEPARTMENT OF JUSTICE									
Office of Justice Programs									
Crime victims fund.....	D89-8	90,000		09-30-88					
	D89-8A		35,000	04-18-89					125,000
DEPARTMENT OF STATE									
Bureau for Refugee Programs									
United States emergency refugee and migration assistance fund, executive.....	D89-9	26,135		09-30-88					
	D89-9A		27,000	11-29-88	23,492			6,001	35,644
DEPARTMENT OF TRANSPORTATION									
Federal Aviation Administration									
Facilities and equipment (Airport and airway trust fund).....	D89-10	823,608		09-30-88					
	D89-10A		202,084	11-29-88					1,025,692
TOTAL, DEFERRALS.....		6,659,446	2,496,728		4,067,311	0		6,001	5,094,864

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federal register

Wednesday
June 14, 1989

Part IV

Environmental Protection Agency

40 CFR Part 148

Underground Injection Control Program: Hazardous Waste Disposal Injection Restrictions, Additional Effective Dates; First Third Wastes; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 148

[FRL-3556-8]

Underground Injection Control Program: Hazardous Waste Disposal Injection Restrictions, Additional Effective Dates; First Third Wastes

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today promulgating rules implementing the Congressionally-mandated prohibitions on the underground injection of selected hazardous wastes. This action is being taken in response to amendments to the Resource Conservation and Recovery Act (RCRA) enacted through the Hazardous and Solid Waste Amendments of 1984 (HSWA).

Today's rule sets effective dates for certain wastes prohibited under section 3004(g) of RCRA. The general framework for implementing the land disposal restrictions for injection of hazardous wastes was promulgated on July 26, 1988 (53 FR 28118 *et seq.*). That rule should be consulted for a more thorough explanation of the Agency's rationale concerning the implementation of the land disposal restrictions for hazardous waste injection.

DATE: This final rule is effective June 7, 1989.

ADDRESSES: The official record for this rulemaking is located in Room 1013C East Tower, Office of Drinking Water (WH-550), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, and is available for viewing from 9:30 a.m. to 3:30 p.m., Monday through Friday, excluding legal holidays. The public must make an appointment to review docket materials by calling Eric Callisto at (202) 382-5508.

FOR FURTHER INFORMATION CONTACT: Bruce Kobelski, Office of Drinking Water, EPA, (202) 382-5508.

SUPPLEMENTARY INFORMATION

Preamble Outline

I. Background

A. Statutory Authority

The Hazardous and Solid Waste Amendments of 1984 (HSWA), enacted on November 8, 1984, impose substantial new responsibilities on those who handle hazardous waste. The amendments prohibit the continued land disposal of hazardous waste beyond specified dates unless the waste meets or is treated to meet levels established pursuant to RCRA § 3004(m) *or* the Administrator determines that the prohibition is not required in order to protect human health and the environment for as long as the wastes remain hazardous (RCRA sections 3004 (d)(1), (e)(1), (f)(2), (g)(5)). Congress established a separate schedule in § 3004(f) for making determinations regarding the injection of dioxins and solvents and the list of wastes specified in § 3004(d)(2), termed the "California list."

Wastes meeting the treatment standards set by EPA under section 3004(m) of RCRA may be land disposed. The statute requires EPA to set "levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized" (RCRA section 3004(m)(1)).

Land disposal prohibitions are effective immediately upon the statutory or regulatory deadlines unless the Agency sets another effective date based on the earliest date that adequate alternative treatment, recovery, or disposal capacity which is protective of human health and the environment will be available (RCRA sections 3004(h)(1) and (2)). However, these effective date variances may not exceed 2 years beyond the otherwise applicable effective date. In addition, two 1-year, case-by-case extensions of the effective date may be granted under certain circumstances (see 53 FR 28124, July 26, 1988) (RCRA section 3004(h)(3).

For the purposes of the land disposal restrictions program, the statute specifically defines land disposal to include, but not be limited to, any placement of hazardous waste in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome or salt bed formation, or underground mine or cave (RCRA section 3004(k)). The statute also sets forth a series of deadlines for Agency action.

The land disposal prohibitions apply to all hazardous wastes identified or listed under RCRA section 3001 as of November 8, 1984, the date of enactment of HSWA. For any hazardous waste identified or listed under RCRA section 3001 after November 8, 1984, EPA is required to make land disposal restriction determinations within 6 months of the date of identification or listing (RCRA section 3004(g)(4)). However, the statute does not impose an automatic prohibition on land disposal if EPA misses a deadline for any newly listed or newly identified waste.

1. Section 3004(f)

Section 3004(f) addresses the disposal by injection of solvents, dioxins, and California list wastes. Specifically, this section requires the Administrator to promulgate rules prohibiting the disposal of such wastes into wells if it may "reasonably be determined that such disposal may not be protective of human health and the environment for as long as the waste remains hazardous * * *".

2. Section 3004(g)

Section 3004(g) of RCRA applies to all methods of land disposal. It requires the

Agency to set a schedule for making land disposal restriction decisions for all hazardous wastes listed in 40 CFR Part 261 under RCRA section 3001(c) as of November 8, 1984, other than the wastes referred to in sections 3004(d) and (e).

Section 3004(g)(5) provides that the regulations promulgated by the Administrator must prohibit methods of land disposal except methods "which the Administrator determines will be protective of human health and the environment for as long as the wastes remain hazardous * * *".

Furthermore, the section provides that, except for wastes which comply with the standards expressed in section 3004(m), a method of land disposal may not be determined to be protective of human health and the environment, "unless, upon application by an interested person, it has been demonstrated to the Administrator, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous."

B. Effect on State UIC Primacy

The land disposal restrictions are in effect in all States as a matter of federal law. However, the Agency expects that State agencies which have primacy for the UIC program will wish to implement Part 148, and receive authorization to grant "no migration" exemptions from land disposal restrictions as well as case-by-case extensions under section 3004(h)(3). However, before such authorization can be granted, the State would have to demonstrate that it has the authority to implement sections 3004 (f) and (g) of RCRA, and receive authorization to do so. A thorough discussion of the conditions under which such authorization can take place can be found in 50 FR 28728 *et seq.*, July 15, 1985, 51 FR 40618 *et seq.*, Nov. 7, 1986, and 52 FR 25783 *et seq.*, July 8, 1987. In addition, where jurisdiction for UIC and RCRA do not reside in the same State agency, EPA will require a Memorandum of Understanding between the two entities, clearly outlining responsibility for granting exemptions.

C. Regulatory Background

Hazardous waste disposal has been regulated through two programs: surface disposal through 40 CFR Parts 264, 265, and new Part 268, and underground injection through the UIC Program (40 CFR Parts 144 through 147).

EPA established treatment standards and effective dates for surface disposal of certain hazardous wastes on November 7, 1986 (for certain solvents and dioxins, 51 FR 40572 *et seq.*), July 8, 1987 (for California list wastes, 52 FR 25760), and August 17, 1988 (for certain section 3004(g) wastes, 53 FR 31138 *et seq.*).

On July 26, 1988 (53 FR 28118 *et seq.*), the Agency published Part 148 which established the framework for implementing the HSWA prohibitions for injected wastes, and set effective dates for the ban against the injection of solvents and dioxins. An August 16, 1988, publication set effective dates for the ban against the underground injection of California list wastes as well as certain of the "First Third" wastes (53 FR 30908 *et seq.*). Today's rule was proposed on October 26, 1988 (53 FR 43400 *et seq.*) EPA is today setting effective dates for the ban against the underground injection of the remaining "First Third" wastes for which treatment standards have been finalized.

Often, several waste streams will share a common form of BDAT and, thus, form a treatability group. Biological treatment, for example, is BDAT for several waste codes. Where there is sufficient available treatment capacity in a given treatability group for all types of disposal, EPA will not grant national capacity variances. Where there is insufficient capacity for all types of disposal EPA must allocate or dedicate certain waste streams to the available capacity and may grant capacity variances for the others.

The allocation decisions have the short term effect of delaying an effective prohibition date for certain waste streams for up to two years. At the end of that time, all waste streams will be subject to the land disposal prohibitions. In view of this short time frame and the limited resources, the Agency has not developed sophisticated analyses to apportion treatment demand to the limited treatment capacity.

In previous rules the Agency has used a tiered hierarchy that apportions available treatment capacity first to surface disposal units, then to CERCLA remedial actions and RCRA section 3004(u) corrective actions, and finally to UIC facilities (52 FR 32450, August 27, 1987, and 53 FR 30908 *et seq.*, August 16, 1988). Parts of this decision rule are not a basis for today's rulemaking in light of recent regulatory actions and policy decisions. On February 27, 1989, the Agency amended the land disposal schedule to place in the "Third Third" of the schedule all multi-source leachate that is derived from hazardous wastes (other than dioxin-containing wastes) (54 FR 8264 *et seq.*). This decision effectively removes many CERCLA/RCRA cleanup wastes from consideration in the above hierarchy until May 8, 1990, as many of these wastes are multi-source leachate.

Moreover, the Agency has banned the underground injection of wastes in instances where these wastes place little demand on available capacity. This decision is consistent with the purposes of the allocation scheme since such small volumes will not affect the availability of capacity for surface disposal or RCRA or CERCLA cleanups. This approach is also consistent with Congressional intent in expediently moving industry away from disposal and towards treatment.

Finally, the Agency believes the hierarchy is most appropriately used in situations where large volumes of waste are competing for a limited amount of treatment capacity on a nationwide basis. Today's rule bans the underground injection of a number of low-volume (less than 200,000 gallons injected/year) wastes that are injected at only a few facilities. EPA believes that the availability of truck and rail transportation to move these wastes to treatment facilities, the ability of industry to provide on-site tanks for treatment, and the options for managing treatment residuals for these wastes do not limit industry's ability to treat these relatively low volumes.

II. Summary of Today's Rule—Additional First Third Scheduled Wastes

A. Response to Comments

Only five commenters responded to the call for public comment of today's rule. Most of them supported the determinations made in the proposal. Specific comments were made on certain of the Agency's proposed effective dates and to the applicability of established treatment standards to injected wastes. These concerns are addressed below.

1. The Applicability of BDAT Treatment Standards to Injected Wastes

Two commenters discussed their concerns with the Agency's approach to leachate. In particular, they were concerned that (1) leachate may be physically and chemically unique from process generated waste and, therefore, require separate regulatory treatment, and (2) the Agency has not properly accounted for the impact on treatment capacity of banning leachate derived from given waste codes.

In general, EPA believes these comments may have some merit, and published a final rule at 54 FR 8264 (February 27, 1989) which reschedules multi-source leachate that is derived

from hazardous wastes into the "Third Third" of the schedule described in section 3004(g)(4)(C) of RCRA. Thus, the Agency agreed that leachate may be physically and chemically unique from process generated waste and, therefore, require separate regulatory treatment.

The regulatory decision and rationale are described in the above **Federal Register** notice. The effect of that February 27 rule is that effective dates established in today's rulemaking do not apply to disposal of most multi-source leachate. Most of the leachate described by the commenters is multi-source and, thus, the negligible amount of single source leachate banned by today's rule will have a minimal effect on demand for treatment capacity.

One commenter requested that the Agency not set effective dates for the ban against the underground injection of K015 nonwastewaters, as they believe the BDAT treatment level for that waste is not achievable using the treatment standard promulgated on August 17, 1988 (53 FR 31154). That BDAT treatment standard ("No Land Disposal Based on No Ash") was rescinded for K015 nonwastewaters on May 2, 1989 (54 FR 18836 et seq.; see Section (II)(B) of today's preamble). As a result, K015 nonwastewaters are under the effect of the section 3004(g) "soft hammer". EPA is unable to set effective dates for a listed waste in the absence of an established treatment standard. Consequently, the Agency defers action on K015 nonwastewaters until May 8, 1990, or until a treatment standard is set for this waste code, whichever comes first.

2. The Establishment of Effective Dates

One commenter stated that EPA is failing to distinguish between methods of land disposal in promulgating these regulations. The Agency disagrees with this contention, noting that promulgated and proposed regulatory actions specifically delineate between surface and deep well disposal with regard to certain effective dates.

Specifically, the Agency is apportioning available treatment capacity to surface units before injection wells. This decision rule, which clearly distinguishes between methods of land disposal, often results in the establishment of different ban effective dates, based on type of disposal, within a waste code. For example, today's rule grants a 2-year treatment capacity variance to the 118 million gallons of dilute K016 wastes which are annually underground injected. This same waste was banned from surface disposal on August 8, 1988, as the available treatment capacity was adequate to handle the dilute K016 being disposed in landfills and surface impoundments.

It is true that the Agency is setting the same effective date for all types of disposal for certain wastes. Such determinations are made in the context of the above hierarchy and in situations where the amount of available treatment capacity is adequate to accommodate *all* of the subject waste that is land disposed or, conversely, *none* of the waste that is land disposed. EPA believes that such decisions are both consistent with the intent of HSWA and protective of human health and the environment.

Another commenter noted that the preamble language at 53 FR 43405 seemed to ban absolutely the underground injection of the wastes listed in Table 2 (i.e., "First Third" Wastes With Established Treatment Standards Which Current Data Indicate Are Not Being Injected). It is EPA's intent to ban the underground injection of hazardous waste that do not meet the BDAT treatment standards and, while the proposed regulatory language explicitly stated this, today's preamble language has been changed to clearly indicate this intent. These wastes may continue to be underground injected if the wastes are treated to meet the BDAT standard or if a demonstration of "no mitigation" and the attendant requirements of the UIC program are met.

Several commenters stated that EPA's use of the term "soft hammer" as applied to UIC wells was misleading or incorrect. Moreover, they argued that any national capacity variances for injection wells should begin on May 8, 1990, or an earlier date which EPA may set by regulation after promulgation of a BDAT standard and a decision on the availability of national protective treatment or disposal capacity for that waste. EPA now agrees with this latter position. Under section 3004(h)(2), EPA "may establish an effective date different from the effective date which would otherwise apply under subsection (d), (e), (f), or (g) * * *" given certain findings concerning national treatment or disposal capacity. "Any such other effective date shall in no event be later than 2 years after the effective date of the prohibition which would otherwise apply under subsection (d), (e), (f), or (g)." (RCRA section 3004(h)(2))

Section 3004(g)(5) requires EPA to prohibit one or more methods of land disposal of the hazardous wastes listed in the section 3004(g)(4) schedule, except for methods of land disposal which the Administrator determines will be protective of human health and the environment as defined by the standards in section 3004(g)(5). The schedule in section 3004(g)(4) divides wastes into thirds.

Section 3004(g)(6) describes what happens where EPA fails to promulgate effective dates on the schedule. If EPA has not promulgated effective dates by August 8, 1988, for the "First Third" wastes, disposal into landfills and surface impoundments is subject to the special restrictions in section 3004(g)(6)(A). There are no statutory prohibitions for disposal of wastes under section 3004(g) into UIC wells until May 8, 1990. *See* RCRA section 3004(g)(6)(C). This same framework is true for wastes in the "Second Third" where EPA has failed to promulgate regulatory prohibitions by June 8, 1989.

Thus, for UIC well operators, the "effective date that would otherwise apply" under section 3004(g) for purposes of section 3004(h)(2) is May 8, 1990, unless EPA sets an earlier effective date. Under section 3004(m) EPA may not set an earlier effective date for a waste unless the Agency has established a treatment standard under section 3004(m) for that waste. EPA intends to promulgate prohibitions by May 8, 1990, as it develops section 3004(m) standards and makes decisions on available treatment or disposal capacity.

The policy considerations underlying section 3004(h) support this interpretation. Congress provided a maximum variance of 2 years for treatment or disposal capacity to develop and for operations to adjust to any lack of capacity that will exist after two years. These business decisions can only be reasonably made after the Agency has set treatment standards for the waste and evaluated available treatment and disposal capacity. Thus, the maximum national capacity variance for the injection of dilute K016, for example, is in effect for two years from the effective date of this rule and not two years from August 8, 1988. That August 8, 1988 date only affects restrictions on disposal of wastes to surface impoundments and landfills, not UIC wells.

The effective date of the prohibition on the underground injection of dilute K016 is the only change from the proposal based on this Agency interpretation. EPA may examine the application of section 3004(g) and section 3004(h)(2) to surface disposal units in the "Second Thirds" final rulemaking. See proposal at 54 FR 1056 et seq. (January 11, 1989).

One commenter believes that the Agency should defer any action on effective dates for injection wells until

May 8, 1990, arguing that EPA must first make site-specific determinations of protectiveness before banning underground injection. RCRA section 3004(g)(5) mandates that the Agency shall prohibit land disposal of the "First Third" of scheduled wastes "* * * except for methods of disposal which the Administrator determines will be protective of human health and the environment * * *". EPA believes this requires that the Agency ban such disposal *unless* protection is shown. The Agency is in the process of determining which injection sites will be protective of human health and the environment. Until successful petitions pursuant to Part 148 have been demonstrated, EPA believes the most prudent and environmentally sound action is to ban the underground injection of wastes unable to meet the BDAT treatment standards. As a practical matter, treatment capacity variances have been granted for a number of the large volume waste streams that are currently underground injected, thereby alleviating any short-term dislocation for industry.

B. "First Third" Waste for Which EPA Has Not Set Treatment Standards, and the Relationship of Today's Final Rule to the January 11, 1989, Proposal (54 FR 1056 et seq.) and the May 2, 1989, Final Rule (54 FR 18836 et seq.)

On January 11, 1989, EPA proposed treatment standards and effective dates for certain "First Third", "Second Third", and "Third Third" wastes (54 *FR* 1056 *et seq.*). "First Third" wastes addressed in the January proposal are marked with an asterisk in Table 1 below. The wastes in Table 1 are not prohibited from land disposal by this regulation, but may be affected by rulemaking in the very near future.

In the October 26, 1988, proposal to this rule, EPA proposed to ban the underground injection of K004 nonwastewaters and K008 nonwastewaters. The Agency had previously set a BDAT treatment standard of "No Land Disposal Based on No Generation" for these wastes (53 *FR* 31138 *et seq.*, August 17, 1988). The January 11, 1989, proposal, however, proposed to change the BDAT treatment standards for these waste codes. To fully consider these changes, EPA is deferring setting an underground injection effective date in this final rule for these wastes and will make a determination concerning these wastes in the final rule to the January 11, 1989, proposal.

On May 2, 1989 (54 *FR* 18836 *et seq.*), the Agency revised BDAT treatment standard determinations for the nonwastewater forms of the following ten wastes: (K004, K008, K015, K021, K025, K036, K060, K069, K083, and K100). EPA had originally set BDAT for these wastes as "No Land Disposal" based on either "no generation", "reactivity", "recycling", or "no ash" (see *FR* 31138 *et seq.*, August 17, 1988). The May 2, 1989, rule narrows the set of wastes subject to the "No Land Disposal" BDAT. The new subset subject to this BDAT includes only nonwastewater forms of these wastes which are generated by the process described in the waste listing description and disposed after August 17, 1988. The current BDAT treatment standards, do not, however, apply to nonwastewater forms of these wastes which are generated in the course of treating wastewater forms of these wastes. Today's final rule sets effective dates only for the subset of these waste forms within the scope of the current BDAT treatment standards. For K004 nonwastewaters and K008 nonwastewaters, the Agency is not setting effective dates for the reasons discussed in the beginning of this section.

Table 1.—"First Third" Wastes for Which no Treatment Standards Have Been Established

*F006 wastewaters—The wastewater component of treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum. (NOTE: The Agency *has* established a treatment standard for the nonwastewater component of the F006 waste category. See Section (II)(C) of today's preamble.)

*F007—Spent cyanide plating bath solutions from electroplating operations.

*F008—Plating bath sludges from the bottom of plating baths from the electroplating operations where cyanides are used in the process.

*F009—Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

*F019—Wastewater treatment sludges from the chemical conversion coating of aluminum.

K004 wastewaters—The wastewater component of treatment sludge from the production of zinc yellow pigments. (NOTE: The Agency *has* established a treatment standard for *some* of the nonwastewater components of the K004 waste category. See Section (II)(C) of today's preamble.)

K008 wastewaters—The wastewater component of oven residue from the production of chrome oxide green pigments. (NOTE: The Agency *has* established a treatment standard for *some* of the nonwastewater components of the K008 waste category. See Section (II)(C) of today's preamble.)

*K011—Bottom stream from the wastewater stripper in the production of acrylonitrile.

*K013—Bottom stream from the acetonitrile column in the production of acrylonitrile.

*K014—Bottoms from the acetonitrile purification column in the production of acrylonitrile.

K015 nonwastewaters—The nonwastewater component of still bottoms from the distillation of benzyl chloride. (NOTE: The Agency *has* established a treatment standard for the wastewater component of the K015 waste category. See Section (II)(C) of today's preamble.)

K017—Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.

K021 wastewaters—The wastewater component of aqueous spent antimony catalyst waste from fluoromethanes production. (NOTE: The Agency *has* established a treatment standard for *some* of the nonwastewater components of the K021 waste category. See Section (II)(C) of today's preamble.)

K022 wastewaters—The wastewater component of distillation bottom tars from the production of phenol/acetone from cumane. (NOTE: The Agency *has* established a treatment standard for the nonwastewater components of the K022 waste category. See Section (II)(C) of today's preamble.)

K031—By-product salts generated in the production of MSMA (monosodium methanearsenate and cacodylic acid).

K035—Wastewater treatment sludges generated in the production of creosote.

*K036 wastewaters—The wastewater component of still bottoms from toluene reclamation distillation in the production of disulfoton. (NOTE: The Agency *has* established a treatment standard for *some* of the nonwastewater components of the K036 waste category. See Section (II)(C) of today's preamble.)

K046 wastewaters and explosive nonwastewaters—Both the explosive nonwastewater component and all wastewater components of treatment sludges from the manufacturing, formulation, and loading of lead-based initiating compounds. (NOTE: The Agency *has* established a treatment standard for the nonexplosive nonwastewater components of the K046 waste category. See Section (II)(C) of today's preamble.)

K060 wastewaters—The wastewater component of ammonia still lime sludge from coking operations. (NOTE: The Agency *has* established a treatment standard for *some* of the nonwastewater components of the K060 waste category. See Section (II)(C) of today's preamble.)

K061 wastewaters—The wastewater component of emission control dust/sludge from the primary production of steel in electric furnaces. (NOTE: The Agency *has* established a treatment standard for the nonwastewater component of the K061 waste category. See Section (II)(C) of today's preamble.)

K069 wastewaters and calcium sulfate nonwastewaters—All wastewaters, and the calcium sulfate nonwastewater component of emission control dust/sludge from secondary lead smelting. (NOTE: The Agency *has* established a treatment standard for *some* of the noncalcium sulfate nonwastewater components of the K069 waste category. See Section (II)(C) of today's preamble.)

K073—Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes.

K083—Distillation bottoms from aniline production.

K084—Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

K085—Distillation or fractionation column bottoms from the production of chlorobenzenes.

K086—Solvent sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead. (NOTE: The Agency *has* established a treatment standard for K086 solvent washes. See Section (II)(C) of today's preamble.)

K106—Wastewater treatment sludge from the mercury cell process in chlorine production.

P and U wastes—All remaining "First Third" chemical specific wastes originally listed under §§ 261.33 (e) and (f) (i.e., those beginning with a "U" or a "P" (**Note:** A treatment standard has been *proposed* for P030, P039, P041, P063, P071, P089, P094, P097, U221, and U223. Until BDAT is finalized these wastes remain under the effect of the "soft hammer").

* "First Third" waste addressed in January 11, 1989 proposal.

C. "First Third" Wastes with Established Treatment Standards which Current Data Indicate are Not Being Injected

The RCRA section 3004(g) "First Third" wastes listed in Table 2 below are "First Third" wastes with established BDAT standards which current data indicates are not being injected. (Refs. 1 and 2) (**Note:** Included in Table 2 are K025 nonwastewaters and K100 nonwastewaters. Originally "Second Third" and "Third Third" wastes, respectively, these wastes have established treatment standards and as such are being addressed along with the "First Third" wastes.) Treatment standards were established for these wastes on August 17, 1988 (53 FR 31138 et seq.) (or revised on May 2, 1989 (54 FR 18836 et seq.)). Restricting the injection of these waste would have a negligible effect on the availability of treatment capacity. Therefore, EPA is banning the underground injection of these wastes on June 7, 1989, unless they are able to meet the BDAT treatment standards. The Agency believes these decisions will have no effect on the remaining national capacity available to treat RCRA/CERCLA remedial actions requiring the type of BDAT treatment associated with these wastes.

Table 2.—"First Third" Wastes With Established Treatment Standards Which Current Data Indicate Are Not Being Injected

F006 nonwastewaters—The nonwastewater component of treatment sludges from certain electroplating operations. (NOTE: The Agency *has not* established a treatment standard for F006 wastewaters. See Section (II)(B) of today's preamble.)

K001—Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.

K015 Wastewaters—The wastewater component of still bottoms from the distillation of benzyl chloride. (NOTE: On May 2, 1989, the Agency rescheduled K015 nonwastewaters to the Third Third. See Section (II)(B) of today's preamble.)

K018—Heavy ends from the fractionation column in ethyl chloride production

K020—Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

†K021 nonwastewaters—The nonwastewater component of aqueous spent antimony catalyst waste from fluoromethanes production. (**Note:** The Agency *has not* established a treatment standard for K021 wastewaters. See Section (II)(B) of today's preamble.)

K022 nonwastewaters—The nonwastewater component of distillation bottom tars from the production of phenol/acetone from cumane. (**Note:** The Agency *has not* established a treatment standard for K022 wastewaters. See Section (II)(B) of today's preamble.)

K024—Distillation bottoms from the production of phthalic anhydride from naphthalene.

†K025 nonwastewaters—The nonwastewater component of distillation bottoms from the production of nitrobenzene by the nitration of benzene. (**Note:** The Agency established a treatment standard for K025 nonwastewaters, originally listed with the "Second Third" wastes, on August 17, 1988. This determination was revised on May 2, 1989. The Agency *has not* established a treatment standard for K025 wastewaters. As such, K025 wastewaters remain a "Second Third" waste, and will be addressed at a later date.)

†K036 nonwastewaters—The nonwastewater component of still bottoms from toluene reclamation distillation in the production of disulfoton. (**Note:** The Agency *has not* established a treatment standard for K036 wastewaters. See Section (II)(B) of today's preamble.)

K037—Wastewater treatment sludge from the production of disulfoton.

K044—Wastewater treatment sludges from the manufacturing and processing of explosives.

K045—Spent carbon from the treatment of wastewater containing explosives.

K046 nonexplosive nonwastewaters—The nonexplosive nonwastewater component of treatment sludges from the manufacturing, formulation, and loading of lead-based initiating compounds. (**Note:** The Agency *has not* established a treatment standard for K046 wastewaters and the explosive nonwastewater component of the K046 waste category. See Section (II)(B) of today's preamble.)

K047—Pink/red water from TNT operations.

K048—Dissolved air flotation (DAF) float from the petroleum refining industry.

†K060 nonwastewaters—The nonwastewater component of ammonia still lime sludge from coking operations. (**Note:** The Agency *has not* established a treatment standard for K060 wastewaters. See Section (II)(B) of today's preamble.)

K061 nonwastewaters—The nonwastewater component of emission control dust/sludge from the primary production of steel in electric furnaces. (**Note:** The Agency *has not* established a treatment standard for K061 wastewaters. See Section (II)(B) of today's preamble.)

†K069 noncalcium sulfate nonwastewaters—The noncalcium sulfate nonwastewater component of emission control dust/sludge from secondary lead smelting. (**Note:** The Agency *has not* established a treatment standard for K069 wastewaters and the calcium sulfate nonwastewater component of the K069 waste category. See Section (II)(B) of today's preamble.)

K086 solvent washes—Solvent washes from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead. (**Note:** The Agency *has not* established a treatment standard for K086 solvent sludges, caustic washes and sludges, or water washes and

sludges. See Section (II)(B) of today's preamble.)

K087—Decanter tar sludge from coking operations.

K099—Untreated wastewater from the production of 2, 4–D.

†K100 nonwastewaters—The nonwastewater component of waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting. (Note: The Agency established a treatment standard for K100 nonwastewaters, originally listed with the "Third Third" wastes, on August 17, 1988. This determination was revised on May 2, 1989. The Agency *has not* established a treatment standard for K100 wastewaters. As such, K100 wastewaters remain a "Third Third" waste, and will be addressed at a later date.)

K101—Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

K102—Residue from the use of activated carbon for declorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

† A BDAT treatment standard has been established only for the subset of these wastes which are generated by the process described in the waste listing description and disposed after August 17, 1988. The established BDAT does not apply to nonwastewater forms of these wastes which are generated in the course of treating wastewater forms of these wastes (see generally 54 *FR* 18836 *et seq.*, May 2, 1989, and Section (II)(B) of today's preamble). As such, the ban dates established for these waste codes in today's rule apply only to the subset of wastes within the scope of the BDAT treatment standards established on May 2, 1989.

D. Determination of Available Capacity and Effective Dates for Injected "First Third" Wastes (with Established Treatment Standards Not Addressed on August 16, 1988

Table 3 summarizes the effective dates for the ban against the underground injection of certain "First Third" wastes. This table lists only those "First Third" wastes with established treatment standards for which underground injection effective ban dates were not promulgated on August 16, 1988, and which are injected. The Agency believes these decisions will have no effect on the remaining national capacity available to treat RCRA/CERCLA remedial actions requiring the type of treatment associated with these wastes. Discussions of all wastes addressed in Table 3 follow.

TABLE 3.—INJECTED "FIRST THIRD" WASTES (WITH ESTABLISHED TREATMENT STANDARDS) NOT ADDRESSED ON AUGUST 16

RCRA waste code	Effective date proposed on October 26, 1988	Effective date in final rule
K016	Dilute K016 (<1%)—variance until 8/8/90;.	variance until June 7, 1991.
	Concentrated K016 (≧1%)—date of final promulgation of that proposal.	June 7, 1989.
K019	Date of final promulgation of that proposal.	June 7, 1989.
K030	Date of final promulgation of that proposal.	June 7, 1989.
K103	Date of final promulgation of that proposal.	June 7, 1989.

1. K016

Wastes categorized as K016 consist of heavy ends or distillation residues from the production of certain halogenated hydrocarbons. The Treatment, Storage, Disposal, and Recovery (TSDR) Survey (Ref. 2) identified 118 million gallons of injected, dilute (<1%) K016 wastes with an identified BDAT treatment standard of wastewater treatment consisting of biological treatment followed by wet air oxidation. The survey also indicated that 170,000 gallons of K016 may be injected at concentrations equal to or greater than 1%. BDAT for these K016 wastes (≧1%) would be liquid combustion ((Ref. 2).

The Agency has determined that there is 72 million gallons of available capacity for the treatment train applicable to injected, dilute K016 waste. Similarly, 246 million gallons of available capacity have been identified for injected wastes utilizing liquid combustion as treatment. As indicated earlier in the preamble, the Agency has decided to grant a 2-year variance not from August 8, 1988, as proposed, but rather from the effective date of this rule. EPA, therefore, is today granting a variance to dilute (<1%) K016, and banning its injection on June 7, 1991. The injection of concentrated (≧1%) K016, unless it meets or is treated to meet the BDAT treatment standards, is banned on June 7, 1989. (The determination as to whether a wastewater contains less than 1% K016 is to be made at the point of initial generation prior to any treatment, i.e., when the waste first meets the K016 listing description.)

2. K019

This waste stream is composed of heavy ends and distillation residues generated in the production of ethylene dichloride. The TSDR Survey has identified only 65,000 gallons of this relatively dilute waste that are being injected. The most appropriate treatment for this waste would be wastewater treatment based on biological degradation (Ref. 2). As mentioned above, the survey shows an alternative capacity of 72 million gallons for injected wastes amenable to this type of treatment. Because the Agency has identified adequate capacity for this particular waste stream, EPA is promulgating the effective date as proposed, prohibiting the underground injection of K019 wastes not meeting the BDAT treatment standards on June 7, 1989.

3. K030

This waste is generated in the production of trichloroethylene and perchloroethylene and consists of column bottoms and heavy ends. As with K019, the injected waste is dilute and is best treated by wastewater treatment based on biological degradation. As noted above, EPA has identified 72 million gallons of such treatment capacity for injected wastes. The survey shows less than 30,000 gallons of this waste being injected. The Agency believes that the information gathered from the survey shows sufficient capacity to treat this waste, and is therefore promulgating the effective date as proposed and banning the underground injection of K030 waste, unless it meets or is treated to meet the BDAT treatment standards, on June 7, 1989.

4. K103

This waste stream consists of residues from the production of analine. The TSDR Survey indicates that 31,560 gallons of K103 are being injected each year (Ref. 2). The Agency believes that this waste is relatively concentrated. The specified BDAT for K103 is liquid combustion, which shows an available capacity of 246 million gallons for injected wastes. Based on this information, the Agency is banning the underground injection of such wastes, unless they meet or are treated to meet the BDAT treatment standards, on June 7, 1989.

E. Technical Correction

On July 26, 1988, the Agency set effective dates for the ban against the underground injection of solvents and dioxins. Included in the Part 148

language that established these bans was language referencing § 268.44, the regulatory section which allows for treatability variances (§ 148.10(c)(4) and § 148.11(b)(4)). EPA is today deleting these two provisions, and replacing them with language that would achieve the equivalent result in § 148.10(c)(1) and § 148.11(b)(1) ("* * * if the wastes meet or are treated to meet the applicable standards specified in Subpart D of Part 268 * * *).

The Agency is recodifying § 148.14 in order to make the waste-specific effective dates appear in chronological order. This recodification is included to enhance clarity and does not affect the decisions made on August 16, 1988, for K049–52, K062, K071, and K104 wastes, nor does it open these decisions for public comment.

III. Regulatory Requirements

A. Regulatory Impact Analysis

Executive Order 12291 requires EPA to assess the effect of contemplated Agency actions during the development of regulations. Such an assessment consists of a quantification of the potential benefits and costs of the rule, as well as a description of any beneficial or adverse effects that cannot be quantified in monetary terms. In addition, Executive Order 12291 requires that regulatory agencies prepare an analysis of the regulatory impact of major rules. Major rules are defined as those likely to result in:

1. An annual cost to the economy of $100 million or more; or

2. A major increase in costs or prices for consumers or individual industries; or

3. Significant adverse effects on competition, employment, investment, innovation or international trade.

The Agency has performed an analysis of the regulation to assess the economic effect of associated compliance costs for the "First Third" list wastes (Ref. 3). Total compliance costs of the entire "First Third" list regulations (i.e., those finalized today, those finalized on August 16, 1988, and those for which treatment standards have not yet been defined) are estimated at $28.5 million, or $6.2 million annualized. Alternate treatment costs are estimated to total $25.75 million ($6.0 million annualized), and petition costs are estimated to be $2.75 million ($0.20 million annualized). These costs indicate that this rule does not constitute a major rule under Executive Order 12291.

B. Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, whenever an agency publishes a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). This analysis is unnecessary, however, if the agency's administrator certifies that the rule will not have significant economic effect on a substantial number of small entities.

Owners and operators of hazardous waste injection wells are generally major chemical, petrochemical and other manufacturing companies. The Agency is not aware of any small entities that would be affected by this rule. Part 148.1(c)(3) of the regulatory framework for this rule exempts any small quantity generator, as defined in § 261.5, from the underground injection prohibitions established in that framework. The Administrator certifies that this rule will not have significant economic effects on a substantial number of small entities. As a result of this finding EPA has not prepared a formal Regulatory Flexibility Analysis.

C. Paperwork Reduction Act

The information collection requirements in this rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 2040–0042.

Public reporting burden for this collection of information is estimated to average 290 hours per respondent, including time for reviewing instructions, searching existing data sources, gathering and maintaining the date needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M St. SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

IV. References

(1) Findings on Class I Hazardous Wells Affected by the Land Ban Rules; Temple, Barker and Sloane, December, 1987.

(2) Background Document for First Third Wastes to Support 40 CFR Part 268 Land Disposal Restrictions, Final Rule, First Third Waste Volumes, Characteristics, and Required and Available Treatment Capacity—Part II; U.S. EPA, OSW, August 1988.

(3) Regulatory Impact Analysis of Proposed Hazardous Waste Disposal Restrictions for Class I Injection of First Thirds List Waste; EPA Report, Contract No. 68–03–3348, Cadmus Group, Inc., October 1987.

List of Subjects in 40 CFR Part 148

Administrative practice and procedure, Confidential business information, Environmental protection, Hazardous materials, Hazardous materials transportation, Hazardous waste, Intergovernmental relations, Reporting and recordkeeping requirements, Waste treatment and disposal, Water supply, Water pollution control.

Dated: June 7, 1989.

William K. Reilly,

Administrator.

Therefore Chapter I of Title 40 is amended as follows:

PART 148—HAZARDOUS WASTE INJECTION RESTRICTIONS

1. The authority citation for Part 148 continues to read as follows:

Authority: Section 3004, Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*

2. In § 148.10, paragraph (c)(4) is removed and paragraphs (c)(1) and (c)(3) are revised to read as follows:

§ 148.10 Waste specific prohibitions—solvent wastes.

* * * * *

(c) * * *

(1) If the wastes meet or are treated to meet the applicable standards specified in Subpart D of Part 268; or

* * * * *

(3) During the period of extension of the applicable effective date, if an extension has been granted under § 148.4 of this part.

* * * * *

3. In § 148.11, paragraph (b)(4) is removed and paragraphs (b)(1) and (b)(3) are revised to read as follows:

§ 148.11 Waste specific prohibitions—dioxin-containing wastes.

* * * * *

(b) * * *

(1) If the wastes meet or are treated to meet the applicable standards specified in Subpart D of Part 268; or

* * * * *

(3) During the period of extension of the applicable effective date, if an extension has been granted under § 148.4 of this part.

4. Section 148.14 is revised to read as follows:

§ 148.14 Waste specific prohibitions—first third wastes.

(a) Effective June 7, 1989, the wastes specified in 40 CFR 261.31 as EPA Hazardous Waste numbers F006 (nonwastewaters) and the wastes specified in 40 CFR 261.32 as EPA Hazardous Waste numbers K001, K015 (wastewaters), K016 (at concentrations greater than or equal to 1%), K018, K019, K020, K021 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes), K022 (nonwastewaters), K024, K030, K036 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes), K037, K044, K045, nonexplosive K046 (nonwastewaters), K047, K048, K060 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes), K061 (nonwastewaters), noncalcium sulfate K069 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes), K086 solvent washes, K087, K099, K101, K102, and K103 are prohibited from underground injection.

(b) Effective August 8, 1990, the wastes specified in 40 CFR 261.32 as EPA Hazardous Waste numbers K049, K050, K051, K052, K062, K071, and K104 are prohibited from underground injection.

(c) Effective June 7, 1991, the wastes specified in 40 CFR 261.32 as EPA Hazardous Waste numbers K016 (at concentrations less than 1%) are prohibited from underground injection.

(d) The requirements of paragraphs (a), (b), and (c) of this section do not apply:

(1) If the wastes meet or are treated to meet the applicable standards specified in Subpart D of Part 268; or

(2) If an exemption from a prohibition has been granted in response to a petition under Subpart C of this Part; or

(3) During the period of extension of the applicable effective date, if an extension has been granted under § 148.4 of this Part.

5. Section 148.15 is added to Subpart B to read as follows:

§ 148.15 Waste specific prohibitions—second third wastes.

(a) Effective June 7, 1989, the wastes specified in 40 CFR 261.32 as EPA Hazardous Waste numbers K025 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes) are prohibited from underground injection.

(b) The requirements of paragraph (a) of this section do not apply:

(1) If the wastes meet or are treated to meet the applicable standards specified in Subpart D of Part 268; or

(2) If an exemption from a prohibition has been granted in response to a petition under Subpart C of this Part; or

(3) During the period of extension of the applicable effective date, if an extension has been granted under § 148.4 of this Part.

6. Section 148.16 is added to Subpart B to read as follows:

§ 148.16 Waste specific prohibitions—third third wastes.

(a) Effective June 7, 1989, the wastes specified in 40 CFR 261.32 as EPA Hazardous Waste numbers K100 (nonwastewaters generated by the process described in the waste listing description and disposed after August 17, 1988, and not generated in the course of treating wastewater forms of these wastes) are prohibited from underground injection.

(b) The requirements of paragraphs (a) of this section do not apply:

(1) If the wastes meet or are treated to meet the applicable standards specified in Subpart D of Part 268; or

(2) If an exemption from a prohibition has been granted in response to a petition under Subpart C of this Part; or

(3) During the period of extension of the applicable effective date, if an extension has been granted under § 148.4 of this Part.

[FR Doc. 89-14080 Filed 6-13-89; 8:45 am]

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federal register

Wednesday
June 14, 1989

Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Fund Availability for Section 8 Existing Housing Certificate Program for Operation Bootstrap and Submission of Proposed Information Collection to OMB; Notices

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-89-2001; FR-2667]

Fund Availability for Section 8 Existing Housing Certificate Program for Operation Bootstrap

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of fund availability for Public Housing Agencies (PHAs) to participate in Operation Bootstrap.

SUMMARY: HUD is announcing the availability of Section 8 Certificates for PHAs wishing to participate in Operation Bootstrap. The Department is interested in encouraging communities to develop and implement innovative programs to enable unemployed or underemployed members of families to become economically independent through the cooperative efforts of the public and private sectors. Section 8 Existing Housing Certificates will be awarded to PHAs selected to participate in Operation Bootstrap.

DATE: Applications for participation must be received by the local Field Office (Attention: Operation Bootstrap) by 4:00 p.m. local time on August 4, 1989. After review and approval of this program's information collection requirements by the Office of Management and Budget, HUD will announce, by separate **Federal Register** notice, details for submission of applications.

FOR FURTHER INFORMATION CONTACT: Lawrence Goldberger, Director, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410-8000, telephone (202) 755-5720. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 426-0015. (These telephone numbers are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The collection of information requirements for Operation Bootstrap have been submitted to the Office of Management and Budget (OMB) for expedited review under section 3504(h) of the Paperwork Reduction Act of 1980. Expedited review has been requested by June 21, 1989, so that the application process described in a separate Notice published in today's **Federal Register** may be carried out after approval of the described collections of information. No person may be subjected to a penalty for failure to comply with these information collection requirements until they have been approved and assigned an OMB control number. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register.**

I. Introduction

"Operation Bootstrap" is an initiative by HUD to encourage communities to develop and implement innovative programs to aid unemployed or underemployed members of low-income families to become economically independent through the cooperation efforts of the public and private sectors. The Department is initiating Operation Bootstrap to coordinate services to low-income families motivated to achieve economic independence, in conjunction with other Departmental goals.

Operation Bootstrap builds upon the Department's successful Project Self-Sufficiency demonstrations in 1984 and 1985, which confirmed the effectiveness of coordinating local resources toward the goal of economic independence for very low-income single parents. However, Operation Bootstrap includes modifications to reflect the current progress of welfare reform and lessons learned from the demonstration.

The Department will provide a special allocation of Section 8 Certificates to PHAs selected to participate in Operation Bootstrap. Approximately 3,000 Section 8 Certificates will be made available during Fiscal Year 1989 nationwide for this purpose. Certificates will be awarded according to the criteria described in this Notice. A PHA may apply for up to a maximum of 200 Certificates to be used for participants in the Operation Bootstrap programs, subject to the rules and regulations of 24 CFR Part 882. In addition to housing assistance, local Operation Bootstrap programs must provide other activities and assistance designed to enable families to achieve the goal of economic independence. HUD anticipates providing rental housing assistance resources for this purpose in Fiscal Year 1990.

II. Operation Bootstrap Objectives

The overall goal of Operation Bootstrap is to enable low-income families to become economically independent of government assistance programs. The specific objectives of the program are:

(a) To develop innovative local strategies that effectively coordinate public and private resources toward the goal of economic independence for low-income families.

(b) To integrate effectively the Section 8 Existing Housing Assistance Payments Program with other public and private benefit programs to assist low-income families achieve eventual independence from government assistance programs.

(c) To provide families with stable rental assistance support while participating in Operation Bootstrap, allowing them to participate in job training programs without undue concern for the welfare and safety of their families.

(d) To document the results of Operation Bootstrap and share the information with other communities.

Local communities may design Operation Bootstrap programs that reflect local needs and priorities, available resources, and the existing local public and private institutions to achieve the objectives described above. Local programs must contain the following components:

1. Coordinating Body. Each program must establish or use an existing local coordinating body to plan and implement its Operation Bootstrap program. The coordinating body must work with the PHA and other public and private agencies that have resources or programs available to assist low-income families. The coordinating body must develop an action plan outlining specific activities and services necessary to meet the problems of the target population; must secure commitments of local public and private resources; and must oversee the administration of the program.

The coordinating body must include representatives from the PHA, other local public and private agencies that have resources or programs available to assist low-income families, local businesses, and educational facilities. Communities are encouraged to involve the local Private Industry Council, if one exists, and to include members of the medical, religious, and financial communities in the coordinating body. The coordinating body should strive for equal representation from the private and public sectors.

2. Chief Executive Officer Support. The local Operation Bootstrap program must have the strong support and involvement of the chief executive officer of the community. Experience with the Project Self-Sufficiency demonstration indicated that this support and involvement was instrumental to program success.

3. Private Resources. Each program must utilize an active group of local private organizations that are willing to commit funds, staff, equipment, use of buildings and property, training

assistance, housing, employment opportunities, and other services to the program. Such organizations may include businesses, employee organizations, religious organizations, neighborhood organizations, medical institutions, educational institutions, cultural and civic organizations, voluntary and nonprofit service groups, foundations and corporate philanthropies, and individuals.

4. Public Resources. Each community with an Operation Bootstrap program must commit the resources of its local agencies to provide appropriate support for the program. Such resources may include, but are not limited to: Community Development Block Grant funds; Job Training Partnership Act funds; Department of Health and Human Services funds; transportation; the use of publicly-owned buildings and property, local government staff, labor and equipment, and general revenues.

To the extent necessary or appropriate to local circumstances, the following activities and services should be included in the program:

(A) Child Care. The availability of quality child care services is considered an important element of a successful Operation Bootstrap program. Lack of quality child care or unreliable child care services can contribute to the failure of participants to take full advantage of the range of available support services or job training programs. Operation Bootstrap programs should take appropriate steps to assure that child care services are available for program participants.

(B) Transportation. Local Operation Bootstrap programs should give attention to the transportation needs of program participants. The Project Self-Sufficiency demonstration indicated a high correlation between the availability of transportation and the degree to which participants are able to take full advantage of the activities provided by the program.

(C) Personal and Career Counseling. Participants should be provided opportunities for counseling in basic life skills training that enhance the participants' ability to find and retain employment.

(D) Job Development and Placement. Local programs should identify and recruit potential employers early in the planning process, so that job training programs can be tailored to the needs of the job providers. Involving the private sector members of the Operation Bootstrap program is especially critical to this element of the program. The program should make use of a skilled placement officer to match individual participants with employment opportunities in the community.

(E) Other Activities and Services. Other activities and services that are important to the success of an Operation Bootstrap program are:

—Managing and monitoring the progress of individual participants to identify any problems and to make necessary adjustments to increase the potential for a participant's success in completing the program;
—General education training, such as GED programs;
—Support group discussions;
—Preventive health care training;
—Financial counseling;
—Household maintenance training; and
—Entrepreneurial training.

III. Operation Bootstrap Participants

The families selected for participation in Operation Bootstrap must be eligible for assistance under the Section 8 Certificate Program. Selected families must enroll in the Operation Bootstrap program before securing a Section 8 Certificate, except that the PHA may include current Certificate holders in the program. Families selected for participation using Certificates made available from this special allocation must be on the PHA's Section 8 waiting list.

To the extent possible, the PHA should assist program participants to locate suitable housing by providing them with a list of available units that facilitate participation in the Operation Bootstrap program, such as easy access to public transportation or job training sites. All housing must meet the program requirements for the Section 8 Existing Housing Program described in 24 CFR Part 882.

A community may find it feasible to encourage (but may not require) program participants to utilize the Certificates to obtain housing in a particular area if doing so would facilitate the coordination of other support services. However, participants in the Operation Bootstrap program may use the Certificates to rent housing anywhere in the PHA operating area. Consistent with a PHA's authority to use up to 15 percent of its total Certificate funding for project-based assistance, a PHA may choose to use some of the Operation Bootstrap Certificate funding for project-based assistance in accordance with HUD regulations, provided the projects do not consist of more than 100 assisted units each. Communities are also encouraged to use other available resources, including Community Development Block Grants, to provide additional suitable housing.

IV. Selection Criteria for PHAs

The following factors will be considered in selecting PHAs to receive an allocation of Section 8 Certificates for Operation Bootstrap:

(1) Coordination and Speed of Implementation. The community must establish or must utilize an existing coordinating body to develop and implement the program. Special consideration will be given to applications that evidence ability for rapid delivery of services for the participating families.

(2) Commitment of Private and Public Resources. Each participating community must demonstrate the commitment of the resources of private industry, profit and nonprofit groups, and local public agencies to provide services and assistance appropriate to the program.

(3) PHA Administrative Capability. Administrative capability of the PHA must be sufficient to administer the PHA's role in the program successfully within a reasonable period of time.

(4) Innovative Mechanism for Coordination and Delivery of Services. Preference will be given to applications that propose innovative means of developing: public and private cooperative activities; programs addressing the needs of homeless families on the PHA's waiting list; employment programs related to local or State free enterprise zone initiatives; entrepreneurial opportunities; homeownership opportunities through cooperatives; tenant management; neighborhood revitalization with the assistance of neighborhood groups; or coordination with agencies implementing the Jobs Program of the Family Support Act or the Job Training Partnership Act.

V. [Reserved]

VI. Selection and Approval Procedures

When the application period is announced, the applications must be submitted to local HUD Field Offices. The HUD Field Offices will perform a preliminary review of all PHA applications to determine that the application is complete, that the PHA is currently administering a Section 8 Certificate Program, and that the PHA is capable of implementing Operation Bootstrap. All approvable applications meeting these eligibility threshold requirements will be sent to the appropriate Regional Office, with comments on the four selection factors and recommendations for funding.

Regional Office staff will review all applications submitted through their

Field Offices and may recommend to Headquarters, Office of Elderly and Assisted Housing up to 1½ times the Region's target allocation. The Field or Regional Office may recommend approval of a smaller number of units than were applied for by the PHA, and may review the applications on the basis of the reduced number. Applications will not be ranked by the Regional Office, but for each application forwarded to Headquarters, the Regional Office will provide a narrative including a description of how each of the selection factors is met by the applicant. The metro and nonmetro contract and budget authority should be specified for each recommended application.

Each Region may submit applications in accordance with the following table:

Region	Target regional CA	Target regional BA	Target regional units	Maximum units to be recommended for funding
Boston	$1,294,067	$6,470,335	170	255
New York	3,367,321	16,836,605	546	819
Philadelphia	1,568,671	7,843,355	285	428
Atlanta	2,121,309	10,606,545	434	651
Chicago	2,598,433	12,992,165	493	740
Fort Worth	1,314,663	6,573,315	265	397
Kansas City	576,667	2,883,335	140	210
Denver	408,473	2,042,365	75	112
San Francisco	3,336,429	16,682,145	486	729
Seattle	576,667	2,883,335	106	159
Totals	$17,162,700	$85,813,500	3,000	4,500

Selections will be made in Headquarters where all applications will be ranked, taking into consideration Regional Office evaluations with respect to the selection criteria described in Section III of this Notice. Funding decisions will be announced by Headquarters by September 30, 1989.

PHAs selected to participate in Operation Bootstrap must comply with all applicable regulations and requirements for the Section 8 Certificate Program. The Certificates are to be made initially available to eligible families selected for participation in the community's Operation Bootstrap program to enable them to locate decent and affordable housing. The Certificate funding may be used to provide either tenant-based or project-based assistance.

Other Matters

The General Counsel, as the Designated Official under Executive Order No. 12606—The Family, has determined that this program will not have a significant impact on family formation, maintenance, or well-being. The program will generally benefit participating families since it is designed to provide support and encouragement to upwardly mobile family units in their efforts to move toward economic self-sufficiency.

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12611—Federalism, has determined that this program does not involve the preemption of State law and does not have other negative implications associated with principles of Federalism. The program described in this Notice provides for a variety of means by which community leaders and public housing authorities may develop their own programs, with help from HUD in the form of additional housing assistance, aimed at the general goal of marshaling resources toward economic independence for low-income families. The program will be carried out within existing HUD regulations and in compliance with State and local laws.

Dated: June 9, 1989.

James E. Schoenberger,

General Deputy Assistant Secretary-Federal Housing Commissioner.

[FR Doc. 89-14139 Filed 6-13-89; 8:45 am]

BILLING CODE 4210-27-M

Office of Housing

[Docket No. N-89-2002]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal by June 21, 1989. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act, and is requesting a 7-day expedited review.

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and the OMB desk officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Date: June 8, 1989.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing-Federal Housing Commissioner.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Fund Availability and Solicitation of Proposals for the Section 8 Existing Housing Certificate Program for Operation Bootstrap.

Office: Housing.

Description of the Need for the Information and Its Proposed Use: This information collection is necessary to implement Operation Bootstrap, an initiative to encourage communities to develop and implement innovative programs to enable unemployed or underemployed members of families to become economically independent through the cooperative efforts of the public and private sectors. Approximately 3000 Certificates will be awarded to PHAs selected to participate in Operation Bootstrap.

Form Number: None.

Respondents: State or Local Governments.

Frequency of Submission: On occasion.

Reporting Burden:

	Number of respondents	×	Frequency of responses	×	Hours per response	=	Burden hours
Operation Bootstrap	500		Varies		Varies		3,920

Total Estimated Burden Hours: 3920.

Status: New.

Contact: Louise Hunt, HUD (202) 755-6887; John Allison, OMB (202) 395-6988.

Date:

Information To Be Collected:

The Department of Housing and Urban Development proposes to collect the following information in connection with Operation Bootstrap, an initiative announced elsewhere in today's **Federal Register**:

1. Action Plan:

A local Operation Bootstrap program must have an Action Plan as a component of the program. (This component is in addition to other components described in the Notice of Funds Availability, *i.e.*, a Coordinating Body, Chief Executive Officer Support, Private Resources, and Public Resources.) Under the Action Plan component, Operation Bootstrap program would assess the needs of the target population and develop an action plan of specific activities and services to meet those needs. The plan would describe specific steps to be taken to deliver the program services and activities, specify a time frame for each step, show how public and private resources are to be integrated to implement the program, and delineate responsibilities for each step of implementation.

2. Application:

Applications to local Field Offices (due by 4:00 p.m. local time on August 4, 1989) from PHAs for Section 8 Certificates to be used for participants in local Operation Bootstrap programs would be required to contain the following:

(1) An original and two copies of a competed Form HUD-52515—Application for Existing Housing (a copy of which appears as an appendix to this Notice). For purposes of expediting the selection process, the PHA should encourage the chief executive officer of the unit of general local government to submit a letter with the PHA application commenting on the PHA's application, in accordance with section 213 of the Housing and Community Development Act of 1974. (See 24 CFR Part 791 for specific requirements.) The section 213 letter should not only comment on the application and indicate that approval of the application is consistent with the community's housing assistance plan, where applicable, but should also state that HUD may consider the letter to be the final comments, and that no additional comments will be submitted by the unit of local government.

(2) Letters from the local chief executive officer and the coordinating body agreeing to participate in planning and implementation of Operation Bootstrap.

(3) Description of how the application meets the four selection factors identified in the Notice of Funds Availability for Operation Bootstrap.

3. Revised Administrative Plan:

PHAs selected to participate in Operation Bootstrap would be required to submit a revised Administrative Plan to the appropriate HUD Field Office. The revised Administrative Plan would be required to include objective criteria for identifying motivated applicants. ACC execution by HUD would not take place until the revised Administrative Plan has been approved by HUD.

Burden	Number of respondents	×	Frequency of response	×	Hours per response	=	Annual burden hours	×	Average hourly rate	=	Annual cost
PHA application	500		1		4		2,000		$13		$26,000
Action plan of coordinating body	60		1		32		1,920		$13		$24,960
Total annual burden hours							3,920				$50,960

Total respondents: 500 PHAs; 60 coordinating bodies.

Application for Existing Housing

Section 8 Housing Assistance Payments Program

Send original and two copies of this application form and attachments to the local HUD Field Office

U.S. Department of Housing and Urban Development
Office of Housing
Federal Housing Commissioner

OMB Approval No. 2502-0123 (exp. 11/30/90)

Public reporting burden for this collection of information is estimated to average 0.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Office of Information Policies and Systems, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600 and to the Office of Management and Budget, Paperwork Reduction Project (2502-0123), Washington, D.C. 20503.

Name of the Public Housing Agency (PHA) requesting housing assistance payments:	Application/Project No. (HUD use only)
Mailing Address of the PHA	Requested housing assistance payments are for : How many Certificates? / How many Vouchers?
Signature of PHA Officer authorized to sign this application X	Have you submitted prior applications: No Yes . . . for Section 8 Certificates? ☐ ☐ . . . for Section 8 Housing Vouchers? ☐ ☐
Title of PHA Officer authorized to sign this application / Phone Number	Date of Application

Legal Area of Operation (area in which the PHA determines that it may legally enter into Contracts)

A. Primary Area(s) from which families to be assisted will be drawn.

Locality (City, Town, etc.)	County	Congressional District	Units

B. Proposed Assisted Dwelling Units

Housing Program	Number of Dwelling Units by Bedroom Count									Total Dwelling Units
	Elderly, Handicapped, Disabled			Non-Elderly						
	Efficiency	1-BR	2-BR	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR	
Certificates										
Housing Vouchers										

C. Need for Housing Assistance. Demonstrate that the project requested in this application is consistent with the applicable Housing Assistance Plan including the goals for meeting the housing needs of Lower-Income Families or, in the absence of such a Plan, that the proposed project is responsive to the condition of the housing stock in the community and the housing assistance needs of Lower-Income Families (including the elderly, handicapped and disabled, large families and those displaced or to be displaced) residing in or expected to reside in the community. (If additional space is needed, add separate pages.)

D. Qualification as a Public Housing Agency. Demonstrate that the applicant qualifies as a Public Housing Agency and is legally qualified and authorized to carry out the project applied for in this application. (check √ the appropriate boxes)	Submitted with this application	Previously submitted
1. The relevant enabling legislation		
2. Any rules and regulations adopted or to be adopted by the agency to govern its operations		
3. A supporting opinion from the Public Housing Agency Counsel		

Retain this record for the term of the ACC.
Previous editions are obsolete

form HUD-52515 (7/88)
ref. handbook 7420.3

E. Financial and Administrative Capability. Describe the experience of the PHA in administering housing or other programs and provide other information which evidences present or potential management capability for the proposed program.

F. Housing Quality Standards. Provide a statement that the Housing Quality Standards to be used in the operation of the program will be as set forth in the program regulation or that variations in the Acceptability Criteria are proposed. In the latter case, each proposed variation shall be specified and justified.

G. Leasing Schedule. Provide a proposed schedule specifying the number of units to be leased by the end of each three-month period.

H. Average Monthly Adjusted Income (Housing Vouchers Only)

Efficiency	1-BR	2-BR	3-BR	4-BR	5-BR	6+BR

I. Attachments. The following additional items must be submitted either with the application or after application approval, but no later than with the PHA executed ACC.

	Submitted with this application	To be submitted	Previously submitted
1. Equal Opportunity Housing Plan			
2. Equal Opportunity Certifications, Form HUD-916			
3. Estimates of Required Annual Contributions, Forms HUD-52672 and HUD-52673			
4. Administrative Plan			
5. Proposed Schedule of Allowances for Utilities and Other Services, Form HUD-52667, with a justification of the amounts proposed			

HUD Field Office Recommendations

Recommendation of Appropriate Reviewing Office	Signature and Title	Date

form HUD-52515

[FR Doc. 89-14138 Filed 6-13-89; 8:45 am]

BILLING CODE 4210-27-C

federal register

Wednesday
June 14, 1989

Part VI

The President

Proclamation 5989—Father's Day, 1989

Legislation

Federal Register
Vol. 54, No. 113
Wednesday, June 14, 1989

Presidential Documents

Title 3—

The President

Proclamation 5989 of June 9, 1989

Father's Day, 1989

By the President of the United States of America

A Proclamation

By tradition, the third Sunday in June is designated Father's Day. Each year, we Americans observe this special day with renewed appreciation for the many gifts fathers bestow upon their children and the Nation.

When a father cradles his first child in his arms he knows that he holds the wonder of life itself. In that tender moment, he becomes aware of the endless rewards and awesome responsibilities of fatherhood.

A father sees the future not as some distant time and remote concern, but as the place in history where his children will dwell. He thus regards the world with a profound sense of stewardship, taking active interest in the course of current events and pursuing every endeavor as an investment in his children's well-being.

Though their gratitude may often go unspoken, children long remember their father's affection, hard work, and generosity. The simple joys of dad's piggyback rides, patient coaching, and countless little treats and surprises are memories that a child cherishes forever. What teenage girl who has winced at her father's scrutiny of her prom date, what boy who has rolled his eyes at dad's familiar lecture on driving carefully, has not also recognized these paternal "offenses" as signs of love and concern?

Most children, however, do not fully appreciate their father's concerns and sacrifices until they have children of their own. A father will carry the weight of the world on his shoulders for his family, but he will also leave the world and its distractions behind when his children need an attentive listener or another player in a game of catch. Though he may be worried about everything from a sick baby to the cost of shoes, his children are touched only by his quiet strength and faith in God.

Fathers also provide an example of discipline, concern, and commitment. Children learn from their fathers that unconditional love is the foundation of a family and that it cannot exist apart from respect, consideration, faithfulness, and responsibility. A father, in shaping the character of his children, helps to shape the character of our Nation.

While we have ample opportunity and infinite reasons throughout the year to express respect and gratitude for our dads, Father's Day enables us to recognize them in a special way. On this day, let us give thanks for and to our Nation's fathers. They have surely earned a place of honor in our hearts and prayers.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972 (36 U.S.C. 142a), do hereby proclaim Sunday, June 18, 1989, as Father's Day. I invite the States and communities and people of the United States to observe that day with appropriate ceremonies as a mark of appreciation and abiding affection for their fathers. I direct government officials to display the flag of the United States on all Federal Government buildings, and I urge all Americans to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of June, in the year of our Lord nineteen hundred and eighty-nine, and of the Independence of the United States of America the two hundred and thirteenth.

George Bush

[FR Doc. 89-14328
Filed 6-12-89; 4:54 pm]
Billing code 3195-01-M