

which was published in the *Federal Register* on September 29, 1989 (54 FR 39999). This final rule also corrects errors found in the interim rule as published.

DATES: This rule is effective May 24, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis G. Payne, Hazardous Materials Branch, (202) 267-1577.

SUPPLEMENTARY INFORMATION: On December 5, 1988, a notice of proposed rulemaking entitled "Noxious Liquid Substances Lists" was published in the *Federal Register* (53 FR 49016). The Coast Guard received no comments on the proposed rulemaking. A public hearing was not requested and one was not held.

On September 29, 1989, an interim rule entitled "Noxious Liquid Substances Lists" was published in the *Federal Register* (54 FR 39999). The Coast Guard received no letters commenting on the interim rule. A public hearing was not requested and one was not held.

Drafting Information

The principal persons involved in drafting this document are Mr. Curtis G. Payne, Project Manager, and Mr. Stephen H. Barber, Project Counsel, Office of Chief Counsel.

Related Rulemaking

Elsewhere in this edition of the *Federal Register*, the Coast Guard is publishing a final rule concerning bulk hazardous material tables in 46 CFR parts 30, 150, 151, and 153 (Coast Guard docket CGD 88-100).

Background

The interim rule requested comments on the new Pollution Categories established by the International Maritime Organization (IMO) after publication of the notice of proposed rulemaking. The Coast Guard received no comments on these additions and is adopting the interim rule as published, with the minor corrections contained in this final rule.

Discussion of Corrections

1. In § 151.47, two commodities are deleted from the list. They are "Alkyl(C9-C17) benzenes" and "Diisopropyl naphthalene". "Alkyl(C9-C17) benzenes", a Category D oil-like pollutant currently listed in § 151.49(b), was added inadvertently to § 151.47 in the interim rule. "Diisopropyl naphthalene", a Category D oil-like pollutant currently listed in § 151.49(b), was added inadvertently to § 151.47 in the notice of proposed rulemaking.

2. A number of spelling errors in §§ 151.47 and 151.49 are corrected.

E.O. 12291 and DOT Regulatory Policies and Procedures

These regulations are considered to be non-major under Executive Order 12291 and nonsignificant under the Department of Transportation (DOT) regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. This rulemaking is administrative in nature and merely updates chemical lists by adding substances recently authorized by the Coast Guard or added to the IMO Chemical Codes and by making non-substantive corrections.

Regulatory Flexibility Act

Because the impact of this final rule is expected to be minimal for all effected entities, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This rulemaking contains no information collection or recordkeeping requirements.

Federalism Implications

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of the regulations and concluded that, under § 2.B.2. of Commandant Instruction M16475.1B, the regulations are categorically excluded from further environmental documentation. This rulemaking is an administrative update of lists of chemicals already approved under Coast Guard regulations or international law. A Categorical Exclusion Determination statement has been prepared and is included in the regulatory docket.

List of Subjects in 33 CFR Part 151

Oil pollution, Reporting and record keeping requirements.

Accordingly, the interim rule amending 33 CFR part 151 which was published at 54 FR 39999 on September

29, 1989, is adopted as a final rule with the following changes:

PART 151—VESSELS CARRYING OIL, NOXIOUS LIQUID SUBSTANCES, GARBAGE AND MUNICIPAL OR COMMERCIAL WASTE

1. The authority citation for part 151 continues to read as follows:

Authority: 33 U.S.C. 1321(j)(1)(C) and 1903(b); E.O. 11735, 3 CFR, 1971-1975 Comp., p. 793; 49 CFR 1.46.

§ 151.47 [Amended]

2. In § 151.47, by removing the entry "Alkyl(C9-C17) benzenes"; by revising the entry "Choline chloride solutions" to read "Choline chloride solution"; by removing the entry "Diisopropyl naphthalene"; by revising the entry "Ethylenediamine tetraacetic acid, tetrasodium salt solution" to read "Ethylenediaminetetraacetic acid, tetrasodium salt solution"; by revising the entry "1-Hexanol" to read "Hexanol"; by revising the entry "Sunflower" under "Oil, edible" to read "Sunflower seed"; by revising the entry "Polypropylene glycols" to read "Polypropylene glycol"; and by revising the entry "Sodium carbonate solutions" to read "Sodium carbonate solution".

§ 151.49 [Amended]

3. In § 151.49(a), by revising the entry "Diethyl benzene" to read "Diethylbenzene"; and by revising the entry "Ethyl benzene" to read "Ethylbenzene".

Dated: April 8, 1990.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 90-9360 Filed 4-23-90; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Tampa Regulation 90-26]

Safety Zone Regulations; Headwaters of Crystal River in Kings Bay, Florida

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone for the headwaters of the Crystal River in Kings Bay, Florida. The zone is needed to protect boaters and their vessels from the safety hazards associated with the anticipated heavy boating traffic in this area during the holiday weekend of Labor Day. Vessels in the area are to

proceed at "idle speed" during the holiday weekend.

EFFECTIVE DATES: This regulation becomes effective on Friday 31 August 1990 at 6 p.m. It terminates on Tuesday 4 September 1990 at 6 a.m.

FOR FURTHER INFORMATION CONTACT: LT S. P. Metruck, Coast Guard Marine Safety Office, Tampa, FL at (813) 228-2189.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is required to prevent damage to the vessels involved.

Drafting Information

The drafters of this regulation are LT S. P. Metruck, project officer for the Captain of the Port and LT A. Santos, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulation

This regulation is required because the Labor Day holiday weekend traditionally results in an increased amount of boating traffic in the headwaters of the Crystal River in Kings Bay, Florida. In order to decrease the hazard to boaters and their vessels all boats transiting the zone must proceed at "idle speed." The entrance areas to the zone shall be marked with buoys indicating "No wake—Idle Speed."

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Security measures, Vessels, Waterways.

Regulations

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. A new § 165.T0726 is added to read as follows:

§ 165.T0726 Safety Zone: Headwaters of Crystal River in Kings Bay, Florida.

(a) *Location.* The following area is a safety zone: the waters of Kings Bay and the connecting tributaries south and west of the points of land at Crystal Shores on the east and Magnolia Shores on the west wherein the Crystal River meets Kings Bay.

(b) *Effective Dates.* This regulation becomes effective on Friday 31 August 1990 at 6 p.m. It terminates on Tuesday 4 September 1990 at 6 a.m.

(c) *Regulations.* (1) In accordance with the general regulations of § 165.23 of this part, all vessels transiting in this zone must proceed at "idle speed".

Dated: April 5, 1990.

H. D. Jacoby,
Captain, U.S. Coast Guard, Captain of the Port, Tampa, Florida.

[FR Doc. 90-9356 Filed 4-23-90; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Parts 3 and 21

RIN 2900-AD76

Extension of Vocational Programs for Seriously Disabled Veterans

AGENCY: Department of Veterans Affairs.

ACTION: Final regulatory amendments.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations governing two programs which provide vocational services to seriously disabled veterans receiving pension or individual unemployability benefits from VA. These changes are required because recent legislation extended both programs through January 31, 1992, and revised the criteria for eligibility. The intended effect of these amendments is to make these programs available to an expanded group of veterans in receipt of pension from VA and eliminate the mandatory participation requirement for veterans awarded individual unemployability benefits on or after February 1, 1985.

EFFECTIVE DATE: November 18, 1988, except for § 21.6059(b) which was effective December 31, 1987.

FOR FURTHER INFORMATION CONTACT: Morris Triestman, (202) 233-6496, Rehabilitation Consultant, Policy and

Program Development, Vocational Rehabilitation and Education Service, for rules included in §§ 21.6000 through 21.6525; and Robert M. White, (202) 233-3005, Chief, Regulations Staff, Compensation and Pension Service, in regards to §§ 3.341 through 3.343. Inquiries should be addressed to Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420.

SUPPLEMENTARY INFORMATION: On pages 41110 through 41113 of the Federal Register of October 5, 1989, the Department of Veterans Affairs (VA) published proposed regulations amending two programs which provide vocational services to seriously disabled veterans receiving pension or individual unemployability benefits from VA. These proposed regulatory amendments implemented statutory changes which extended both programs through January 31, 1992, and made certain other changes. Interested persons were given 30 days in which to submit their comments, suggestions or objections to the proposed regulatory amendments. Since no comments, suggestions or objections were received, these rules are adopted as final.

These final rules are retroactively effective. These are interpretive rules which implement statutory provisions. Moreover, VA finds that good cause exists for making these rules, like the sections of the law which they implement, retroactively effective to the date of enactment. A delayed effective date would be contrary to statutory design; would complicate implementation of these provisions of law; and might result in denial of a benefit to a veteran who is entitled by law to that benefit.

These final regulatory amendments do not meet the criteria for a major rule as contained in Executive Order 12291, Federal Regulation. These regulatory amendments will not have a \$100 million annual effect on the economy, will not cause a major increase in costs or prices, and will not have any other significant adverse effects on the economy.

The Secretary certifies that these regulatory amendments will not, if promulgated, have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 United States Code 605(b), these final rules are therefore exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification

is that the regulatory amendments only affect the rights of individual VA beneficiaries. No new regulatory burdens are imposed on small entities by these amendments.

(The Catalog of Federal Domestic Assistance numbers are 64.109 and 64.116.)

List of Subjects

38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pension, Veterans.

38 CFR Part 21

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

Approved: March 21, 1990.

Edward J. Derwinski,

Secretary of Veterans Affairs.

38 CFR Part 3, Adjudication, and Part 21, Vocational Rehabilitation are amended as follows:

PART 3—[AMENDED]

1. In § 3.341, paragraph (c) is revised and the authority citation is republished to read as follows:

§ 3.341 Total disability ratings for compensation purposes.

(c) *Temporary program for vocational rehabilitation.* Each time a veteran is rated totally disabled on the basis of individual unemployability during the period beginning on February 1, 1985, and ending on January 31, 1992, the Vocational Rehabilitation and Counseling Division will be notified so that an evaluation may be offered to determine whether the achievement of a vocational goal by the veteran is reasonably feasible.

(Authority: 38 U.S.C. 363)

§§ 3.342 and 3.343 [Amended]

2. In § 3.342(c)(1) and § 3.343(c)(2), remove the words "January 31, 1989" where they appear and add, in their place, the words "January 31, 1992".

3. In § 3.342, paragraph (c)(2) is revised to read as follows:

§ 3.342 Permanent and total disability ratings for pension purposes.

(c) *Temporary program of vocational rehabilitation.*

(2) Veterans awarded disability pension prior to February 1, 1985, and veterans age 50 or older who are awarded disability pension during the

period beginning on February 1, 1985, and ending on January 31, 1992, are also eligible to apply for participation in vocational rehabilitation training; however such participation is strictly voluntary, and the provisions of paragraph (c)(1) of this section do not apply to such veterans.

(Authority: 38 U.S.C. 524).

PART 21—[AMENDED]

4. Section 21.6001 is revised to read as follows:

§ 21.6001 Temporary vocational training program for certain pension recipients.

This program provides certain veterans awarded pension with an evaluation and, if feasible, with vocational training, employment assistance and other services to enable them to achieve a vocational goal.

(Authority: 38 U.S.C. 524, Pub. L. 100-687).

§ 21.6005 [Amended]

5. In § 21.6005(f), remove the words "paragraph (e)" where they appear and add, in their place, the words "paragraph (f)".

6. In § 21.6005, paragraphs (d), (e), (f), (g), and (h) are redesignated as paragraphs (e), (f), (g), (h), and (i) respectively; paragraphs (a), (b) and (c) are revised; new paragraph (d) is added; and newly designated paragraph (h) is revised to read as follows:

§ 21.6005 Definitions.

(a) *Temporary program.* The term "temporary program" means the program of vocational training for certain pension recipients authorized by section 524, chapter 15, title 38 United States Code.

(Authority: 38 U.S.C. 524, Pub. L. 100-687).

(b) *Program period.* The term "program period" means the period beginning on February 1, 1985, and ending on January 31, 1992.

(Authority: 38 U.S.C. 524(a)(4), Pub. L. 100-687).

(c) *Qualified veteran.* The term "qualified veteran" means—

(1) A veteran awarded disability pension during the program period; or
(2) A veteran who was awarded disability pension prior to the beginning of the program period on February 1, 1985, has been continuously in receipt of pension since that time, and is in receipt of pension on the date his or her claim for assistance under the vocational training program is received by VA.

(Authority: 38 U.S.C. 524(a), Pub. L. 100-687).

(d) *Program participant.* The term "program participant" means a qualified

veteran as defined in paragraph (c) of this section who, following an evaluation in which VA finds achievement of a vocational goal is reasonably feasible for the veteran, elects to participate in a vocational training program.

(Authority: 38 U.S.C. 524(a), Pub. L. 100-687).

(h) *Job development.* The term "job development" means comprehensive professional services to assist the individual veteran to actually obtain a suitable job, and not simply the solicitation of jobs on behalf of the veteran.

(Authority: 38 U.S.C. 524(b)(3)).

7. In § 21.6015, paragraphs (c), (d), and (e) are redesignated as new paragraphs (d), (e), and (f) respectively; the heading and the authority citation for paragraph (a) are revised; paragraph (b) is revised and new paragraph (c) is added to read as follows:

§ 21.6015 Claims and elections.

(a) *Claims by veterans under age 50 for whom participation in an evaluation is required.*

(Authority: 38 U.S.C. 524(b); Pub. L. 100-687).

(b) *Claims by qualified veterans for whom participation in an evaluation is not required.* Qualified veterans in the following categories will be provided an evaluation if they request assistance under the temporary program, and are found to have good employment potential. These veterans include:

(1) Veterans age 50 and more who are awarded pension during the program period;

(2) Veterans awarded pension prior to the beginning of the program period on February 1, 1985, who meet the conditions contained in § 21.6005(c) of this part.

(Authority: 38 U.S.C. 524(b), Pub. L. 100-687).

(c) *Filing a claim.* A veteran in one of the categories identified in paragraph (b) of this section must file a claim in the form prescribed by VA in order to be considered for an evaluation of his or her ability to achieve a vocational goal through participation in this temporary program. The veteran's claim is considered a request for both the evaluation, and if achievement of a vocational goal is found reasonably feasible, for participation in the vocational training program.

(Authority: 38 U.S.C. 524, Pub. L. 100-687).

8. In § 21.6021, paragraph (a) and its authority citation are revised to read as follows:

§ 21.6021 Nonduplication—38 U.S.C. Chapters 30, 31, 32, 34 and 35.

(a) *Election between this temporary program and chapter 31 required.* A service-disabled veteran awarded VA pension who is offered a vocational training program under 38 U.S.C. chapter 15 and is also eligible for such assistance under chapter 31, must elect which benefit he or she will receive. The veteran may reelect at any time if he or she is still eligible for the benefit desired.

(Authority: 38 U.S.C. 524(b)(2); Pub. L. 100-687).

9. In § 21.6040, paragraphs (a)(1) and (c) and the authority citations for paragraphs (b) and (c) are revised to read as follows:

§ 21.6040 Eligibility for vocational training and employment assistance.

(a) *Basic eligibility requirements.*

(1) The veteran is a qualified veteran as described in § 21.6005(c) of this part

(b) * * *

(Authority: 38 U.S.C. 524(b); Pub. L. 100-687).

(c) *Eligibility if pension is terminated.* A qualified veteran for whom a program of vocational training has been found reasonably feasible shall remain eligible for the temporary program, subject to the rules of this subpart and section 524 of 38 U.S.C. ch. 15, even if his or her pension award is subsequently terminated, except when the veteran's award of VA pension was the result of fraud or administrative error.

(Authority: 38 U.S.C. 524(a); Pub. L. 100-687).

§ 21.6042 [Amended]

10. a. In § 21.6042 (b) and (d), add the following to the authority citation: "; Pub. L. 100-687".

b. In § 21.6042 in the introductory text of paragraph (a), paragraph (a)(1) and paragraph (b), remove "1989", and add in its place, "1992".

c. In § 21.6042(d) remove the words "January 31, 1994", and add in their place, the words "January 31, 1997".

§ 21.6050 [Amended]

11. In § 21.6050(b), (c), (d), and (e), add the following to the authority citation: "; Pub. L. 100-687".

12. In § 21.6050, paragraph (d)(1)(ii) is removed; the heading for paragraph (b) and the first sentence of paragraph (b),

the first sentence of paragraph (c)(1), paragraph (c)(2), (d)(2), and paragraph (e) are revised to read as follows:

§ 21.6050 Participation of eligible veterans in an evaluation.

(b) *Evaluating other qualified veterans.* An evaluation shall be accorded each qualified veteran as described in § 21.6005(c) of this part who seeks to become a program participant provided VA first determines the veteran has good potential for achieving employment. * * *

(c) *Notice to eligible veteran.* (1) A qualified veteran under age 50 awarded pension during the program period for whom participation in an evaluation is not clearly precluded by reasons beyond the veteran's control shall be sent a notice at the time he or she is awarded a pension. * * *

(2) A qualified veteran age 50 or older awarded pension during the program period will be informed of the provisions of this temporary program and the procedure for requesting an evaluation.

(d) *Scheduling the evaluation.* * * *

(2) Other qualified veterans identified in § 21.6005(c) who are found to have good employment potential under § 21.6054.

(e) *Followup of qualified veterans who do not complete an evaluation.* The case of each qualified veteran under age 50 awarded pension during the program period for whom an evaluation was not scheduled or who does not complete an evaluation shall be reviewed for followup action by Vocational Rehabilitation and Counseling (VR&C) staff as provided in §§ 21.197(c)(4) and 21.198(d).

13. In § 21.6054, the section heading, the first sentence of paragraph (a), and the authority citation for paragraph (a) are revised to read as follows:

§ 21.6054 Criteria for determining good employment potential.

(a) *Determining good employment potential.* Before scheduling an evaluation of feasibility to pursue a vocational goal for a qualified veteran under § 21.6005(c)(2), VA will first determine whether the veteran has good potential for achieving employment if provided a vocational training or employment program. * * *

(Authority: 38 U.S.C. 524(a)(2); Pub. L. 100-687).

§ 21.6059 [Amended]

14. a. In § 21.6059 (a) and (b) introductory text remove the numbers "2,500", and add in their place, the numbers "3,500".

§ 21.6059 [Amended]

b. In § 21.6059(a), (b) and (c), add the following to the authority citation: "; Pub. L. 100-227".

15. In § 21.6059 paragraph (b)(1) is removed, and paragraphs (b)(2) and (b)(3) are redesignated as paragraphs (b)(1) and (b)(2) respectively; paragraphs (c)(1) and (c)(2) are revised to read as follows:

§ 21.6059 Limitations on the number of evaluations.

(c) *Cases not counted as evaluations.*

(1) The veteran under age 50 awarded pension during the program period is unable to participate for reasons beyond his or her control;

(2) Review of available information does not indicate a good potential for employment of other qualified veterans.

§§ 21.6511, 21.6513, 21.6517, and 21.6525 [Removed and Reserved]

16. a. In part 21, subpart J, §§ 21.6511, 21.6513, 21.6517 and 21.6525 are removed and reserved.

Subpart J [Authority Revised]

b. In part 21, subpart J, the authority citation is revised to read as follows:

Authority: Pub. L. 98-543, sec. 111; 38 U.S.C. 363; Pub. L. 100-687, sec. 1301.

17. In § 21.6501, the heading and authority citation for paragraph (b) are revised to read as follows:

§ 21.6501 Overview.

(b) *Chapter 31 evaluations.* * * *
(Authority: 38 U.S.C. 363; Pub. L. 100-687).

§ 21.6503 [Amended]

18. In § 21.6503(a), remove the words "January 31, 1989", and add in their place, the words "January 31, 1992".

19. Section 21.6505 is revised to read as follows:

§ 21.6505 Participation in the temporary program

Participation in this temporary program of trial work periods and vocational rehabilitation is limited to qualified veterans.

(Authority: 38 U.S.C. 363(a)(2)(A)).

20. Section 21.6509 is revised to read as follows:

§ 21.6509 Notice to qualified veterans

(a) At the time notice is provided to a qualified veteran of an award of an IU rating, VA shall provide the veteran with an additional statement. These statements shall contain the following information:

(1) Notice of the provisions of 38 U.S.C. 363;

(2) Information explaining the purposes and availability of, as well as eligibility requirements and procedures for pursuing a vocational rehabilitation program under Chapter 31; and

(3) A summary description of the scope of services and assistance available under that chapter.

(Authority: 38 U.S.C. 363(c)(1)).

(b) *Opportunity for evaluation.* After providing the notice required under paragraph (a) of this section, VA shall offer the veteran the opportunity for an evaluation under § 21.50 of this part.

(Authority: 38 U.S.C. 363(c); Pub. L. 100-687).

(c) *Evaluation.* The term "evaluation" hereinafter shall be understood to mean the same evaluation accorded in an "initial evaluation" and an "extended evaluation" as those terms are described in §§ 21.50 and 21.57 of this part.

(d) *Responsible staff member.* The evaluation or reevaluation will be provided by a counseling psychologist in the Vocational Rehabilitation and Counseling (VR&C) Division.

(Authority: 38 U.S.C. 363(c)).

21. In § 21.6515 paragraph (b) and its authority citation are revised to read as follows:

§ 21.6515 Formulation of rehabilitation plan.

(b) *Existing plan.* If the veteran already has undertaken a rehabilitation program under Chapter 31, a new plan shall not be developed unless circumstances indicate that the existing plan should be modified or replaced.

(Authority: 38 U.S.C. 363(c); Pub. L. 100-687).

22. In § 21.6519 paragraph (c) is revised to read as follows:

§ 21.6519 Eligibility of qualified veterans for employment and counseling services.

(c) *Veteran elects counseling, placement and postplacement services.* If a qualified veteran elects not to undertake the IWRP and is otherwise eligible for counseling, placement and postplacement services under 38 U.S.C.

1504(a)(2) and (5), he or she may be provided those services.

(Authority: 38 U.S.C. 363(b)).

§ 21.6523 [Amended]

23.a. In § 21.6523(a) remove the words "January 31, 1989", and add in their place, the words "January 31, 1992".

b. In § 21.6523, add the following to the authority citation: "; Pub. L. 100-687".

[FR Doc. 90-8693 Filed 4-23-90; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-3757-9]

Final Authorization of State Hazardous Waste Management Program; Kansas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The Resource Conservation and Recovery Act of 1976, as amended (RCRA), provides for the U.S. Environmental Protection Agency (EPA) to grant authorization to State agencies to operate their hazardous waste management programs in lieu of the Federal program. The State of Kansas has applied for final authorization of revisions to its previously authorized hazardous waste management program under RCRA. EPA has reviewed the Kansas application and has made a decision, subject to public review and comment, that the Kansas hazardous waste management program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve the State's hazardous waste management program revisions. Kansas' application for program revisions is available for public review and comment.

DATES: Final authorization for Kansas shall be effective June 25, 1990, unless EPA publishes a prior *Federal Register* action withdrawing this immediate final rule. All comments on the Kansas program revisions application must be received by the close of business May 24, 1990.

ADDRESSES: Copies of the Kansas program revision application are available for inspection and copying during normal business hours at the following addresses: Bureau of Waste Management, Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas 66620, 913-296-1600;

U.S. EPA Headquarters Library, PM 211A, 401 M Street SW., Washington, DC 20460, 202-382-5926; U.S. EPA Region VII, Library (Ms. Brenda Ward), 726 Minnesota Avenue, Kansas City, Kansas 66101, 913-236-2828. Written comments should be sent to Daniel J. Wheeler, RCRA Branch, U.S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101; 913-236-2852, (FTS) 757-2852.

FOR FURTHER INFORMATION CONTACT:

Daniel J. Wheeler, RCRA Branch, U.S. Environmental Protection Agency, 726 Minnesota Avenue, Kansas City, Kansas 66101; 913-236-2852, (FTS) 757-2852.

SUPPLEMENTARY INFORMATION:

A. Background

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

Revisions to State hazardous waste programs are necessary whenever Federal or State statutory or regulatory authority is modified or when certain other changes occur.

This is because states with final authorization under section 3006(b) of RCRA have continuing obligations to maintain state programs that are equivalent to, consistent with, and no less stringent than the Federal hazardous waste management program. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-271 and 124 that require corresponding changes in the state program in order for the state to maintain its authorization.

B. Kansas

In order to be authorized to operate its own hazardous waste management program, the State of Kansas submitted, on July 16, 1984, an application to administer the basic RCRA program. On October 3, 1985, EPA published a *Federal Register* rulemaking granting final authorization, effective October 17, 1985, to Kansas for the RCRA base program (See 50 FR 40377.)

To meet its obligation to maintain a hazardous waste management program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste management program, Kansas has submitted a request to be authorized for additional RCRA authorities which were not included in the base program request or which have