

contained in 29 CFR 1910.15, Shipyard Industry, and 1910.18, Longshoring, as they relate to employment under the exclusive jurisdiction of the Federal government on the navigable waters of the United States, including dry docks and marine railways; complaints and violations of the discrimination provisions of section 11(c) of the Act (29 U.S.C. 660(c)); enforcement in situations where the State is refused entry and is unable to obtain a warrant or enforce its right of entry; enforcement of unique and complex standards as determined by the Assistant Secretary; enforcement in situations when the State is unable to exercise its enforcement authority fully or effectively; enforcement of occupational safety and health standards within the borders of all military reservations, except for civilian employers working within the Fort Lewis-Rainier Training Area, and except for all private employers and civilian contractors working within the U.S. Army Reserve facility and U.S. Navy housing complex at Fort Lawton during construction of the Fort Lawton parallel (sewer) tunnel, including any access/support roads or facilities; enforcement of occupational safety and health standards at establishments of employers who are enrolled members of the Yakima Indian Nation, where such employers' establishments are located within the confines of the Yakima reservation; and investigations and inspections for the purpose of evaluation of the Washington plan under sections 18 (e) and (f) of the Act (29 U.S.C. 667 (e) and (f)).

The Regional Administrator will make a prompt recommendation for resumption of exercise of Federal enforcement authority under section 18(e) of the Act (29 U.S.C. 667(e)) whenever, and to the degree necessary, to assure occupational safety and health protection to employees in the State of Washington.

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PANAMA CANAL COMMISSION

35 CFR Parts 101, 103, 105, 109, 111, 115, and 117

RIN 3207-AA28

Technical Amendments

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: The Panama Canal Commission is today amending its regulations in title 35, Code of Federal Regulations in order to reflect an

organizational change of functions within the Marine Bureau of the Panama Canal Commission. This rule will remove the outdated terms and add the appropriate substitutes in subchapter C of the Panama Canal Regulations.

EFFECTIVE DATE: March 30, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Rhode, Jr., Assistant to the Chairman and Secretary, Panama Canal Commission, Telephone: 202/634-6441 or Mr. John Haines, Jr., General Counsel, APO Miami 34011-5000, Telephone: 011/507/52-7511.

SUPPLEMENTARY INFORMATION: On October 1, 1986, the Marine Bureau of the Panama Canal Commission designated several new divisions and units to handle the functions formerly performed by the Navigation Division, which was disestablished on that date. This rule amends title 35, Code of Federal Regulations in order to reflect an organizational change of functions within the Marine Bureau of the Panama Canal Commission.

The Commission has determined that this rule does not constitute a major rule within the meaning of Executive Order 12291 dated February 17, 1981 (47 FR 13193). The bases for that determination are, first, that the rule, when implemented, would not have an annual effect on the economy of \$100 million or more per year, and second, that the rule would not result in a major increase in costs or prices for consumers, individual industries, local governmental agencies or geographic regions.

Further, the agency has determined that implementation of the rule will have no adverse effect on competition, employment, investment, productivity, innovation or the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Finally, because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

List of Subjects

35 CFR Parts 101, 103, 105, 109, and 111

Board of Local Inspectors, composition and functions, Dangerous cargo transportation, Locks, entering and preparing to enter, Panama Canal Commission, Vessels; arriving and departing vessels; communication, documentation, sanitation, and

admeasurement requirements; general provisions; pilotage; and radio communication; Vessels and seaplanes, collision prevention.

35 CFR Part 115

Organization and functions (Government agencies), Panama Canal.

35 CFR Part 117

Investigations, Marine safety, Panama Canal, Reporting and recordkeeping requirements.

Accordingly, 35 CFR parts 101, 103, 105, 109, 111, 115, and 117 are amended as follows:

PART 101—ARRIVING AND DEPARTING VESSELS: VARIOUS COMMUNICATION, DOCUMENTATION, SANITATION AND ADMEASUREMENT REQUIREMENTS

1. The authority citation for part 101 continues to read as follows:

Authority: 22 U.S.C. 3811, E.O. 12215, 45 FR 36043, and 44 U.S.C. 3501.

2. In § 101.13, the introductory text of paragraph (b) is revised to read as follows:

§ 101.13 Entry and departure of vessels.

(b) Any vessel that has entered or has provisionally entered the Canal shall, prior to its departure therefrom, obtain permission from the Marine Director or designee. Permission to depart shall be issued only after that official has been satisfied that:

PART 103—GENERAL PROVISIONS GOVERNING VESSELS

3. The authority citation for part 103 continues to read as follows:

Authority: 22 U.S.C. 3811, E.O. 12215, 45 FR 36043.

4. In 35 CFR part 103 remove the words "Chief, Navigation Division" and add, in their place, the words "Canal Operations Captain" in the following places:

- (a) The Table of Contents entry for § 103.34;
- (b) Section 103.3;
- (c) Section 103.4(b) introductory text;
- (d) Section 103.6(b)(1), (f)(2), and (j)(3);
- (e) Section 103.28; and
- (f) Section 103.34.

PART 105—PILOTAGE

5. The authority citation for part 105 continues to read as follows:

Authority: Issued under authority of the President by 22 U.S.C. 3811, E.O. 12215, 45 FR 336043.

6. In 35 CFR part 105 remove the words "Chief, Navigation Division" and add, in their place, the words "Canal Operations Captain" in the following places:

- (a) Section 105.1(b) and
- (b) Section 105.2 introductory paragraph, (b), and (c).

PART 109—ENTERING AND PREPARING TO ENTER THE LOCKS

7. The authority citation for part 109 continues to read as follows:

Authority: 22 U.S.C. 3811, 93 Stat. 492; E.O. 12215, 45 FR 36043.

8. Section 109.3 is revised to read as follows:

§ 109.3 Same; permits.

Permits for embarking or disembarking at the locks may be issued in the discretion of the Marine Director or designee.

9. In § 109.6 paragraph (a) is revised to read as follows:

§ 109.6 Construction, number, and location of chocks and bitts.

(a) The Canal Operations Captain or designee is responsible for determining if vessels arriving for transit are properly equipped. That official is also responsible for the approval of new construction requirements concerning chocks and bitts which are utilized for locomotives and tugs, relay operations, tie-up operations, boarding facilities, and wheelhouse design features, including visibility factors.

PART 111—RULES FOR THE PREVENTION OF COLLISIONS

10. The authority citation for part III continues to read as follows:

Authority: Issued under authority of the President by 22 U.S.C. 3811, E.O. 12215, 45 FR 36043.

11. In 35 CFR part III remove the words "Chief, Navigation Division" and add, in their place, the words "Canal Operations Captain" in the following places:

- (a) Section 111.6(f);
- (b) Section 111.13(e); and
- (c) Section 111.19 (f) and (g).

12. In addition to the amendments set forth above, in 35 CFR 111.38(b) remove the words "Chief, Navigation Division" and add, in their place, the words "Marine Director".

PART 115—BOARD OF LOCAL INSPECTORS: COMPOSITION AND FUNCTIONS

13. The authority citation for part 115 is revised to read as follows:

Authority: 22 U.S.C. 3778, 93 Stat. 492; E.O. 12215, 45 FR 36043.

14. In 35 CFR 115.2(a)(2) remove the words "Chief, Navigation Division" and add, in their place, the words "Canal Operations Captain".

PART 117—MARINE ACCIDENTS: INVESTIGATIONS; CONTROL: RESPONSIBILITY

15. The authority citation for part 117 is revised to read as follows:

Authority: 22 U.S.C. 3777, 3778, 93 Stat. 487; E.O. 12215, 45 FR 36043.

16. In 35 CFR 117.5 remove the words "Canal Authorities" and add, in their place, the words "Canal Operations Captain", everywhere they appear.

Dated: March 6, 1990.

Fernando Manfredo, Jr.,

Acting Administrator.

[FR Doc. 90-7220 Filed 3-29-90; 8:45 am]

BILLING CODE 3640-04-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL: 3750-2]

Oregon; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Oregon has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Oregon's application and has made a decision, subject to public review and comment, that Oregon's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Oregon's hazardous waste program revision. Oregon's application for program revision is available for public review and comment.

DATES: Final authorization for Oregon shall be effective May 29, 1990 unless EPA publishes a prior *Federal Register* action withdrawing this immediate final rule. All comments on Oregon's program

revision application must be received by the close of business April 30, 1990.

ADDRESSES: Copies of Oregon's program revision application are available during the business hours of 9 a.m. to 4:30 p.m. at the following addresses for inspection and copying:

Oregon Department of Environmental Quality, Hazardous and Solid Waste Division, Executive Building, 811 SW Sixth Avenue, Portland, Oregon 97204, Phone: (503) 229-5913

U.S. EPA Headquarters Library, PM 211 A, 401 M Street, SW., Washington, DC 20460, Phone: (202) 382-5926

U.S. EPA Region X Library-Information Center, 1200 Sixth Avenue, Seattle, Washington 98101, Phone: (206) 442-1259

Written comments should be sent to Patricia Springer, U.S. EPA Region X (HW-112), 1200 Sixth Avenue, Seattle, Washington 98101; phone: (206) 442-2858.

FOR FURTHER INFORMATION CONTACT: Patricia Springer at the above address and phone number.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6929(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260 through 266 and 124 and 270.

B. Oregon

Oregon initially received final authorization on January 30, 1986. On October 7, 1988 Oregon submitted a program revision application for

additional program approvals. EPA provided comments on the State's application, and the State addressed these comments to EPA's satisfaction in subsequent addenda dated October 31, 1989. Today, Oregon is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

Oregon is applying for authorization for the following Federal hazardous waste statute and regulations:

Federal Requirement	State Authority
Public Availability of Information, section 3006(f).	ORS 466.086 and 466.090; ORS 192.410, .420, .430, .450, .465, .490, .501, .502, and .505; ORS 190.110(1); OAR 340-100-003(2); OAR 340-100-005.
Definition of Solid Waste: Technical Corrections (51 FR 33542, August 20, 1986 and 52 FR 21306, June 5, 1987).	OAR 340-100-002(1) and (2)(f); OAR 340-101-033(1) and (5); OAR 340-105-010(6).
Small Quantity Generators (51 FR 10174, March 24, 1986).	OAR 340-100-002(1); 340-101-033; 340-102-034, -041, -044, and -085; 340-105-010.
Closure, Post-Closure, and Financial Responsibility Requirements (51 FR 16422, May 2, 1986).	OAR 340-100-002(1); 340-104-143, -145, -147, -151; 340-105-010(6), -014, -042, -115.
Listing for Spent Pickle Liquor (51 FR 19320, May 28, 1986 and 51 FR 33612, September 22, 1986).	OAR 340-100-002(1) and OAR 340-100-002(2)(g).
Liability Coverage—Corporate Guarantee (51 FR 25350, July 11, 1986).	OAR 340-100-002(2)(a); 340-104-151.
Hazardous Waste Tank Systems (51 FR 25422, July 14, 1986 and 51 FR 29430, August 15, 1986).	OAR 340-100-002(2)(b) and (f); 340-102-034; and 340-105-014.
Correction to Listing of Commercial Chemical Products and Appendix VIII Constituents (51 FR 28296, August 6, 1986).	OAR 340-100-002(2)(c).
Closure/Post-Closure Care for Interim Status Surface Impoundments (52 FR 8704, March 19, 1987).	OAR 340-100-002(2)(j).
Amendments to Part B—Information Requirements for Land Disposal Facilities (52 FR 23447, June 22, 1987 and 52 FR 33938, September 9, 1987).	OAR 340-100-002(2)(m) and (n); 340-105-014.
Regulation of the Hazardous Components of Radioactive Mixed Waste (51 FR 24504, July 3, 1986).	ORS 466.005(7).

EPA has reviewed Oregon's application, and has made an immediate final decision that Oregon's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization.

With respect to Oregon's application for section 3006(f) authority, Public Availability of Information, EPA has determined that Oregon's statutes and regulations more than satisfy the Federal section 3006(f) requirements for availability of information. Therefore, addressing these provisions specifically in the Memorandum of Agreement is unnecessary.

Concerning Oregon's application for authorization of the Federal regulation of the hazardous components of radioactive mixed waste, EPA recognizes that two other Oregon agencies, the Oregon Department of Energy and the Oregon Department of Human Resources, have regulatory authorities in the area of radioactive waste management, as well as the Department of Environmental Quality. However, the Oregon Attorney General has asserted, and EPA has agreed, that DEQ's authorities overlap the authorities of these agencies, and thus DEQ can regulate the hazardous component of radioactive mixed waste independently.

Consequently, EPA intends to grant final authorization for the additional program modifications to Oregon. The public may submit written comments on EPA's immediate final decision up until April 30, 1990. Copies of Oregon's application for program revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

Approval of Oregon's program revision shall become effective in 60 days unless an adverse comment pertaining to Oregon's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

Oregon's program revision contains no State requirements that are broader in scope than the relevant Federal requirements. Oregon is not seeking authorization to operate on Indian lands.

C. Decision

I conclude that Oregon's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Oregon is granted final authorization to operate its hazardous waste program as revised. Oregon has responsibility for permitting treatment, storage, and disposal facilities within its borders and

carrying out other aspects of the RCRA program, subject to the limitation of its revised program application and previously approved authorities. Oregon also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013, and 7003 of RCRA.

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.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Oregon's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

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

Authority: Secs. 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6928, 6974(b).

Clark Gauding,

Acting Regional Administrator.

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BILLING CODE 6560-50-M

40 CFR Part 272

[FRL-3750-9]

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

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Under the Resource Conservation and Recovery Act of 1976, as amended (RCRA), the United States