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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 900

Enforcement of Nondiscrimination on the Basis of Handicap in Federally Assisted Programs

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This rule amends the regulation issued by OPM for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to the Uniform Federal Accessibility Standards (UFAS). Because some facilities subject to new construction or alteration requirements under section 504 are also subject to the Architectural Barriers Act, governmentwide reference to UFAS will diminish the possibility that recipients of Federal financial assistance would face conflicting enforcement standards. In addition, reference to UFAS by all Federal funding agencies will reduce potential conflicts when a building is subject to the section 504 regulations of more than one Federal agency.

EFFECTIVE DATE: August 23, 1990.

ADDRESSES: Copies of this notice are available on tape for persons with impaired vision. They may be obtained from the EEO Division, OPEEO, U.S. Office of Personnel Management, 1900 E Street N.W., Room 2439, Washington, DC 20415; (202) 606–2460.

FOR FURTHER INFORMATION CONTACT: John E. Gimperling at (202) 606–2460 (voice/TDD). This is not a toll free number.

SUPPLEMENTARY INFORMATION: On July 6, 1989 (54 FR 28426), OPM published a proposed rule that would amend its existing regulation for enforcement of section 504 of the Rehabilitation Act of 1973, as amended, in federally assisted programs or activities to include a cross-reference to UFAS. OPM received no comments. It decided to adopt the rule as final.

Background

Section 504 (29 U.S.C. 794) provides in part that—

> No otherwise qualified individual with handicaps in the United States * * * shall, solely by reason of her or his handicap, be excluded from the participation in, be denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance * * *.

OPM's current section 504 regulation for federally assisted programs requires that new construction be designed and built to be accessible and that alterations of facilities be made in an accessible manner. It states that OPM "will adopt the Architectural and Transportation Barriers Compliance Board's (ATBCB) 'Minimum Guidelines and Requirements for Accessible Design' when they are issued in final form." The rule suggests that in the interim, new construction or alteration be in conformance with the "American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped" published by the American National Standards Institute (ANSI A117.1–1961). As detailed below, the ATBCB issued its guidelines in 1982. The revision set forth in this document will reference UFAS, which is consistent with the ATBCB's guidelines.

On August 7, 1984, UFAS was issued by the four agencies establishing standards under the Architectural Barriers Act (49 FR 31528 (see discussion *infra*). The Department of Justice (DOJ), as the agency responsible under Executive Order 12250 for coordinating the enforcement of section 504, has recommended that agencies amend their section 504 regulations for federally assisted programs or activities to establish that, with respect to new construction and alterations, compliance with UFAS shall be deemed to be in compliance with section 504. Because some facilities subject to new construction or alteration requirements under section 504 are also subject to the Architectural Barriers Act, governmentwide reference to UFAS will diminish the possibility that recipients of Federal financial assistance would face conflicting enforcement standards. In addition, reference to UFAS by all Federal funding agencies will reduce potential conflicts when a building is subject to the section 504 regulations of more than one Federal agency.

Background of Accessibility Standards

The Architectural Barriers Act of 1968 (42 U.S.C. 4151–4157) requires certain Federal and federally funded buildings to be designed, constructed, and altered in accordance with accessibility standards. It also designates four agencies (the General Services Administration, the Departments of Defense and Housing and Urban Development, and the United States Postal Service) to prescribe the accessibility standards. Section 502(b)(7) of the Rehabilitation Act of 1973, as amended, directed the Architectural and Transportation Barriers Compliance Board (ATBCB) to issue minimum guidelines and requirements for these standards. 29 U.S.C. 792(b)(7). The guidelines [1] now in effect are found at 36 CFR part 1190.[2]

In 1984, the four standard-setting agencies issued UFAS as an effort to minimize the differences among their Barriers Act standards, and among those standards and accessibility standards used by the private sector. The General Services Administration (GSA) and Department of Housing and Urban Development (HUD) have incorporated UFAS into their Barriers Act regulations (*see* 41 CFR subpart 101–19.6 and 24 CFR part 40, respectively). In order to ensure uniformity, UFAS was designed to be consistent with the scoping and technical provisions of the ATBCB's minimum guidelines and requirements, as well as with the technical provisions of ANSI A117.1–1980. ANSI is a private, national organization that publishes recommended standards on a wide

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[1] The minimum guidelines were established on August 4, 1982 (47 FR 33864), and amended on September 14, 1988 (53 FR 35510), February 3, 1989 (54 FR 5444), and August 23, 1989 (54 FR 34977).

[2] The ATBCB Office of Technical Services is available to provide technical assistance to recipients upon request relating to the elimination of architectural barriers. Its address is: U.S. ATBCB, Office of Technical Services, 1111 18th Street NW., Suite 500, Washington, DC 20036. The telephone number is (202) 653–7834 (voice/TDD). This is not a toll free number.

variety of subjects. The original ANSI A117.1 was adopted in 1961 and reaffirmed in 1971. The current edition, issued in 1986, is ANSI A117.1–1986. The 1961, 1980, and 1986 ANSI standards are frequently used in private and by State and local governments.

The final rule amends the current regulation implementing section 504 in programs or activities receiving Federal financial assistance from OPM to refer to UFAS.

OPM has determined that it will not require the use of UFAS, or any other standard, as the sole means by which recipients can achieve compliance with the requirement that new construction and alterations be accessible. To do so would unnecessarily restrict recipients' ability to design for particular circumstances. In addition, it might create conflicts with State or local accessibility requirements that may also apply to recipients' buildings and that are intended to achieve ready access and use. It is expected that in some instances recipients will be able to satisfy the section 504 new construction and alteration requirements by following applicable State or local codes, and vice versa.

Some facilities may be covered by both section 504 and the Architectural Barriers Act. Nothing in this rule relieves recipients whose facilities are covered by the Barriers Act and that Act's implementing regulations from complying with the requirements of UFAS or any other Barriers Act standard or requirements that may be in effect.

Effect of Amendment

OPM's current section 504 rule requires that new facilities be designed and constructed to be readily accessible to and usable by persons with handicaps and that alterations be accessible to the maximum extent feasible. The amendment does not affect these requirements but merely provides that compliance with UFAS with respect to buildings (as opposed to "facilities," a broader term that encompasses buildings as well as other types of property) shall be deemed compliance with these requirements with respect to those buildings. Thus, for example, an alteration is accessible "to the maximum extent feasible" if it is done in accordance with UFAS. It should be noted that UFAS contains special requirements for alterations where meeting the general standards would be impracticable or infeasible (*see, e.g.*, UFAS sections 4.1.6(1)(b), 4.1.6(3), 4.1.6(4), and 4.1.7).

The amendment also includes language providing that departures from particular UFAS technical and scoping requirements are permitted so long as the alternative methods used will provide substantially equivalent or greater access to and utilization of the building. Allowing these departures from UFAS will provide recipients with necessary flexibility to design for special circumstances and will facilitate the application of new technologies that are not specified in UFAS. As explained under "Background of Accessibility Standards," OPM anticipates that compliance with some provisions of applicable State and local accessibility requirements will provide "substantially equivalent" access. In some circumstances, recipients may choose to use methods specified in model building codes or other State or local codes that are not necessarily applicable to their buildings but that achieve substantially equivalent access.

The amendment requires that the alternative methods provide "substantially" equivalent or greater access, in order to clarify that the alternative access need not be precisely equivalent to that afforded by UFAS. Application of the "substantially equivalent access" language will depend on the nature, location, and intended use of a particular building. Generally, alternative methods will satisfy the requirement if in material respects the access is substantially equivalent to that which would be provided by UFAS in such respects as safety, convenience, and independence of movement. For example, it would be permissible to depart from the technical requirement of UFAS section 4.10.9 that the inside dimensions of an elevator car be at least 68 inches or 80 inches (depending on the location of the door) on the door opening side, 54 inches, if the clear floor area and the configuration of the car permits wheelchair users to enter the car, make a 360° turn, maneuver within reach of controls, and exit from the car. This departure is permissible because it results in access that is safe, convenient, and independent, and therefore substantially equivalent to that provided by UFAS.

With respect to UFAS scoping requirements, it would be permissible in some circumstances to depart from the UFAS new construction requirement of one accessible principal entrance at each grade floor level of a building (see UFAS section 4.1.2(8)), if safe, convenient, and independent access is provided to each level of the new facility by a wheelchair user from an accessible principal entrance. This departure would not be permissible if it required an individual with handicaps to travel an extremely long distance to reach the spaces served by the inaccessible entrances or otherwise provided access that was substantially less convenient than that which would be provided by UFAS.

It would not be permissible for a recipient to depart from UFAS's requirements that, in new construction of a long-term care facility, at least 50% of all patient bedrooms be accessible (see UFAS section 4.1.4(9)(b)), by using large accessible wards that make it possible for 50% of all beds in the facility to be accessible to individuals with handicaps. The results is that the population of individuals with handicaps in the facility will be concentrated in large wards, while able-bodied persons will be concentrated in smaller, more private rooms. Because convenience for persons with handicaps is therefore compromised to such a great extent, the degree of accessibility provided to persons with handicaps is not substantially equivalent to that intended to be afforded by UFAS.

It should be noted that the amendment does not require that existing buildings leased by recipients meet the standards for new construction and alterations.[3] Rather, it continues the current Federal practice under section 504 of treating newly leased buildings as subject to the program accessibility standard for existing facilities.

UFAS contains specific requirements for additions to existing buildings (see UFAS section 4.1.5). The amendment references UFAS only for "design, new construction, or alteration of buildings," and does not mention additions specifically. For purposes of section 504, an addition is considered "new construction" or "alteration." Thus, the lack of reference to additions in the rule should not be read to exempt additions from the accessibility requirements.

[3] This will be the case even if UFAS is revised to be consistent with a 1988 amendment to the ATBCB minimum guidelines to provide minimum guidelines and requirements for accessible leased facilities. On September 14, 1988 (53 FR at 35510), the ATBCB amended its minimum guidelines to establish requirements for standards for buildings leased by the Federal Government. 36 CFR 1190.34 (1989). The requirements apply to leased buildings even if they are not altered. Section 1190.34(a) requires that any building or facility that is to be leased by the Federal Government, without having been designed or constructed in accordance with its specifications, comply with the standards for new construction (§ 1190.31), incorporate the features listed in the standards for alterations (§ 1190.33(c)), or, if no such space is available, be altered to include certain accessible elements and spaces. These requirements will be incorporated into UFAS and will apply to buildings covered by the Architectural Barriers Act. However, existing buildings leased by recipients are not covered by the Act unless the buildings are to be altered.

Buildings under design on the effective date of this amendment will be governed by the amendment if the date that bids were invited falls after the effective date. This interpretation is consistent with GSA's Barriers Act regulation incorporating UFAS, at 41 CFR subpart 101–19.6.

The revision includes language modifying the effect of UFAS section 4.1.6(1)(g), which provides an exception of UFAS 4.1.6, *Accessible buildings: Alterations.* Section 4.1.6(1)(g) of UFAS states that "mechanical rooms and other spaces which normally are not frequented by the public or employees of the building or facility or which by nature of their use are not required by the Architectural Barriers Act to be accessible are excepted from the requirements of 4.1.6." Particularly after the development of specific UFAS provisions for housing alterations and additions, UFAS section 4.1.6(1)(g) could be read to exempt alterations to privately owned residential housing, which is not covered by the Architectural Barriers Act unless leased by the Federal Government for subsidized housing programs. This exception, however, is not appropriate under section 504, which protects beneficiaries of housing provided as part of a federally assisted program. Consequently, the amendment provides that, for purposes of this section, section 4.1.6(1)(g) of UFAS shall be interpreted to exempt from the requirements of UFAS only mechanical rooms and other spaces that, because of their intended use, will not require accessibility to the public or beneficiaries, or result in the employment or residence therein of persons with handicaps.

This exception does not apply to a room merely because it contains mechanical equipment. For instance, the exception shall not be read to exempt from the requirements of UFAS a "mechanical room" with a photocopier, control mechanisms and operating equipment for a large heating and air conditioning system, and controls for a security system. Since the room would be frequented by employees, it is not excepted from UFAS. In this case, the control mechansims, including switches, thermostats, and alarms, used by employees should be on an accessible path and mounted at the proper height.

The revision also provides that whether or not the recipient opts to follow UFAS in satisfaction of the ready access requirement, the recipient is not required to make building alterations that have little likelihood of being accomplished without removing or altering a load-bearing structrual member. This provision does not relieve recipients of their obligation under the current regulation to ensure program accessibility.

This document has been reviewed by DOJ. It is an adaptation of a prototype prepared by DOJ under Executive Order 12250 of November 2, 1980. The ATBCB has been consulted in the development of this document in accordance with 28 CFR 41.7.

The regulation is not a major rule within the meaning of Executive Order 12291 of February 17, 1981. As required by the Regulatory Flexibility Act, it is hereby certified that this rule will not have a significant impact on small business entities.

List of Subjects in 5 CFR Part 900

Administrative practice and procedure, Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Government employees, Grant programs, Handicapped, Intergovernmental relations, Investigations, Loan programs.

For the reasons set forth in the preamble, 5 CFR part 900 is amended as follows:

PART 900—[AMENDED]

1. The authority citation for subpart G of part 900 is revised to read as follows:

Authority: 29 U.S.C. 794.

2. Section 900.705, paragraph (f) is revised to read as follows:

§ 900.705 Program accessibility.

* * * * *

(f)(1) Effective as of August 23, 1990. Design, construction, or alteration of buildings in conformance with sections 3–8 of the Uniform Federal Accessibility Standards (UFAS) (Appendix A to 41 CFR subpart 101–19.6) shall be deemed to comply with the requirements of this section with respect to those buildings. Departures from particular technical and scoping requirements of UFAS by the use of other methods are permitted where substantially equivalent or greater access to and usability of the building is provided.

(2) For purposes of this section, section 4.1.6(1)(g) of UFAS shall be interpreted to exempt from the requirements of UFAS only mechanical rooms and other spaces that, because of their intended use, will not require accessibility to the public or beneficiaries or result in the employment or residence therein of persons with physical handicaps.

(3) This section does not require recipients to make building alterations that have little likelihood of being accomplished without removing or altering a load-bearing structural member.

Constance Berry Newman,

Director.

[FR Doc. 90–17269 Filed 7–23–90; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 265

[Docket No. R-0704]

Delegation of Authority to Staff Director of Division of Banking Supervision and Regulation to Approve Issuance of the List of Foreign Margin Stocks

July 18, 1990.

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board is revising paragraph (c)(18) of § 265.2 of its Rules Regarding Delegation of Authority (12 CFR 265.2(c)) to delegate to the Staff Director of the Division of Banking Supervision and Regulation the authority to approve issuance of the list of foreign margin stocks and to conform the reference in paragraph (c)(18) to the recent revision of Regulation T (12 CFR Part 220).

EFFECTIVE DATE: July 18, 1990.

FOR FURTHER INFORMATION CONTACT: Laura Homer, Securities Credit Officer, or Scott Holz, Attorney, Division of Banking Supervision and Regulation, (202) 452–2781. For the hearing impaired *only*, Telecommunications Service for the Deaf, Earnestine Hill or Dorothea Thompson, (202) 452–3544.

SUPPLEMENTARY INFORMATION: On March 21, 1990, the Board approved amendments to Regulation T (55 F.R. 11158) to permit the marginability of certain foreign securities and to accommodate settlement and clearance of transactions in foreign securities. Foreign stocks that meet the Board's criteria for marginability will appear on a new list of foreign margin stocks to be published in conjunction with the Board's quarterly list of OTC margin stocks. The Board is revising the paragraph delegating authority to the Staff Director of the Division of Banking Supervision and Regulation to approve issuance of the OTC margin stock list by adding authority to approve the issuance of the list of foreign margin stocks.

The March 1990 amendments to Regulation T also included a renumbering of the provisions of § 220.17, concerning the lists of OTC margin stocks and foreign margin stocks. The citation to provision of 220.17 of Regulation T contained in the Board's Rules Regarding Delegation of Authority is being changed to conform to the new numbering of that Regulation T section.

Public Comment

The provisions of 5 U.S.C 553(b) regarding notice, public comment, and deferred effective date were not followed in connection with the adoption of this amendment because the change to be effected is procedural in nature and does not constitute a substantive rule subject to the requirements of the section. The Board's expanded rule making procedures have not been followed for the same reason.

List of Subjects in 12 CFR Part 265

Authority delegations (government agencies), Banks, Banking Federal Reserve System.

For the reasons set forth above, 12 CFR part 265 is amended as follows:

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

1. The authority citation of part 265 continues to read as follows

Authority: Sec. 11(k), 38 Stat. 261 and 80 Stat. 1314; 12 U.S.C. 248(k).

2. Section 265.2 is amended by revising paragraph (c)(18) to read as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

* * * * *

(c) * * *

(18) Under the provisions of sections 207.6(d), 220.17(f), and 221.7(d) of this chapter (Regulations G, T, and U, respectively) to approve issuance of the lists of OTC margin stocks and foreign margin stocks and to add, omit, or remove any stock in circumstances indicating that such change is necessary or appropriate in the public interest.

* * * * *

By order of the Board of Governors of the Federal Reserve System, July 18, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90-17200 Filed 7-23-90; 8:45 am]

BILLING CODE 6210-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-3812-9]

Georgia; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

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

DATES: Final authorization for Georgia shall be effective September 24, 1990, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Georgia's program revision application must be received by the close of business August 23, 1990.

ADDRESSES: Copies of Georgia's program revision application are available during 8 a.m. to 4 p.m. at the following addresses for inspection and copying: Georgia Department of Natural Resources, Land Protection Branch, Room 1154, 205 Butler Street SE., Floyd Towers East, Atlanta, Georgia 30334; 404/656-2833; U.S. EPA Headquarters Library, PM 211A, 401 M Street SW., Washington, DC 20460; 202/382-5926; U.S. EPA Region IV, Library, 345 Courtland Street NE., Atlanta, Georgia 30365; 404/347-4216. Written comments should be sent to Narindar Kumar at the address listed below.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; (404) 347-2234.

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. 6926(g), and later apply for final authorization for the HSWA requirements. The State of Georgia has received final authorization for the July 15, 1985, HSWA Codification Rule.

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 260-266 and 124 and 270.

B. Georgia

Georgia initially received final authorization on August 21, 1984. Georgia received authorization for revisions to its program on September 18, 1986. On June 30 and October 14, 1988, Georgia submitted program revision applications for additional program approvals. Today, Georgia is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Georgia's application, and has made an immediate final decision that Georgia's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Georgia. The public may submit written comments on EPA's immediate final decision up until August 23, 1990. Copies of Georgia's application for program revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

Approval of Georgia's program revisions shall become effective September 24, 1990, unless an adverse comment pertaining to the State's revisions 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.

Georgia is today seeking authority to administer the following Federal requirements promulgated between July 1, 1985–June 30, 1989 for Non-HSWA Clusters II, III, & IV and July 1, 1985–June 30, 1989 for HSWA Clusters I and II.

Provision	FR reference	Federal promulgation date	State authority
• Listing of Spent Pickle Liquor (KO62)	51 FR 19320	May 28, 1986	391-3-11-.07(1)
• Liability Coverage	51 FR 25350	July 11, 1986	391-3-11-.05(1)
• Standards for Hazardous Waste Storage and Treatment Tank Systems	51 FR 25422	July 14, 1986	391-3-11-.02(1) 391-3-11-.07(1) 391-3-11-.08(1) 391-3-11-.10(1) 391-3-11-.11(3)(e) 391-3-11-.05(1) 391-3-11-.10(2) 391-3-11-.11(3)(g)
• Correction to Listing of Commercial Chemical Products and Appendix VII Constituents	51 FR 28296	August 6, 1986	391-3-11-.07(1)
• Revised Manual SW-846; Amended by Reference	52 FR 8072	March 16, 1987	391-3-11-.02(1) 391-3-11-.11(13)
• Closure/Post-closure Care for Interim Status Surface Impoundments	52 FR 8074	March 19, 1987	391-3-11-.10(1)
• Definition of Solid Waste; Technical Corrections	52 FR 21306	June 5, 1987	391-3-11-.07(1) 391-3-11-.10(3)
• Amendments to Part B Information Requirements for Land Disposal Facilities	52 FR 23447	June 22, 1987	391-3-11-.11(3)(g)
• List (Phase I) of Hazardous Constituents for Groundwater Monitoring	52 FR 25942	July 9, 1987	391-3-11-.10(2) 391-3-11-.11(3)(g)
• Identification and Listing of Hazardous Waste	52 FR 26012	July 10, 1987	391-3-11-.07(1)
• Listing of Spent Pickle Liquor; Clarification	52 FR 28697	August 3, 1987	391-3-11-.07(1)
• Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee	52 FR 44314	November 18, 1987	391-3-11-.05(1)
• Hazardous Waste Miscellaneous Units	52 FR 46946	December 10, 1987	391-3-11-.02 391-3-11-.5(1) 391-3-11-.10(2) 391-3-11-.11(3)(g)
• Listing of TDI, TDA, DNT	50 FR 42936	October 23, 1985	391-3-11-.07(1)
• Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces	50 FR 49164	November 29, 1985	391-3-11-.07(1) 391-3-11-.10(1) 391-3-11-.10(2) 391-3-11-.10(3)
• Spent Solvents Listing	50 FR 53315	December 31, 1985	391-3-11-.07(1)
• EDB Waste Listing	51 FR 5330	February 13, 1986	391-3-11-.07(1)
• Four Spent Solvents Listing	51 FR 6541	February 25, 1986	391-3-11-.07(1)
• Small Quantity Generators	51 FR 10174	March 24, 1986	391-3-11-.07(1) 391-3-11-.02(1) 391-3-11-.08(1) 391-3-11-.09 391-3-11-.11(1)(a) 391-3-11-.11(3)(b)
• Paint Filter Test; Correction	51 FR 19176	May 28, 1986	391-3-11-.10(1)
• Hazardous Waste Tank Systems	51 FR 25422	July 14, 1986	391-3-11-.02(1) 391-3-11-.07(1) 391-3-11-.08(1) 391-3-11-.10(2) 391-3-11-.05(1) 391-3-11-.10(1) 391-3-11-.11(3)(g) 391-3-11-.11(3)(e)
• Biennial Reports; Correction	51 FR 28556	August 8, 1986	391-3-11-.10(1) 391-3-11-.10(2)
• Exports of Hazardous Waste (with the exception of 262.53 "Notification of Intent to Export").	51 FR 28664	August 8, 1986	391-3-11-.07(1) 391-3-11-.08(1) 391-3-11-.08(2) 391-3-11-.09
• Standards for Generators—Waste Minimization Certifications	51 FR 35190	October 1, 1986	391-3-11-.08(1) 391-3-11-.08(2)
• Listing of EBDC	51 FR 37725	October 24, 1986	391-3-11-.07(1)
• Land Disposal Restrictions	51 FR 40572	November 7, 1986	391-3-11-.02 391-3-11-.07(1) 391-3-11-.07(2) 391-3-11-.08(1) 391-3-11-.09 391-3-11-.10(1) 391-3-11-.10(2) 391-3-11-.11(3)(g) 391-3-11-.11(5)(c) 391-3-11-.11(7)(d) 391-3-11-.16
• Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces; Technical Corrections.	52 FR 11819	April 13, 1987	391-3-11-.07(1) 391-3-11-.10(3)
• Land Disposal Restrictions; Corrections	52 FR 21010	June 4, 1987	391-3-11-.10(2) 391-3-11-.10(1) 391-3-11-.16

Provision	FR reference	Federal promulgation date	State authority
• California List Waste Restrictions	52 FR 25760	July 8, 1987	391-3-11-.08(1) 391-3-11-.10(2) 391-3-11-.10(1) 391-3-11-.16 391-3-11-.11(7)(d) 391-3-11-.11(3)(e)
• Exception Reporting for Small Quantity Generators of Hazardous Waste	52 FR 35894	September 23, 1987	391-3-11-.08
• HSWA Codification Rule	52 FR 45788	December 1, 1987	391-3-11-.10(2) 391-3-11-.10(1) 391-3-11-.11(1)(a) 391-3-11-.11(5)(f) 391-3-11-.11(3)(b) 391-3-11-.11(3)(g) 391-3-11-.11(7)(c)
• California List Waste Restrictions; Technical Corrections	52 FR 41295	October 27, 1987	391-3-11-.02 391-3-11-.16

Georgia is not seeking authorization to operate in Indian Lands.

C. Decision

I conclude that Georgia's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Georgia is granted final authorization to operate its hazardous waste program as revised.

Georgia now 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. Georgia also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 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 Georgia's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens of 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: This notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 16, 1990.

Joe R. Franzmathes,

Acting Regional Administrator.

[FR Doc. 90-17254 Filed 7-23-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-369; RM-6847]

Radio Broadcasting Services; Twin Lakes, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Twin Lakes Broadcasting, Inc., substitutes Channel 290C3 for Channel 288A at Twin Lakes, Iowa, and modifies its license for Station KTLB to specify operation on the higher powered channel. Channel 290C3 can be allotted to Twin Lakes in compliance with the Commission's minimum distance separation requirements and can be used at Station KTLB's present transmitter site. The coordinates for this allotment are North Latitude 42-32-09 and West Longitude 94-40-48. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 4, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-369, adopted June 29, 1990, and released July 18, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73:

Radio broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments is amended for Twin Lakes, Iowa, by removing Channel 288A and adding Channel 290C3.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-17087 Filed 7-23-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-28; RM-5896, RM-6345]

Radio Broadcasting Services; Weed and Mt. Shasta, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.