Dated: August 8, 1991.

Elizabeth M. Tamposi,

Assistant Secretary for Consular Affairs.

[FR Doc. 91-19746 Filed 8-16-91; 8:45 am]

BILLING CODE 4710-06-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 147

[FRL 3980-2]

Indiana Department of Natural Resources (IDNR); Underground Injection Control (UIC) Program; Primacy Program Approval

AGENCY: Environmental Protection Agency (EPA).

ACTION: Approval of State Primacy Program.

SUMMARY: The IDNR has submitted an application under section 1425 of the Safe Drinking Water Act (SDWA) for the approval of an UIC program for the regulation of Class II injection well activities. After careful review of the application, the EPA has determined that the State's UIC program meets the requirements of the SDWA and, therefore, approves it.

EFFECTIVE DATE: This approval shall become effective on August 19, 1991. The incorporation by reference of certain materials listed in the regulations is approved by the Director of the Federal Register as of August 19, 1991.

ADDRESSES: The public docket and supporting documents for this rulemaking are available for review during normal business hours at the Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Richard J. Zdanowicz, Office of Drinking Water (5WD-TUB-9), EPA, Region V, 230 South Dearborn Street, Chicago, IL, 60604, Phone: (312) 886-1502.

SUPPLEMENTARY INFORMATION: Part C of the Safe Drinking Water Act (SDWA) contains provisions for an UIC program. Section 1421 of the SDWA requires the Administrator to promulgate minimum requirements for effective State programs to prevent underground injection activities which endanger underground sources of drinking water (USDW's). The State shall submit to the Administrator an application which contains a showing, satisfactory to the Administrator that the State: (1) Has adopted, after reasonable notice and public hearings, an UIC program which meets the requirements of regulations in effect under section 1421 of the SDWA; and (2) will keep such records and make such reports with respect to its activities under its UIC program as the Administrator may require by regulations. After reasonable opportunity for public comment, the Administrator shall, by rule, approve, disapprove, or approve in part, the State UIC program.

The SDWA was amended on December 5, 1980, to include section 1425. Section 1425 established an alternative method by which a State may obtain primary enforcement responsibility for an UIC program to regulate the following types of injection practices: Injection of fluids produced during oil or gas production, injection of fluids for the storage of hydrocarbons, and injection of fluids for enhanced recovery of oil and natural gas. Specifically, instead of meeting the Federal Regulations in 40 Code of Federal Regulations (CFR) parts 124, 144, 145, and 146, and the related technical criteria and standards in 40 CFR part 146, a State may demonstrate that its program meets the more general statutory requirements of section 1421(b)(1) (A) through (D) and represents an effective program to prevent endangerment of USDW's.

EPA published notice on December 6, 1990, pending the receipt of a complete primacy application, to request public comments, and to schedule a public hearing on the UIC program submitted by the IDNR (55 FR 50397). A complete application from the IDNR was received on December 14, 1990, requesting delegation of primacy for the proposed UIC program. A public hearing was held on Tuesday, January 8, 1991, in Vincennes, Indiana. No significant negative comments were received. EPA has responded to all comments in a separate Responsiveness Summary which is available in the public record for today's decision.

After careful review of the application and comments received from the public, the EPA has determined that the Indiana UIC program submitted by the IDNR for Class II injection wells meets the requirements of section 1425 of the SDWA and is hereby approved.

This program replaces the existing EPA-administered program for all Class II injection wells on non-Indian lands. EPA promulgated an UIC program for Indiana on June 25, 1984, in order to comply with the requirement of the SDWA to promulgate a Federally-administered program in the absence of a State-administered program. Now that EPA has determined that the State-administered program meets all applicable Federal requirements, the EPA is withdrawing the EPA-administered program for Class II injection wells on non-Indian lands and establishing the State-administered program as the applicable UIC program for Class II injection wells on non-Indian lands in the State of Indiana.

This approval will be codified in part 147 of 40 CFR, State Underground Injection Control Programs, in § 147.750 currently reserved for the State-administered program. State statutes and regulations that contain standards, requirements, and procedures applicable to owners or operators are incorporated by reference into the Federal regulations. These provisions incorporated by reference, as well as all permit conditions or permit denials issued pursuant to such provisions, are enforceable by EPA pursuant to section 1423 of the SDWA. See 40 CFR 147.1(e).

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

EPA has determined that an Information Collection Request under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, is unnecessary because today's decision imposes no new federal reporting or record-keeping requirements.

Pursuant to the provisions of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Administrator certifies that approval by EPA under section 1425 of the SDWA of the application by the Indiana Department of Natural Resources will not have a significant economic impact on a substantial number of small entities since this rule only approves State actions. This rule imposes no new requirements on small entities.

In light of the lack of significant public comment received on the proposed approval, there is good cause for making this approval effective immediately. 5 U.S.C. 553(d).

List of Subjects in 40 CFR Part 147

Administrative practice and procedure, Incorporation by reference, Intergovernmental relations, Reporting and record keeping requirements, Underground injection.

Dated: July 26, 1991.

William K. Reilly,

Administrator.

For the reasons set out in the preamble, part 147 of title 40 of the Code of Federal Regulations is amended as follows:

PART 147—STATE UNDERGROUND INJECTION CONTROL PROGRAMS

1. The authority citation for part 147 continues to read as follows:

Authority: 42 U.S.C. 300h *et seq.*; and 42 U.S.C. 6901 *et seq.*

Subpart P—Indiana [Amended]

2. By adding § 147.750 to read as follows:

§ 147.750 State-administered program—Class II wells.

The UIC program for Class II injection wells in the State of Indiana on non-Indian lands is the program administered by the Indiana Department of Natural Resources (INDR) approved by the EPA pursuant to section 1425 of the SDWA. Notice of this approval was published in the FR on August 19, 1991; the effective date of this program is August 19, 1991. This program consists of the following elements, as submitted to EPA in the State's program application:

(a) *Incorporation by reference.* The requirements set forth in the State statutes and regulations cited in this paragraph are hereby incorporated by reference and made a part of the applicable UIC program under the SDWA for the State of Indiana. This incorporation by reference was approved by the Director of the FR in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained at the Indiana Department of Natural Resources, Division of Oil and Gas, 402 West Washington Street, room 293, Indianapolis, Indiana, 46204. Copies may be inspected at the Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois, 60604, or at the Office of the Federal Register, 1100 L Street NW., Washington, DC 20408.

(1) Indiana Code, title 4, article 21.5, chapters 1 through 6 (1988).

(2) West's Annotated Indiana Code, title 13, article 8, chapters 1 through 15 (1990 and Cumm. Supp. 1990).

(3) Indiana Administrative Code, title 310, article 7, rules 1 through 3 (Cumm. Supp. 1991).

(b) *Memorandum of Agreement.* The Memorandum of Agreement between EPA Region V and the Indiana Department of Natural Resources signed by the EPA Regional Administrator on February 18, 1991.

(c) *Statement of legal authority.* Statement and Amendment to the Statement from the Attorney General of the State of Indiana, signed on July 12, 1990, and December 13, 1990, respectively.

(d) The Program Description and any other materials submitted as part of the original application or as supplements thereto.

3. By revising § 147.751(a) to read as follows:

§ 147.751 EPA-administered program.

(a) *Contents.* The UIC program for all classes of wells on Indian lands, and for Class I, III, IV, and V wells on non-Indian lands in the State of Indiana is administered by the EPA. The program consists of the UIC program requirements of 40 CFR parts 124, 144, 146, and 148 and the additional requirements set forth in the remainder of this subpart. Injection well owners and operators, and EPA shall comply with these requirements.

* * * * *

4. By revising the title of § 147.753 to read as follows:

§ 147.753 Existing Class I and III wells authorized by rule.

* * * * *

§§ 147.754, 147.755 [Removed]

5. By removing §§ 147.754 and 147.755.

[FR Doc. 91-19755 Filed 8-16-91; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 261

[SW-FRL-3985-6]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Denial

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) today is finalizing its decision to deny a petition submitted by Acme Fill Corporation, Martinez, California to exclude certain solid wastes generated at its facility from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. this action responds to a delisting petition submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of parts 260 through 265, and 268 of title 40 of the Code of Federal Regulations, and under 40 CFR 260.22, which specifically provides generators the opportunity to petition the administrator to exclude a waste on a "generator-specific" basis from the hazardous waste lists. This rulemaking finalizes the proposed denial for Acme Fill's petitioned waste published on May 1, 1990 (see 55 FR 18132). The effect of this action is that this waste must continue to be handled as hazardous in accordance with 40 CFR parts 260 through 268 and the permitting standards of 40 CFR part 270.

EFFECTIVE DATE: August 19, 1991.

ADDRESSES: The public docket for this final rule is located at the U.S. Environmental Protection Agency, 401 M Street, SW. (room M2427), Washington, DC 20460, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Call (202) 475-9327 for appointments. The reference number for this docket is "F-90-AFDF-FFFFF". The public may copy material from any regulatory docket at a cost of $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline, toll free at (800) 424-9346, or at (703) 920-9810. For technical information concerning this notice, contact Chichang Chen, Office of Solid Waste (OS-333), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-7392.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

Under 40 CFR 260.20 and 260.22, facilities may petition the Agency to remove their wastes from hazardous waste control by excluding them from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. Petitioners must provide sufficient information to EPA to allow the Agency to determine: (1) That the waste to be excluded is not hazardous based upon the criteria for which it was listed, and (2) that no other hazardous constituents are present in the waste at levels of regulatory concern.

B. History of the Rulemaking

Acme Fill Corporation (Acme Fill), located in Martinez, California, petitioned the Agency for a one-time exclusion of its untreated landfill leachate contained on-site in its North Parcel Landfill. After evaluating the petition, EPA proposed, on May 1, 1990, to deny Acme Fill's petition to exclude its waste from the lists of hazardous waste under 40 CFR 261.31 and 261.32 (see 55 FR 18132).

This rulemaking addresses public comments received on the proposal and finalizes the proposed decision to deny Acme Fill's petition.

II. Disposition of Delisting Petition

Acme Fill Corporation, Martinez, California.

1. Proposed Exclusion

Acme Fill Corporation (Acme Fill), located in Martinez, California, petitioned the Agency to exclude, on a one-time basis, its untreated landfill leachate contained on-site in its North Parcel Landfill. Acme Fill's leachate is listed as EPA Hazardous Waste Nos.: U002 (Acetone), U080 (Methylene chloride), U213 (Tetrahydrofuran), and U226 (1,1,1-Trichloroethane). The basis for listing for EPA Hazardous Waste Nos. U002 and U213 is ignitability; the basis for listing for EPA Hazardous Waste Nos. U080 and U226 is toxicity (see 40 CFR 261.33).

In support of its petition, Acme Fill submitted: (1) General descriptions of its landfill, waste disposal practices, and leachate collection process; (2) a list of materials disposed in the North Parcel Landfill (3) results from total constituent analyses of the waste for the EP toxic metals, antimony, beryllium, cobalt, nickel, thallium, vanadium, sulfide, and cyanide; (4) results from total constituent analyses of the waste for selected hazardous organic constituents; (5) results from characteristics testing for ignitability, corrosivity, and reactivity; and (6) results from the analyses of ground-water samples collected from wells that monitor the North Parcell Landfill.

The Agency evaluated the information and analytical data provided by Acme Fill in support of its petition and determined that the hazardous constituents found in the petitioned waste could pose a threat to human health and the environment. Specifically, the Agency used its vertical and horizontal spread (VHS) model to predict the potential mobility of the hazardous constituents found in the petitioned waste. The Agency also evaluated ground-water monitoring information submitted in support of Acme Fill's petition. Based on these evaluations, the Agency determined that Acme Fill failed to substantiate its claim that the hazardous constituents of concern will not leach and migrate at concentrations above the health-based levels used in delisting decision-making. See 55 FR 18132, May 1, 1990, for a more detailed explanation of why EPA proposed to deny Acme Fill's petition.

2. Agency Response to Public Comments

The Agency received comments regarding its decision to deny Acme Fill's petition from one interested party. The commenter opposed the Agency's decision to deny Acme Fill's petition and submitted comments covering the following areas: (1) Use of a surface impoundment as a resonable worst-case scenario, (2) use of the VHS model to evaluate the petitioned waste, (3) use and interpretation of ground-water monitoring data, and (4) comparison of municipal solid waste leachate with the petitioned leachate. The specific comments made by the commenter regarding the Agency's proposed decision to deny the petition and the Agency's response to them are discussed below.

a. Agency's Use of a Surface Impoundment as a Reasonable Worst-Case Disposal Scenario

The commenter suggested that disposal of the petitioned waste in a surface impoundment is not a reasonable worst-case disposal scenario because current regulations prohibit the disposal of free liquids in a surface impoundment or landfill. The commenter believed that reasonable alternative disposal options for the North Parcel leachate include discharge to the local publicly-owned treatment works (POTW), discharge of treated leachate to surface water, or shipment of the leachate off-site for treatment and final disposal. The commenter asserted, therefore, that the assumption that the petitioned waste is disposed of in a surface impoundment is not a valid approach for evaluating possible routes of exposure to the petitioned waste.

The Agency disagrees with the commenter's claim that liquid wastes are necessarily prohibited from disposal in a surface impoundment or landfill. The Agency believes that the commenter is referring to the restrictions cited in 40 CFR 264.314(b) and 265.314(b) regarding the disposal of bulk and non-containerized liquid hazardous wastes in, respectively, permitted and interim-status landfills. The Agency notes that these restrictions do not apply to surface impoundments and are not applicable to the disposal of non-hazardous liquid waste (*e.g.*, Acme Fill's petitioned landfill leachate if an exclusion were granted) in a subtitle D land-based waste management unit. Thus, the Agency believes that the petitioned waste could be disposed of in a landfill or surface impoundment if an exclusion were granted.

Furthermore, although the Agency agrees with the commenter that reasonable alternative disposal options exist for the petitioned waste, the Agency cannot ignore the fact that the petitioned waste is presently managed in a way that is similar to disposal in a surface impoundment. Acme Fill's petition reports that the landfill leachate has been managed, since 1983, in two on-site collection sumps. The Agency believes that the management of the petitioned waste in these sumps could potentially affect human health and the environment in a manner similar to the management of the landfill leachate in a surface impoundment. Despite the fact that alternative disposal options may exist, the Agency believes that a reasonable worst-case disposal scenario is that the petitioned leachate currently managed at Acme Fill's North Parcel Landfill remains in the two on-site collection sumps or that the leachate is placed in an off-site surface impoundment. Therefore, the Agency believes that the surface impoundment management scenario described in the proposed rule (55 FR 18132, May 1, 1990) is appropriate for the evaluation of Acme Fill's petitioned waste.

b. Agency's Use of the VHS Model

The commenter believed that the Agency applied the VHS model without considering site-specific conditions, including factors that control leachate migration and govern the chemical concentration at any given time. The commenter suggested that the following site-specific factors should have been considered in the evaluation of Acme Fill's petition: (1) The migration of leachate from the North Parcel Landfill is restricted by a 40–60 foot continuous layer of silty clay underlying the landfill and a compacted clay subsurface leachate barrier dike that surrounds most of the parcel; (2) the relatively high cation exchange capacity of the clay will adsorb and retard migration of heavy metals; (3) there are no industrial, municipal, domestic, or agricultural downgradient wells (*i.e.*, receptors) near the site; and (4) the ground water at the site is saline and not suitable for development at some future time.

The Agency maintains that its formulation of a delisting decision is waste-specific, not disposal site-specific. As such, the Agency does not believe that delisting evaluations should be based on the possible characteristics of future storage or disposal sites because once a waste is delisted, the waste is removed from Federal regulation as a hazardous waste and can be disposed at any subtitle D facility. Consequently, the Agency, if it were to exclude Acme Fill's waste, would have no guarantee that the petitioned waste would remain in place. The petitioned waste might be relocated to a disposal site with different characteristics (*e.g.*, different geology, receptors, ground-water quality). In fact, in Acme Fill's case, the commenter has argued that the ultimate disposal site may not be the Acme Fill site (see the preceding comment). For these reasons, the Agency believes that a site specific evaluation is inappropriate, and a generic fate and transport model, such as the VHS model, is appropriate to model a reasonable worst-case disposal scenario for Acme Fill's petitioned waste.

Furthermore, even if the Agency were to consider the factors cited by the commenter, the Agency believes the commenter did not provide adequate data to show why these factors would support granting the delisting. The claim that the underlying clay, in conjunction with the subsurface clay leachate dike, would sufficiently restrict or retard leachate migration was unsubstantiated. The commenter did not provide information that would confirm the integrity of the clay liners/barriers, and thus did not rule out the likelihood that more permeable pathways exist for migration of leachate through or around the clay.

Also, the commenter did not address the likelihood that the clay material is fully saturated with migrating constituents, thereby rendering any retardation/adsorption ineffective. Therefore, the commenter did not provide any documentation to support the use of site-specific factors in the delisting evaluation. The Agency believes, moreover, that the documented ground-water contamination indicates that waste constituents have, in fact, migrated to the ground water, despite any restriction/retardation arising from the clay layer and barrier.

C. Agency's Use and Interpretation of Ground-Water Monitoring Data

The commenter believed that the results of a hydrogeologic assessment prepared for Acme Fill clearly demonstrate that there is no "mappable" plume of contaminants surrounding the Acme Fill site that can be "contoured" from the ground-water data base. The commenter maintained that the Agency incorrectly concluded that the ground-water data for Acme Fill show that the petitioned waste has contaminated ground water.

Although the commenter did not provide the Agency with a copy of the hydrogeologic assessment that is the basis of this comment, the Agency re-examined the ground-water monitoring data submitted by Acme Fill in support of their petition. The Agency notes that, as is the case with Acme Fill's monitoring system, monitoring systems established under RCRA are often designed to detect, rather than delineate the extent of, contaminant plumes. Acme Fill's ground-water monitoring data are, however, sufficient to indicate that the North Parcel Landfill has contributed to ground-water contamination.

As stated in the proposal, concentrations of arsenic, barium, benzene, cadmium, chromium, lead, selenium, silver, and tetrachloroethylene were detected in wells that monitor the North Parcel Landfill at concentrations exceeding the health based levels used in delisting decision-making. Barium, in particular, was detected in 22 of the North Parcel Landfill's 25 monitoring wells at concentrations exceeding the level of regulatory concern; the highest concentration of barium detected was as great as 11 times the level of regulatory concern. (See the RCRA public docket for the proposed rule for copies of these data reports.) The Agency believes that this information indicates that the petitioned waste is a potential source of ground-water contamination.

Furthermore, the commenter neither suggested to the Agency the possible alternate source of the contaminants detected in ground water, nor provided information sufficient to rule out the North Parcel Landfill as a source of the contaminants. Consequently, without information that convincingly demonstrates that the North Parcel Landfill has not contributed to the observed contamination, it is appropriate and reasonable to assume that the North Parcel Landfill is a source of the contaminants detected in ground water. Therefore, the petitioned waste may pose a hazard to human health and the environment and should continue to be managed as a hazardous waste.

d. Comparison of Municipal Solid Waste Leachate With the Petitioned Waste Leachate

The commenter stated that there is little difference between the North Parcel leachate and typical non-hazardous leachate from municipal solid waste landfills and thus, it is not reasonable to assume that the North Parcel leachate is hazardous.

The Agency disagrees with this claim. Wastes are listed as hazardous by the Agency under subtitle C because of their potential to harm human health and the environment. Consequently, the Agency evaluated Acme's waste based on its potential to harm human health and the environment, and not on its similarity to other wastes that are not regulated under subtitle C. As explained in the proposed rule, the Agency determined that Acme Fill's petitioned waste is hazardous based on concentrations of antimony, barium, benzene, bis(2-ethylhexyl)phthalate, 1,2-dichloropropane, fluorene, and thallium reported in the waste, and based on concentrations of arsenic, barium, benzene, cadmium, chromium, lead, selenium, silver, and tetrachloroethylene detected in ground water.

The Agency also notes that the additional data characterizing Acme Fill's landfill leachate submitted by the commenter (*i.e.*, twelve samples collected between September 1988 and June 1989) also indicate the leachate is hazardous. Three of the twelve samples fail the VHS model evaluation for lead; one sample fails the VHS model evaluation for chromium; and one sample fails the VHS model evaluation for barium. See the public docket for today's notice for a description of the evaluation of these additional data.

3. Final Agency Decision

For the reasons stated in the proposal, the Agency believes that Acme Fill's untreated landfill leachate should not be excluded from hazardous waste control. The Agency, therefore, is denying a final exclusion to Acme Fill Corporation, located in Martinez, California, for its untreated landfill leachate described in its petition as EPA Hazardous Waste Nos. U002, U080, U213, and U226 and contained in the North Parcel Landfill. The effect of this rule is that this petitioned waste must continue to be handled as a hazardous waste in accordance with 40 CFR parts 260 through 268 and the permitting standards of 40 CFR part 270.

III. Effective Date

This rule is effective on August 19, 1991. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here because this rule does not change the existing requirements for persons generating hazardous wastes. This facility has been obligated to manage its waste as hazardous before and during the Agency's review of its petition. Because a six-month deadline is not necessary to achieve the purpose of section 3010, EPA believes that this denial should be effective immediately. These reasons also provide a basis for making this rule effective immediately under the Administrative Procedures Act, pursuant to 5 U.S.C. 553(d).

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. The denial of this petition does not impose an economic burden on this facility because prior to submission and during the review of the petition, this facility should have handled its waste as hazardous. The denial of the petition means that the petitioner is to continue managing its waste as hazardous in the manner in which it has been doing, economically and otherwise. There is no additional economic impact, therefore, due to today's rule. This rule is not a major regulation, therefore, no Regulatory Impact Analysis is required.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601–612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis, which describes the impact of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). The Administrator or delegated representative may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment does not have an adverse economic impact on small entities. The facility included in this notice may be considered a small entity, however, this rule only affects one facility in one industrial segment. The overall impact, therefore, on small entities is small. Accordingly, I hereby certify that this regulation does not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

VI. Paperwork Reduction Act

Information collection and recordkeeping requirements associated with this final rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511, 44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2050–0053.

VII. List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Authority: Sec. 3001 RCRA, 42 U.S.C. 6921.

Dated: August 6, 1991.

Don R. Clay,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 91–19786 Filed 8–16–91; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6869

[OR–943–4214–10; GP1–223; OR–22222(WASH)]

Revocation of the Executive Order Dated May 19, 1913; Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes in its entirety an Executive Order which withdrew 123.08 acres of land for the Bureau of Land Management's Powersite Reserve No. 360. The Bureau of Land Management has determined that the land is no longer needed for the purpose for which it was withdrawn. The land has been conveyed out of United States ownership and will not be restored to surface entry, mining, or mineral leasing.

EFFECTIVE DATE: August 19, 1991.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM, Oregon State Office, P.O. Box 2965, Portland, Oregon 97208, 503–280–7171.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order dated May 19, 1913, which withdrew the following described land, is hereby revoked in its entirety:

Willamette Meridian

T. 4 N., R. 15 E.,

Sec. 19, fractional NW¼SW¼, SE¼NW¼, and NE¼SW¼.

The area described contains 123.08 acres in Klickitat County.

2. The land has been conveyed out of United States ownership and will not be restored to operation of the public land laws generally, including the mining and mineral leasing laws.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91–19687 Filed 8–16–91; 8:45 am]

BILLING CODE 4310-33-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90–105; RM–7165, 7366]

Radio Broadcasting Services; Lonoke, AR; Clarksdale, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 292C2 for Channel 292A at Lonoke, Arkansas, and modifies the license of Station KMZX–FM (formerly KWTD–FM) to specify operation on the higher class channel. In addition, this action substitutes Channel 293C2 for Channel 292A at Clarksdale, Mississippi, and modifies the license for Station WAID(FM) to specify operation on the higher class channel. The Notice, as corrected by an Errata, proposed the allotment of Channel 287A for Channel 292A at Clarksdale. See 55 FR 9468, March 14, 1990, and 55 FR 14438, April 18, 1990. However, as a result of a counterproposal, Channel 293C2 was substituted. Channel 292C2 can be allotted to Lonoke in compliance with the Commission's minimum distance separation requirements with a site restriction of 19.7 kilometers (12.3 miles) south. The coordinates for Channel 292C2 at Lonoke are North Latitude 34–37–02 and West Longitude 91–49–22. Channel 293C2 can be allotted to Clarksdale in compliance with the Commission's minimum distance separation requirements with a site restriction of 9.4 kilometers (5.8 miles) northeast. The coordinates for Channel 293C2 are North Latitude 34–14–10 and West Longitude 90–29–02. With this action, this proceeding is terminated.

EFFECTIVE DATE: September 30, 1991.

FOR FURTHER INFORMATION CONTACT: Arthur Scrutchins, Mass Media Bureau, (202) 632–6302.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90–105, adopted August 7, 1991, and released August 14, 1991. 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 contractors, Downtown Copy Center, (202) 452–1422, 1714 21st Street, NW., Washington, DC 20036.