decision selecting the applicant for homestead protection.

* * * * *

PART 1955—PROPERTY MANAGEMENT

13. The authority citation for part 1955 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 7 CFR 2.70.

Subpart C—Disposal of Inventory Property

14. Section 1955.107 is amended by revising paragraph (e)(2) to read as follows:

§ 1955.107 Sale of suitable property (CONACT)

* * * * *

(e) * * *

(2) *Farm property.* Suitable farmland may only be sold to operators (as of the time immediately after the contract for sale or lease is entered into) of not larger than family-sized farms, as determined by the County Committee. However, suitable farmland larger than family size, may be sold to the former owner or the spouse or child(ren) of the former owner in accordance with leaseback/buyback provisions of subpart S of part 1951 of this chapter. Any credit sale of a suitable farm larger than a family size farm would be at ineligible rates and terms. In determining if the property is a family size farm, the County Committee should refer to the definitions of family farm and farm as outlined in § 1943.4 of subpart A of part 1943 of this chapter. In selling suitable farm land, priority must be given to persons eligible for FP loans, including individuals approved for, but who, as of January 6, 1988, have not received such loans. If two or more eligible operators of not larger than family-sized farms, as of the time immediately after the contract of sale or lease is entered into, wish to purchase a suitable farm, the County Committee will make the selection. The reasons explaining the County Committee's selection of the applicant will be fully documented on Form FmHA 440–2. The County Committee will give a priority to those eligible individuals who have pending applications filed but have not received the loan assistance, and make a selection from those eligible individuals that have the greatest need for farm income and best meet the criteria of eligibility for farm ownership loan assistance (refer to § 1943.12 of subpart A of part 1943 of this chapter. Applicants who were considered but not selected by the County Committee will be given appeal rights as set forth in subpart B of part 1900 of this chapter. The selected applicant will be notified that his/her selection is subject to the appeals rights of the unsuccessful applicants. If an appeal is filed, the selected applicants will be notified by the National Appeals Staff as provided in § 1900.57(m) of subpart B of part 1900 of this chapter. The property will not be sold until all appeals are concluded.

* * * * *

Dated: January 17, 1990.

Neal Sox Johnson,

Acting Administrator, Farmers Home Administration.

[FR Doc. 90–6074 Filed 3–15–90; 8:45 am]

BILLING CODE 3410–07–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3732–5]

Approval and Promulgation of Implementation Plans; State of California, Kern County Ozone Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice announces EPA's final disapproval of the California State Implementation Plan (SIP) for ozone in the Kern County Air Pollution Control District (APCD). This final action is being taken because the SIP for the Kern County APCD does not provide for attainment of the ozone national ambient air quality standard (NAAQS) by the statutory deadline of December 31, 1987, or by any other fixed date, as required by section 172(a) of the Clean Air Act ("the Act") (42 U.S.C. 7502(a)). Pursuant to section 110(a)(2)(I) of the Act and EPA's implementing regulations, this disapproval results in the imposition of a moratorium on the construction and modification of major stationary sources of volatile organic compounds (VOC) in the Kern County APCD (See 40 CFR 52.24 and 42 U.S.C. 7410(a)(2)(I)).

EFFECTIVE DATE: April 16, 1990.

FOR FURTHER INFORMATION CONTACT: Wallace D. Woo, Chief, State Liaison Section, Air and Toxics Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, Telephone: (415) 744–1686, (FTS) 744–1686.

SUPPLEMENTARY INFORMATION:

A. Background

A brief background of the Act and the history of the Kern County SIP is provided here. For a more comprehensive description of the relevant requirements of the Act and EPA's regulatory actions on the Kern County SIP, see the proposed disapproval of the SIP for the Kern County ozone nonattainment area (52 FR 26428, July 14, 1987) and the General Preamble accompanying that notice (52 FR 26404).

The Clean Air Act mandates a system of state implementation plans as the chief mechanism for meeting the NAAQS. Section 110(a)(1) directs the state to submit, within nine months from the promulgation of primary NAAQS, a plan for implementing those NAAQS. Section 110 lays out the requirements that the plan must meet and provides a mechanism for revision of the plan where the Administrator finds that the plan is substantially inadequate to achieve the NAAQS by the relevant deadline.

Recognizing that numerous areas had not been able to attain the NAAQS within the initial timeframe, Congress added part D to the Act in 1977. Part D allowed certain "nonattainment" areas to extend the time for attainment to December 31, 1982, with the exception that certain areas, in which it was "not possible" to meet that deadline for ozone and carbon monoxide (CO) despite the application of all reasonably available control measures, could apply for a further extension to December 31, 1987.

On October 12, 1979, California submitted to EPA an ozone SIP for Kern County which purported to satisfy the part D requirements including a demonstration of attainment of the ozone NAAQS by the end of 1982. On September 15, 1980, EPA published a notice of proposed rulemaking which cited several deficiencies in the plan, but proposed conditional approval of the plan on the condition that the State submit corrections by January 1, 1981. 45 FR 60934.

On August 21, 1981, EPA published a notice of final rulemaking conditionally approving the Kern County ozone SIP. 40 FR 42450. The deadline for fulfillment of the conditions was extended from January 1, 1981 to October 1, 1981, but the State did not meet this deadline for submitting corrections designed to meet the conditions.

Kern County did not attain the ozone standard by December 31, 1982. On February 3, 1983, EPA published a notice of proposed rulemaking that listed areas of the country, including Kern County, California, that had not fulfilled conditions attached to the approval of their part D SIP revisions. 48 FR 4972.

EPA proposed to disapprove the SIPs for these areas and to impose the construction ban of section 110(a)(2)(I). 48 FR 4972. (February 3, 1983).

On November 2, 1983, EPA issued a final rulemaking notice which announced that it would review all unfulfilled conditions on approval of part D plans to determine which conditions were still germane to attainment and maintenance of the NAAQS. 48 FR 50686. On June 29, 1984, EPA published a notice of its proposed rulemaking that announced the results of its review of the outstanding unfulfilled conditions on nonattainment area plans in California. 49 FR 26764. As a result of this review, EPA promulgated a final rule that extended the deadline for fulfillment of the outstanding conditions on approval of the Kern County ozone SIP from October 1, 1981 to February 24, 1985. This rule was published on February 25, 1985. 50 FR 7591. EPA stated in the rulemaking on the extension of the condition that it would accept a control strategy based on a demonstration of attainment of the standard by the end of 1987.

Once it became evident that Kern County had not attained the ozone standard by the statutory date of December 31, 1982, EPA supplemented the conditions of its approval of Kern County's 1979 SIP with a notice of SIP deficiency under section 110(a)(2)(H) and thereby issued a call for a SIP revision for the county to include (1) an updated inventory; and (2) a revised demonstration of attainment of the ozone standard by December 31, 1987.

On March 31, 1986, Kern County adopted a revised SIP, the 1986 ozone plan. Because it concluded that the plan did not meet all the CAA requirements, the California Air Resources Board (CARB) adopted a resolution amending the plan which committed the State to make changes to the SIP if Kern County failed to do so. On November 21, 1986, CARB submitted to EPA the 1986 Kern plan, as amended. On April 2, 1987, CARB submitted to EPA as a SIP revision a resolution which included corrections to the emissions inventory and air quality data and analysis. The resolution and corrected data were submitted to EPA as a SIP revision on April 2, 1987.

While the 1986 Kern County plan strengthened the existing SIP by adding commitments to adopt additional control measures, EPA concluded that the SIP amendments did not contain a demonstration of attainment by December 1987, or by a fixed, near-term date thereafter. Therefore, on July 14, 1987, EPA published a notice of proposed rulemaking in which it proposed, among other things, to disapprove the attainment and reasonable further progress (RFP) demonstration portion of the plan. 52 FR 26428. In so doing, EPA proposed to rescind its prior conditional finding that the plan satisfies Part D of the Act, since the condition on approval of the 1979 Kern County ozone plan regarding the attainment demonstration had not been met. EPA further proposed to impose a construction ban under section 110(a)(2)(I) of the Act on new major sources and major modifications to existing sources of VOC in the Kern County ozone nonattainment area.

B. Discussion

In November 1987, the Ninth Circuit Court of Appeals issued its opinion in *Abramowitz* v. *United States Environmental Protection Agency*. 832 F.2d 1071 (9th Cir. 1987). That case involved a petition for review of EPA's final action approving certain CO and ozone control measures in the South Coast SIP and deferring action on the attainment and RFP demonstration portions of the plan. The Court held that EPA lacked authority to defer action on whether the South Coast ozone and carbon monoxide plan meets all of the part D requirements of the Act when the Agency approved the individual control measures. The Court ordered EPA to "disapprove the relevant SIP provisions." 832 F.2d at 1079. EPA took final action on January 22, 1988 disapproving the South Coast SIP. 53 FR 1780.

In the case of the South Coast SIP, the State of California conceded that the plan did not demonstrate attainment of the NAAQS by December 31, 1987, or any near fixed-term date. In contrast, in the 1986 Kern County plan, as amended, the State included provisions arguably purporting to demonstrate attainment of the ozone NAAQS by December 31, 1987. Therefore, today's final action is not directly governed by the Abramowitz decision. However, the Abramowitz decision does establish that EPA has no discretion under the law to postpone final disapproval when the Agency has effectively determined that the plan does not contain a demonstration of attainment by any fixed date. Thus, once EPA finally determines that the Kern County SIP does not contain an attainment demonstration, the Agency's final action is then driven by the reasoning of the Abramowitz decision.

As stated above, on July 14, 1987, EPA proposed to disapprove the attainment and RFP demonstration portion of the 1986 Kern County ozone plan. 52 FR 26429. EPA stated its preliminary conclusion that "the SIP amendments do not, however, contain a demonstration of attainment by December 31, 1987, or by a fixed, near-term date thereafter, despite implementation of the new control measures." 52 FR at 26430, col. 2. In submitting the SIP revision for Kern County, California had admitted that the SIP as prepared by Kern County did not demonstrate attainment. Id., col. 1. The State attempted to compensate for this deficiency by creating a trigger mechanism whereby certain NO_x control rules would go into effect in the western portion of Kern County in the event of NAAQS exceedances. However, EPA found that SIP control measures and the trigger mechanism together did not amount to an attainment demonstration. In addition, EPA recommended that while California was working to create an attainment demonstration for Kern County, the trigger should remain in effect but operate at increased frequency. 52 FR at 26430, col. 3.

In response to the July 14, 1987 proposal, EPA received no comments challenging EPA's proposed determination that the attainment demonstration in the plan is inadequate. EPA did receive numerous comments on whether the trigger mechanism should be altered to operate more frequently, and whether a construction ban should apply in the western portion of the county. However, none of the commentors disputed EPA's preliminary conclusion that the plan with the addition of the trigger mechanism did not provide for attainment.[1]

Having found no basis on which to reverse its proposed determination, EPA now finally concludes that the attainment demonstration in the Kern County ozone SIP does not demonstrate attainment of the ozone NAAQS by December 31, 1987 or by any other fixed date (near-term or otherwise). Therefore, EPA has no discretion under Abramowitz to postpone final disapproval of the SIP. As a result, EPA is not responding directly to public comments on other aspects of EPA's July 14, 1987 proposal. EPA may respond to some of the comments in the future, perhaps in connection with a final policy on how areas like Kern County should correct their SIPs after December 31, 1987. EPA will address other aspect of the Kern County ozone SIP, including

[1] In fact, one of the major commentors recommending no increase in the operation of the trigger and arguing against imposition of the construction ban specifically stated that "we recognized that the plan does not demonstrate attainment by 31 December 1987". September 14, 1987 comment letter from W J. Mulligan, Chevron Corporation, page 2 of attachment.

the RFP demonstration, in connection with a future plan submission containing an attainment demonstration.

The ground for EPA's final disapproval of the Kern County SIP is that it does not demonstrate attainment of the ozone NAAQS by December 31, 1987, or by any other fixed date (near-term or otherwise) thereafter. Under the terms of the Act and EPA's regulations, upon final disapproval, EPA has no discretion to withhold imposition of a construction ban in the Kern County APCD for major new sources and major modifications of existing sources of VOC.[2] Section 110(a)(2)(I); 40 CFR 52.24(a). Under 40 CFR 52.24 (f)(4)(ii) and (f)(5)(i), a major stationary source or major modification that is major for VOC is also major for ozone.

C. Final Action

EPA is today taking final action to disapprove the 1986 Kern county APCD SIP revision for attainment of the primary NAAQS for ozone. EPA is also rescinding its prior conditional finding that the plan satisfies part D of the Act, since the condition on approval of the 1979 Kern County ozone Plan regarding to the attainment demonstration has not been met. Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(d), this disapproval is effective April 16, 1990. The effective date for the construction ban is April 16, 1990.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

F. Regulatory Process

Under Executive Order 12291, this action is not "Major." It has been submitted to the Office of Management and Budget for review.

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA must assess the impact of proposed or final rules on small entities. EPA does not have sufficient information to determine the impacts that the construction moratorium announced in today's notice may have on small entities, because it is difficult to obtain reliable information on future plans for business growth. Even if this action were to have a significant impact, however, the Agency could not modify its action. Under the Act, the imposition of a construction moratorium is mandatory whenever the Agency determines that an implementation plan for a nonattainment area fails to meet the requirements of part D of the Act, and that determination, in turn, is effectively required by the Ninth Circuit's decision in Abramowitz.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 15, 1990. This action may not be challenged later in proceedings to enforce its requirements. *See* Section 307(b)(2).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Intergovernmental relations.

Dated: March 1, 1990.

William K. Reilly,
Administrator.

40 CFR Part 52, subpart F, is amended as follows:

PART 52—[AMENDED]

Subpart F—California

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

Authority: 42 U.S.C. 7401–7642.

§ 52.232 [Amended]

2. Section 52.232 is amended by removing paragraph (a)(5)(iii).

3. Section 52.237 is amended by adding new paragraph (a)(5) to read as follows:

§ 52.237 Part D disapproval.

(a) * * *

(5) The ozone attainment demonstration for the Kern county APCD. No major stationary source, or major modification of a stationary source, of volatile organic compounds may be constructed in the Kern county nonattainment area unless the construction permit application is complete on or before April 16, 1990.

* * * * *

[FR Doc. 90–5610 Filed 3–15–90; 8:45 am]
BILLING CODE 6560–50–M

[2] The Kern County Air Pollution Control District includes all of the Kern County portion of the San Joaquin Valley air basin. Within this area, any major new source or major modification for which the construction permit application is incomplete on or after [thirty days from the date of publication] will be prohibited from construction. EPA's criteria for determining an application to be complete are explained in 52 FR 26404 and 26409 n.18 (July 14, 1987).

40 CFR Part 52

[FRL–3732–6]

Approval and Promulgation of Implementation Plans; State of California, Fresno County Ozone Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice announces EPA's final disapproval of the California State Implementation Plan (SIP) for ozone in the Fresno County Air Pollution Control District (APCD). This final action is being taken because the SIP for Fresno County does not provide for attainment of the ozone national ambient air quality standard (NAAQS) by the statutory deadline of December 31, 1987, or by any other fixed date, as required by section 172(a) of the Clean Air Act ("the Act") (42 U.S.C. 7502(a)). Pursuant to section 110(a)(2)(I) of the Act and EPA's implementing regulations, this disapproval results in the imposition of a moratorium on the construction and modification of major stationary sources of volatile organic compounds (VOC) in the Fresno County APCD. *See* 40 CFR 52.24 and 42 U.S.C. 7410(a)(2)(I).

EFFECTIVE DATE: April 16, 1990.

FOR FURTHER INFORMATION CONTACT: Wallace D. Woo, Chief, State Liaison Section, Air and Toxics Division, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, Telephone: (415) 744–1686, (FTS) 744–1686.

SUPPLEMENTARY INFORMATION:

A. Background

A brief background of the Act and the history of the Fresno County SIP is provided here. For a more comprehensive description of the relevant requirements of the Act and EPA's regulatory actions on the Fresno County SIP, see the proposed disapproval of the SIP for the Fresno County ozone nonattainment area and three other areas in California (52 FR 26431, July 14, 1987) and the General Preamble accompanying that notice (52 FR 26404).

The Clean Air Act mandates a system of state implementation plans as the chief mechanism for meeting the NAAQS. Section 110(a)(1) directs the state to submit, within nine months from the promulgation of primary NAAQS, a plan for implementing those NAAQS. Section 110 lays out the requirements that the plan must meet and provides a mechanism for revision of the plan where the Administrator finds that the

plan is substantially inadequate to achieve the NAAQS by the relevant deadline.

Recognizing that numerous areas had not been able to attain the NAAQS within the initial timeframe, Congress added part D to the Act in 1977. Part D allowed certain "nonattainment" areas to extend the time for attainment to December 31, 1982, with the exception that certain areas, in which it was "not possible" to meet that deadline for ozone and carbon monoxide (CO) despite the application of all reasonably available control measures, could apply for a further extension to December 31, 1987.

California requested, and EPA approved, an extension of the statutory attainment date for ozone in Fresno County to December 31, 1987. The State then submitted the 1982 plan updates to the California ozone SIP. In 1983, EPA proposed to disapprove these revisions and impose a construction ban on the grounds that the plan did not provide for attainment of the ozone standard by the end of 1987, or reasonable further progress in the interim (48 FR 5074 (Feb. 3, 1983)). On July 30, 1984, EPA took final action to approve the control measures submitted by the State, but held open the question of whether to approve the attainment demonstration in the SIP submittal for Fresno County and three other areas of California (South Coast, Ventura and Sacramento) similarly lacking approvable SIP attainment demonstrations for ozone and/or carbon monoxide (49 FR 30300, 30305 (July 30, 1984)).

In July 1987, EPA reproposed to disapprove the ozone SIP for Fresno, Sacramento, South Coast, Ventura and several other areas (52 FR 26408–26409, 26431–26435 (July 14, 1987)) In that notice, EPA stated that it lacked authority to continue to defer action on the plans for those areas that had not yet submitted a plan demonstrating attainment by the deadline, and that it had no choice but to disapprove the plans for those areas and impose a construction ban under section 110(a)(2)(I).

In November 1987, the Ninth Circuit Court of Appeals issued its opinion in *Abramowitz* v. *United States Environmental Protection Agency*, 832 F.2d 1071 (9th Cir. 1987). The court held that EPA lacked authority to defer action on whether the South Coast ozone and carbon monoxide plan meets all of the part D requirements of the Act when the Agency approved the individual control measures. The court ordered EPA to "disapprove the relevant SIP provisions." 832 F.2d at 1079. Pursuant to the Ninth Circuit Court's instructions, EPA took final action in January 1988 to disapprove the South Coast SIP. 53 FR 1780 (January 22, 1988).

B. Discussion

EPA concludes that the attainment demonstration deficiencies in the 1982 Fresno County ozone SIP are substantively identical to the deficiencies in the South Coast CO and ozone SIP and EPA is therefore now taking final action to disapprove the Fresno County ozone SIP. The ground for EPA's final disapproval of the Fresno County SIP is that it does not demonstrate attainment of the ozone NAAQS by December 31, 1987, or by any other fixed date (near-term or otherwise) thereafter. Under the terms of the Act and EPA's regulations, such final plan disapproval results in the imposition of a construction ban in the Fresno County APCD for major new sources and major modifications of existing sources of VOC.[1] Section 110(a)(2)(I); 40 CFR 52.24(a). Under 40 CFR 52.24(f)(4)(ii) and (f)(5)(i), a major stationary source or major modification that is major for VOC is also major for ozone.

Today's action is driven by the reasoning of the decision in Abramowitz. That decision establishes that EPA has no discretion under the law to postpone the final disapproval when the Agency has effectively determined that the plan does not provide for timely attainment by any fixed date. Thus, EPA is not responding directly to public comments on EPA's July 14, 1987 proposal. EPA may respond to some of the comments in the future, perhaps in connection with EPA's final policy on how areas like Fresno County should correct their SIPs after December 31, 1987.

Final Action

EPA is today taking final action to disapprove the 1982 Fresno County APCD SIP revision for attainment of the primary NAAQS for ozone.

Pursuant to the Administrative Procedure Act, 5 U.S.C. 553(d), this disapproval is effective April 16, 1990. The effective date for the construction ban is April 16, 1990.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

Under Executive Order 12291, this action is not "Major." It has been submitted to the Office of Management and Budget for review.

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA must assess the impact of proposed or final rules on small entities. EPA does not have sufficient information to determine the impacts that the construction moratorium announced in today's notice may have on small entities, because it is difficult to obtain reliable information on future plans for business growth. Even if this action were to have a significant impact, however, the Agency could not modify its action. Under the Act, the imposition of a construction moratorium is mandatory whenever the Agency determines that an implementation plan for a nonattainment area fails to meet the requirements of part D of the Act, and that determination, in turn, is effectively required by the Ninth Circuit's decision in Abramowitz.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 15, 1990. This action may not be challenged later in proceedings to enforce its requirements. *See* section 307(b)(2).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Intergovernmental relations.

Dated: March 1, 1990.

William K. Reilly,

Administrator.

40 CFR part 52, subpart F, is amended to read as follows:

PART 52—[AMENDED]

Subpart F—California

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.237 is amended by adding paragraph (a)(4) to read as follows:

§ 52.237 Part D disapproval.

(a) * * *

[1] The Fresno County Air Pollution Control District nonattainment ozone area includes all of Fresno County. Within this area, any major new source or major modification for which the construction permit application is incomplete on or after April 16, 1990, will be prohibited from construction. EPA's criteria for determining an application to be complete are explained in 52 FR 26404 and 26409 n.18 (July 14, 1987).

(4) The ozone attainment demonstration for the Fresno County APCD. No major stationary source, or major modification of a stationary source, of volatile organic compounds may be constructed in the Fresno County nonattainment area unless the construction permit application is complete on or before April 16, 1990.

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[FR Doc. 90-5609 Filed 3-15-90; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 271

[FRL-3745-1]

Ohio: Schedule of Compliance for Modification of Ohio's Hazardous Waste Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Ohio's Compliance Schedule to Adopt Program Modifications.

SUMMARY: On September 22, 1986, U.S. EPA promulgated Amendments to the deadlines for State program modifications and published requirements for States to be placed on a compliance schedule to adopt necessary program modifications. U.S. EPA is today publishing a compliance schedule for Ohio to modify its program, in accordance with § 271.21(g) to adopt Federal program modifications.

EFFECTIVE DATE: March 16, 1990.

FOR FURTHER INFORMATION CONTACT: Brian Barwick, Ohio Regulatory Specialist, Office of RCRA, U.S. EPA, Region V, 230 South Dearborn Street, 5HR-JCK-13, Chicago, Illinois 60604, (312) 886-6085, (FTS: 8-886-6085).

SUPPLEMENTARY INFORMATION:

A. Background

Final authorization to implement the Federal hazardous waste program within the State is granted by U.S. EPA, if the Agency finds that the State program: (1) Is "equivalent" to the Federal program; (2) is "consistent" with the Federal program and other State programs; and (3) provides for adequate enforcement (section 3006(b), 42 U.S.C. 6926(b)). U.S. EPA regulations for final authorization appear at 40 CFR 271.1-271.25. In order to retain authorization, a State must revise its program to adopt new Federal requirements by the cluster deadlines and procedures specified in 40 CFR 271.21. See 51 FR 33712, September 22, 1986, for a complete discussion of these procedures and deadlines.

B. Ohio

Ohio received final authorization of its hazardous waste program on June 30, 1989 (see 54 FR, June 28, 1989). Today U.S. EPA is publishing a compliance schedule for Ohio to complete program revisions for the Federal corrective action regulations (50 FR 28702, July 15, 1985). The adoption deadline under 40 CFR 271.21 for these Federal regulations was July 1, 1989.

Ohio was prepared to adopt the July 15, 1985, corrective action regulations by the July 1, 1989, deadline. U.S. EPA requested, for administrative reasons, that Ohio concurrently adopt the additional corrective action regulations that were promulgated on December 1, 1987. The December 1, 1987, regulations are not required to be adopted until July 1, 1991. Ohio has agreed to delay adoption of the July 15, 1985, regulations and to accelerate adoption of the December 1, 1987, regulations so that both sets of regulations can be adopted concurrently by July 1, 1990.

On January 29, 1990, Ohio submitted to U.S. EPA draft State rules analogous to the July 15, 1985, and December 1, 1987, corrective action regulations. The State will complete the corrective action revisions to its authorized program according to the following schedule:

(1) File proposed rules with the Ohio Legislative Service Commission, the Ohio Joint Committee on Agency Rule Review, and the Ohio Secretary of State, April 2, 1990.

(2) Hold a public hearing on the proposed rules, (within 30 to 50 days after April 2, 1990).

(3) State rules become effective, July 1, 1990.

Ohio expects to submit an application to U.S. EPA requesting authorization for the Federal corrective action regulations by September 1, 1990.

Authority

This notice is issued under authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the RCRA of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: February 21, 1990.

Frank M. Covington,

Acting Regional Administrator.

[FR Doc. 90-5840 Filed 3-15-90; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 272

[FRL-3745-4]

Hazardous Waste Management Program: Codification of Approved State Hazardous Waste Program for Minnesota

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Under the Resource Conservation and Recovery Act of 1976, as amended (RCRA), the United States Environmental Protection Agency (EPA) may grant Final Authorization to States to operate their hazardous waste management programs in lieu of the Federal program. EPA uses part 272 of title 40 of the Code of Federal Regulations (40 CFR part 272) to codify its authorization of State programs and to incorporate by reference those provisions of State statutes and regulations that EPA will enforce under RCRA section 3008. Thus, EPA intends to codify the Minnesota authorized State program in 40 CFR part 272. The purpose of today's **Federal Register** (FR) notice is to codify EPA's approval of recent revisions to Minnesota's program.

DATES: Codification of Minnesota's revised authorized hazardous waste program shall be effective May 15, 1990 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Minnesota's codification must be received by 4:30 p.m. April 16, 1990. The incorporation of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of May 15, 1990.

ADDRESSES: Written comments should be sent to Christine Klemme, Minnesota Regulatory Specialist, Office of RCRA, U.S. EPA, Region V, 230 South Dearborn Street, 5HR-JCK-13, Chicago, Illinois 60604, (312) 886-3715, (FTS: 886-3715).

FOR FURTHER INFORMATION CONTACT: Christine Klemme, Minnesota Regulatory Specialist, Office of RCRA, U.S. EPA, Region V, 230 South Dearborn Street, 5HR-JCK-13, Chicago, Illinois 60604, (312) 886-3715, (FTS: 886-3715).

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1989, EPA published in the **Federal Register** notice of its decision to codify Minnesota's then authorized hazardous waste program (see 54 FR 20851). Effective June 23, 1989, EPA granted authorization to Minnesota for additional revisions to the State hazardous waste program (see 54 FR

16361). In this notice, EPA is codifying the currently authorized State hazardous waste program in Minnesota.

EPA codifies its approval of State programs in 40 CFR part 272, and incorporates by reference therein the State statutes and regulations that EPA will enforce under sections 3008 of RCRA. Although EPA has the authority to enforce authorized standards in Minnesota's hazardous waste program without codification of those standards, this effort will provide clearer notice to the public of the scope of the authorized program in Minnesota.

Revisions to Minnesota's and other State hazardous waste programs are necessary when Federal statutory or regulatory authority is modified. The codification of Minnesota's authorized program in subpart Y of part 272 is intended to enhance the public's ability to discern the current status of the authorized State program and clarify the extent of Federal enforcement authority. For a fuller explanation of EPA's codification of Minnesota's authorized hazardous waste management programs, see 54 FR 20851, May 15, 1989.

Certification under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. It intends to codify the decision already made to authorize Minnesota's program and has no separate effect on handlers of hazardous waste in the State or upon small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Compliance with Executive Order 12291

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

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 272

Administrative practice and procedure, Confidential business information, Hazardous waste transportation, Hazardous waste, Incorporation by reference, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Dated: August 31, 1989.

Frank M. Covington,

Acting Regional Administrator.

Editorial Note: This document was received by the Office of the Federal Register on March 9, 1990.

For the reasons set forth in the preamble, subpart Y of 40 CFR part 272 is revised as follows:

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

1. Section 272.1200(a) is revised to read as follows:

§ 272.1200 State authorization.

(a) The State of Minnesota is authorized to administer and enforce a hazardous waste management program in lieu of the Federal program under subtitle C of the Resource Conservation and Recovery Act of 1976 (RCRA), 42 U.S.C. 6921 *et seq.* subject to the Hazardous and Solid Waste Amendments of 1984 (HSWA), (Pub. L. 98–616, November 8, 1984), 42 U.S.C. 6926 (c) and (g). The Federal program for which a State may receive authorization is defined in 40 CFR part 271. The State's program, as administered by the Minnesota Pollution Control Agency, was approved by EPA pursuant to 42 U.S.C. 6926(b) and part 271 of this chapter. EPA's approval of Minnesota's base program was effective on February 11, 1985, (see 49 FR 226). EPA's approvals of the revisions to Minnesota's base program were effective on September 18, 1987 (see 52 FR 138), and on June 23, 1989 (see 54 FR 16361).

§ 272.1200 [Amended]

2. A new sentence is added to the end of § 272.1200(b) as follows:

(b) * * * Minnesota is authorized to implement only those HSWA requirements addressed in the June 23, 1989, FR notice and codified herein.

* * * * *

3. Section 272.1201 is revised to read as follows:

§ 272.1201 State-Administered Program: Final Authorization.

Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), Minnesota has final authorization for the following elements submitted to EPA in Minnesota's base program and program revision applications for final authorization and approved by EPA effective on February 11, 1985 (see 49 FR 226), September 18, 1987 (see 52 FR 138), and June 23, 1989 (see 54 FR 16361):

(a) State statutes and regulations.

(1) The requirements in the Minnesota statutes and regulations cited in this paragraph are incorporated by reference and codified as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference was approved by the Director of the **Federal Register** in accordance with 5 U.S.C. 552(a).

(i) Minnesota Statutes, chapters 13.03; 13.05 subdivision 9; 13.08; 13.37; 15.17; 15.171; 115.061; 115A.03; 116.06; 116.07 subdivisions 4, 4a, 4b, 5, and 8; 116.075; 116.081 subdivisions 1 and 3, and 116.14 (1988). Copies of the Minnesota statutory provisions that are incorporated by reference in this paragraph are available from the Print Communications Division, Minnesota Bookstore, 117 University Avenue (Ford Building), St. Paul, Minnesota 55155.

(ii) Minnesota Rules: 7001.0010; 7001.0020(B); 7001.0030–7001.0150(3)(C); 7001.0150(3)(E)–7001.0200; 7001.0500–7001.0730(2); 7001.0730(4); 7045.0020–7045.0080; 7045.0120–7045.0143; 7045.0205–7045.0270(6); 7045.0275–7045.0508; 7045.0516–7045.0685 (March 6, 1989). Copies of the Minnesota regulations that are incorporated by reference in this paragraph are available from the Print Communications Division, Minnesota Bookstore, 117 University Avenue (Ford Building), St. Paul, Minnesota 55155.

(2) The following statutes concerning State enforcement, although not codified herein for enforcement purposes, are part of the authorized State program: Minnesota Statutes 15.0411–15.052; 115.07 subdivisions 1, and 3; 115.071, 116.091; 116.11; 116B.09; and 116.075 (1988).

(3) The following statutory and regulatory provisions are broader in scope than the Federal program, are not part of the authorized program and are not codified herein for enforcement purposes.

(i) Minnesota Statutes, chapter 115A and 115A.291 (1988).

(ii) Minnesota Rules: 7001.0020(A); 7001.0020(C)–(K); 7001.0210; 7001.0730(3); 7001.0730(5); 7045.0270(7); 7045.0460(2); 7045.1010; 7045.1020; 7045.1030; 7046.0020 (March 6, 1989).

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA–Region V, and the Minnesota Pollution Control Agency, signed by the EPA Regional Administrator on March 16, 1989, is codified as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(c) *Statements of Legal Authority.* The Minnesota Attorney General's Statements for Final Authorization signed by the Attorney General of Minnesota on February 2, 1988 and November 17, 1988, are codified as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(d) *Program Description.* Program Descriptions dated June 30, 1987, and July 29, 1988, and any other materials submitted as part of, or as supplements to, the revision applications are codified as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

[FR Doc. 90-5903 Filed 3-15-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6865]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The dates listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: Post Office Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, SW., Room 417, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance and floodplains.

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date
New Eligibles—Emergency Program			
Michigan:			
Handy, township of Livingston County	260827—New	Feb. 7, 1990	
Hubbardston, village of, Ionia County	260418	Do. Emergency	Sept. 26, 1975.
Oklahoma: Latimer County, unincorporated areas.	400535—New	Do. Emergency	
California: Plymouth, city of, Amador County	060455	Feb. 12, 1990	Nov. 19, 1976.
Delaware: Selbyville, town of, Sussex County	100038	Do. Emergency	
New Eligibles—Regular Program			
Missouri: Cottleville,village of, St. Charles County.[1]	290898	Feb. 7, 1990	
Minnesota: Mazeppa, city of Wabasha County	270487	Feb. 12, 1990	Dec. 15, 1981.
Virginia: New Castle, town of, Craig County	510340	Feb. 22, 1990	Feb. 2, 1990.
Ohio: Arlington Heights, village of, Hamilton County.	390207	Feb. 23, 1990	Dec. 18, 1986.
Alabama: Etowah County, unincorporated areas	010077	Feb. 27, 1990	Apr. 15, 1982.
Reinstatements—Regular Program			
New York: Hudson, city of, Columbia County	361512	Aug. 1, 1985, emergency; Sept. 29, 1989, regular; Sept. 29, 1989, suspension; Feb. 1, 1990 reinstatement.	Sept. 29, 1989.

[1] The Village of Cottleville has adopted by reference St. Charles County's FIRM dated September 15, 1978 for floodplain management and insurance purposes.