

1. Vessel Bridge-to-Bridge Radiotelephone Regulations

This rule makes Vessel Bridge-to-Bridge Radiotelephone Regulations, specifically 33 CFR 26.05, consistent with the corresponding statutory authority, the Vessel Bridge-to-Bridge Radiotelephone Act, 1972, (33 U.S.C. 1204). The particular statutory language is important because it determines who may maintain the watch on the designated bridge-to-bridge calling channel (VHF-FM Channel 13 in U.S. territorial waters, except in the approaches to the lower Mississippi River where VHF-FM Channel 67 is the designated channel).

2. Inland Waterways Navigation Regulations

This rulemaking removes 33 CFR 162.65(b)(3)(iv) because it contradicts statutory provisions in the Inland Navigation Rules Act. Specifically it provided that a vessel being overtaken by another shall slacken speed sufficiently to permit the passage to be effected with safety to both vessels. This directly conflicted with Inland Navigation Rule 13 which places the responsibility for keeping clear on the overtaking vessel and Inland Rule 17 which requires the overtaken vessel to maintain course and speed.

Discussion of Comments and Changes

The Coast Guard received only one comment in response to the notice of proposed rulemaking. This comment strongly endorsed the correction to the bridge-to-bridge radiotelephone regulations, noting that one of the key elements of Bridge Resource Management is clear delegation of duties; and that only the master or conning officer should have authority to communicate intended ship movements to other vessels.

Because the only comment was positive no changes from the proposed language have been made.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this proposal to be so minimal that a Full Regulatory Assessment is unnecessary. Since this rulemaking basically corrects

inconsistencies and places no new requirements on the maritime community further Regulatory Evaluation was deemed unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this rulemaking would have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Under Federal law, authority to issue regulations to amend the Inland Waterways Navigation Regulations and the Vessel Bridge-to-Bridge Radiotelephone Regulations is vested in the Secretary of Transportation and delegated to the Coast Guard. Therefore, the Coast Guard intends it to preempt State action addressing this subject matter.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this rulemaking is categorically excluded from further environmental documentation as this administrative action clearly has no environmental effect. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "ADDRESSES."

List of Subjects

33 CFR Part 26

Communications equipment, Navigation (water), Marine safety, Radio, Telephone, Vessels.

33 CFR Part 162

Navigation (water), Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 26 as follows:

PART 26—[AMENDED]

1. The authority citation for part 26 is revised to read as follows:

Authority: 33 U.S.C. 1207; 49 CFR 1.46.

2. Section 26.05 is revised to read as follows:

§ 26.05 Use of radiotelephone.

Section 5 of the Act states that the radiotelephone required by this Act is for the exclusive use of the master or person in charge of the vessel, or the person designated by the master or person in charge to pilot or direct the movement of the vessel, who shall maintain a listening watch on the designated frequency. Nothing herein shall be interpreted as precluding the use of portable radiotelephone equipment to satisfy the requirements of this act.

PART 162—[AMENDED]

1. The authority citation for part 162 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

§ 162.65 [Amended]

2. Section 162.65(b)(3)(iv) is removed.

Dated: July 12, 1994.

G.A. Penington,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 94-18790 Filed 8-4-94; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Parts 110, 126, and 160

46 CFR Parts 38, 78, 97, and 194

[CGD 92-050]

RIN 2115-AE27

Classifying and Handling Class 1 (Explosive) Materials

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations concerning the carriage and handling of explosives. These amendments are necessary because the United States has adopted a new system for classifying and labeling explosives. These amendments will align terminology in existing Coast Guard regulations with that used in the new system and update references to address the new system.

EFFECTIVE DATE: September 6, 1994.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA/3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001 between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT: LCDR Mark O'Malley, Port Safety and Security Division, (202) 267-0493.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are LCDR Mark O'Malley, Project Manager, Port Safety and Security Division, and Mr. Stephen H. Barber, Project Counsel, Office of Chief Counsel.

Regulatory History

On April 8, 1994, the Coast Guard published a notice of proposed rulemaking entitled *Classifying and Handling Class 1 (Explosive) Materials in the Federal Register* (59 FR 16783). The Coast Guard received no letters commenting on the proposal. No public hearing was requested, and none was held.

Background and Purpose

On December 21, 1990, the Research and Special Programs Administration (RSPA) published a final rule revising the Hazardous Material Regulations contained in 49 CFR parts 171 through 180 (December 21, 1990; 55 FR 55402). This final rule also revised the requirements previously found in 46 CFR part 146 concerning the transportation of military explosives by vessel and relocated them in 49 CFR part 176. Under this final rule, there is only one regulatory system common to all explosives. Therefore, the shipment of military explosives by vessel now must comply with the requirements of 49 CFR part 176. Furthermore, the old classification system for explosives was replaced by the United Nations system.

These comprehensive rules for commercial and other explosives treat military explosives as belonging to Division 1.1, 1.2, 1.3, and 1.4 of Class 1 (explosive) materials, as defined in 49 CFR 173.50. Under the old system, military explosives were categorized as Class A, B, or C. [For a comparison of old versus new classification schemes, see 49 CFR 173.53.]

Sections 78.80-10 and 97.70-10 of 46 CFR are being revised to align with the

more recently revised 49 CFR 176.78. Section 176.78 of 49 CFR was revised to provide for the use of a power operated truck designated EE or EX to handle Class 1 (explosive) materials or other cargo in an area near Class 1 (explosive) materials on board a vessel. Additionally, paragraph (d) of 46 CFR 176.78 states that a power operated truck designated LPS, GS, D, or DS may be used under conditions acceptable to the Captain of the Port (COTP) rather than requiring Commandant approval. These sections are being revised to consolidate current regulations for the use of power operated vehicles on board vessels transporting hazardous materials.

Furthermore, on January 29, 1991, after consultation with the Coast Guard, RSPA published a final rulemaking revoking 46 CFR part 146 (January 29, 1991; 56 FR 3334).

The purpose of this rulemaking is to update terminology and cross-references throughout Coast Guard regulations to reflect this new classification system.

Discussion of Comments and Changes

There were no comments received by this NPRM; therefore, no changes were made.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the "Department of Transportation Regulatory Policies and Procedures" (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full evaluation is unnecessary. This rule conforms terminology and cross references throughout Coast Guard regulations with a new, already established classification system. It will have no economic impact.

Small Entities

This regulation is administrative in nature and conforms existing regulations to a new system for classifying and labeling explosives. It will have no economic impact on entities large or small. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection-of-information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation. This rule involves administrative changes in terminology and clearly does not have any environmental impact. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under "ADDRESSES."

List of Subjects

33 CFR Part 110

Anchorage grounds.

33 CFR Part 126

Explosives, Harbors, Hazardous substances, Reporting and recordkeeping requirements.

33 CFR Part 160

Administrative practice and procedure, Harbors, Hazardous materials transportation, Marine safety, Navigation (water), Vessels, Waterways, Reporting and recordkeeping requirements.

46 CFR Part 38

Cargo vessels, Fire prevention, Gases, Hazardous materials transportation, Marine safety, Reporting and recordkeeping requirements.

46 CFR Part 78

Marine safety, Navigation (water), Passenger vessels, Penalties, Reporting and recordkeeping requirements.

46 CFR Part 97

Cargo vessels, Marine safety, Navigation (water), Reporting and recordkeeping requirements.

46 CFR Part 194

Explosives, Hazardous materials transportation, Marine safety, Oceanographic research vessels.

For the reasons set out in the preamble, the Coast Guard amends 33

CFR parts 110, 126, and 160 and 46 CFR parts 38, 78, 97, and 194 as follows:

PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 is revised to read as follows:

Authority: 33 U.S.C. 471, 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g). Section 110.1a and each section listed in it are also issued under 33 U.S.C. 1223 and 1231.

§ 110.157 [Amended]

2. In § 110.157, in paragraph (c)(1), remove the words "Title 46 Code of Federal Regulations, Part 146, or" and the words "46 CFR Part 146, and" and, in paragraph (c)(7), remove the words "or 'Subchapter N—Dangerous Cargoes' (46 CFR Part 146)".

3. In § 110.168, revise the section heading and paragraphs (b)(2), (c)(1), (d)(1) through (d)(5), (d)(7), (d)(8), (f)(4)(iv), and (f)(4)(v) to read as follows and, in paragraph (f)(6), remove the words "military explosives" wherever they appear and add, in their place, the words "Class 1 (explosive) materials":

§ 110.168 Hampton Roads, Virginia, and adjacent waters.

(b) * * *

(2) *Class 1 (explosive) materials* means Division 1.1, 1.2, 1.3, and 1.4 explosives, as defined in 49 CFR 173.50.

(c) *General regulations.* (1) Except as otherwise provided, this section applies to vessels over 20 meters long and vessels carrying or handling dangerous cargo or Class 1 (explosive) materials while anchored in an anchorage ground described in this section.

(d) *Regulations for vessels handling or carrying dangerous cargoes or Class 1 (explosive) materials.* (1) This paragraph (d) applies to every vessel, except a naval vessel, handling or carrying dangerous cargoes or Class 1 (explosive) materials.

(2) Unless otherwise directed by the Captain of the Port, each vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials must be anchored or moored within Anchorage Berth E-1.

(3) Each vessel, including each tug and stevedore boat, used for loading or unloading dangerous cargoes or Class 1 (explosive) materials in an anchorage, must carry a written permit issued by the Captain of the Port.

(4) The Captain of the Port may require every person having business aboard a vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials while in an anchorage, other than a member of the crew, to hold

either a pass issued by the Captain of the Port or another form of identification prescribed by the Captain of the Port.

(5) Each person having business aboard a vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials while in an anchorage, other than a member of the crew, shall present the pass or other form of identification prescribed by paragraph (d)(4) of this section to any Coast Guard boarding officer who requests it.

(6) * * *

(7) Each non-self-propelled vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials must have a tug in attendance at all times while at anchor.

(8) Each vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials while at anchor must display by day a red flag in a prominent location and by night a fixed red light.

(f) * * *

(4) * * *

(iv) A vessel may not anchor in Anchorage Berth E-1, unless it is handling or carrying dangerous cargoes or Class 1 (explosive) materials.

(v) A vessel may not anchor within 500 yards of Anchorage Berth E-1 without the permission of the Captain of the Port, if the berth is occupied by a vessel handling or carrying dangerous cargoes or Class 1 (explosive) materials.

4. In § 110.214, revise the section heading, paragraph (b)(12), and, in the note to paragraph (b)(12), the introductory text and paragraphs (ii), (iii), and (iv) to read as follows:

§ 110.214 Los Angeles and Long Beach Harbors, California.

(b) * * *

(12) No vessel, while carrying, loading, or unloading Division 1.1, 1.2, 1.3, or 1.4 (explosive) materials as defined in 49 CFR 173.50 or cargoes of particular hazard as listed by § 126.10 of this chapter, may be anchored in an anchorage without permission from the Captain of the Port.

Note: In granting permission, the Captain of the Port considers the current and future activities in the harbors and the safety problems relating to the anchorage. The Captain of the Port will advise the Port of Long Beach Authorities and the Port of Los Angeles Authorities of anchorage assignments under the following conditions:

(ii) Division 1.1 or 1.2 (explosive) materials (as defined in 49 CFR 173.50), any amount.

(iii) Division 1.3 (explosive) materials (as defined in 49 CFR 173.50), in excess of 1 net ton at any one time.

(iv) Division 1.4 (explosive) materials (as defined in 49 CFR 173.50), in excess of 10 net tons at any one time.

* * *

Part 126 [Amended]

5. The heading to part 126 is revised to read as follows:

PART 126—HANDLING OF CLASS 1 (EXPLOSIVE) MATERIALS OR OTHER DANGEROUS CARGOES WITHIN OR CONTIGUOUS TO WATERFRONT FACILITIES

6. The authority citation for part 126 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46

§ 126.05 [Amended]

7. In § 126.05(a), remove the words "parts 146 and" and add, in their place, the word "part".

§ 126.07 [Amended]

8. In § 126.07(a), remove the words "parts 146 and" and add, in their place, the word "part".

9. Section 126.09 is revised to read as follows:

§ 126.09 Designated dangerous cargo.

The term *designated dangerous cargo* means Division 1.1 and 1.2 explosives, as defined in 49 CFR 173.50.

10. In § 126.10, paragraph (a) is revised to read as follows:

§ 126.10 Cargo of particular hazard.

(a) Division 1.1 or 1.2 explosives, as defined in 49 CFR 173.50.

* * *

§ 126.19 [Amended]

11. In § 126.19, remove the paragraph designation from paragraph (a) introductory text and redesignate paragraphs (a)(1), (a)(2), and (a)(3) as paragraphs (a), (b), and (c), respectively, and remove the words "military explosives" wherever they appear and add, in their place, the words "Class 1 (explosive) materials".

§ 126.21 [Amended]

12. In § 126.21(b), remove the words "military explosives" wherever they appear and add, in their place, the words "Class 1 (explosive) materials".

13. In § 126.27, paragraphs (b)(1), (b)(2), and (c) are revised to read as follows:

§ 126.27 General permit for handling dangerous cargo.

(b) * * *

(1) Division 1.3 (explosive) materials (as defined in 49 CFR 173.50), in excess of 1 net ton at any one time.

(2) Division 1.4 (explosive) materials (as defined in 49 CFR 173.50), in excess of 10 net tons at any one time.

(c) No Class 1 (explosive) materials (as defined in 49 CFR 173.50) or other dangerous cargoes prohibited from, or not permitted for, transportation by 46 CFR part 148 or 49 CFR parts 171 through 179 may be present on the waterfront facility.

PART 160—PORTS AND WATERWAYS SAFETY

14. The authority citation for part 160 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

15. In § 160.203, paragraph (a) of the definition of *certain dangerous cargo* is revised to read as follows:

§ 160.203 Definitions.

Certain dangerous cargo includes any of the following:

(a) Division 1.1 or 1.2 (explosive) materials, as defined in 49 CFR 173.50.

PART 38—LIQUEFIED FLAMMABLE GASES

16. The authority citation for part 38 is revised to read as follows:

Authority: 46 U.S.C. 2103, 3306, 3703; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

17. In § 38.01-2, revise paragraph (a)(9)(i) to read as follows:

§ 38.01-2 Transportation of portable cylinders or portable tanks containing or having previously contained liquefied flammable gases in dry cargo spaces—TB/ALL.

(a) * * *

(9) * * *

(i) Division 1.1, 1.2, 1.3, or 1.4 (explosive) materials, as defined in 49 CFR 173.50.

PART 78—OPERATIONS

18. The authority citation for part 78 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 6101; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243; 3 CFR, 1971-1975 Comp., p. 793; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

19. Section 78.80-10 is revised to read as follows:

§ 78.80-10 Use of power-operated industrial trucks in various locations.

(a) *Spaces containing hazardous materials.* The use of power-operated

industrial trucks in spaces containing hazardous materials must be in accordance with 49 CFR 176.78.

(b) *Other spaces.* Any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 78.80-7(c) may be used in spaces, and for handling cargo in spaces, not otherwise prohibited by this subpart.

PART 97—OPERATIONS

20. The authority citation for part 97 is revised to read as follows:

Authority: 33 U.S.C. 1321(j); 46 U.S.C. 2103, 3306, 6101; 49 U.S.C. App. 1804; E.O. 11735, 38 FR 21243; 3 CFR, 1971-1975 Comp., p. 793; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

21. Section 97.70-10 is revised to read as follows:

§ 97.70-10 Use of power-operated industrial trucks in various locations.

(a) *Spaces containing hazardous materials.* The use of power-operated industrial trucks in spaces containing hazardous materials must be in accordance with 49 CFR 176.78.

(b) *Other spaces.* Any standard commercial type power-operated industrial truck in safe operating condition and having the minimum safety features of § 97.70-7(c) may be used in spaces, and for handling cargo in spaces, not otherwise prohibited by this subpart.

Part 194 [Amended]

22. The heading to part 194 is revised to read as follows:

PART 194—HANDLING, USE, AND CONTROL OF EXPLOSIVES AND OTHER HAZARDOUS MATERIALS

23. The authority citation for part 194 is revised to read as follows:

Authority: 46 U.S.C. 2103, 2113, 3306; 49 U.S.C. App. 1804; E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277; 49 CFR 1.46.

24. In § 194.05-7, paragraphs (a), (b), and (d) introductory text are revised to read as follows:

§ 194.05-7 Explosives—Detail requirements.

(a) Except as otherwise provided by this part, Division 1.1 and 1.2 (explosive) materials (as defined in 49 CFR 173.50) and blasting-caps must be carried in magazines specifically fitted for that purpose as described by subpart 194.10 of this part.

(b) Class 1 (explosive) materials (as defined in 49 CFR 173.50) must be

identified by their appropriate DOT classification.

(d) On-deck stowage of unfused depth-charges or other unfused-case-type Class 1 (explosive) materials (as defined in 49 CFR 173.50) is authorized as follows:

Dated: August 1, 1994.

Joseph J. Angelo,
Acting Chief, Office of Marine Safety,
Security, and Environmental Protection.
[FR Doc. 94-19172 Filed 8-4-94; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AE49

Reservists Education: Procedural Due Process and the Montgomery GI Bill—Selected Reserve; Correction

AGENCY: Department of Defense, Department of Transportation (Coast Guard) and Department of Veterans Affairs.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to the final regulations that were published Tuesday, October 5, 1993 (58 FR 51780). The regulations provided procedural due process to individuals filing claims for educational assistance under the Montgomery GI Bill—Selected Reserve.

EFFECTIVE DATE: October 5, 1993.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration (202) 273-7187.

Correction of Publication

On page 51780 the effective date is corrected to read as follows:

EFFECTIVE DATES: The revisions to § 21.7639 are effective July 31, 1990. The revisions to § 21.7532 are effective October 5, 1993.

Dated: July 27, 1994.

Donald L. Neilson,
Director, Records Management Service.
[FR Doc. 94-19087 Filed 8-4-94; 8:45 am]
BILLING CODE 8320-01-M

POSTAL SERVICE**39 CFR Part 111****Special Bulk Third-Class Eligibility Restrictions**

AGENCY: Postal Service.

ACTION: Delayed implementation of final rule.

SUMMARY: On May 5, 1994, the Postal Service published in the **Federal Register** the final rule to implement the provisions of Public Law 103-123, the Treasury, Postal Service and General Appropriations Act for 1994, which enacted further restrictions on the advertisements and products mailable at the special bulk third-class rates. 59 FR 23158-23164. The final rule was scheduled to take effect September 4, 1994.

EFFECTIVE DATE: Effective August 5, 1994, the final rule published at 59 FR 23158 is delayed indefinitely.

FOR FURTHER INFORMATION CONTACT: Ernest J. Collins, (202) 268-5316.

SUPPLEMENTARY INFORMATION: On May 5, 1994, the Postal Service published in the **Federal Register** the final rule implementing the Revenue Forgone Reform Act of the Treasury, Postal Service and General Appropriations Act for 1994. 59 FR 23158-23164. This legislation created additional content-based restrictions for special bulk third-class mail by requiring certain products and services advertised in special bulk third-class mail to be substantially related to the purposes of the qualified organization and by restricting the products mailable at the special bulk third-class rates. The Postal Service postpones the effective date of the final rule until further notice.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 94-19156 Filed 8-4-94; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 271**

[FRL-5025-4]

Oregon; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

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

DATES: Final authorization for Oregon shall be effective on October 4, 1994 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Oregon's program revision application must be received by the close of business on September 14, 1994.

ADDRESSES: Copies of Oregon's program revision application are available during the business hours of 9 a.m. to 4:30 p.m. at the following addresses for inspection and copying: Oregon Department of Environmental Quality, Waste Management and Clean-up Division, Eighth Floor, 811 S.W. Sixth Avenue, Portland, Oregon 97204 (503) 229-6534; U.S. EPA Region 10, Library, 1200 Sixth Avenue, Seattle, Washington 98101 (206) 553-1289. Written comments should be sent to Renee Dagseth, HW-107, EPA, 1200 Sixth Avenue, Seattle, Washington, 98101, (206) 553-1889.

FOR FURTHER INFORMATION CONTACT: Renee Dagseth at the above address and phone number.

SUPPLEMENTARY INFORMATION:**A. Background**

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(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 (Public Law 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.

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, 268, 124 and 270.

B. Oregon

Oregon initially received final authorization for its base RCRA program on January 30, 1986. Oregon received authorization for revisions to its program on May 29, 1990. On July 1, 1994, Oregon submitted a program revision application for additional program approvals. Today, Oregon is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(4).

EPA has reviewed Oregon's application, and has made an immediate final decision that Oregon's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant Oregon final authorization for the additional program modifications. The public may submit written comments on EPA's immediate final decision up until September 14, 1994. Copies of Oregon's application for program revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

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

Oregon's revision application includes the majority of HSWA and non-HSWA federal provisions promulgated before July 1, 1993. The more substantive changes included in this revision application are: the Mining Waste Rules, the Land Disposal Restriction Rules, the Used Oil Rule, and the Permit Modification Rule. Oregon is applying for authorization for the following Federal hazardous waste regulations:

Federal requirement	State authority ¹
Non-HSWA Cluster III	
Revised Manual SW-846; Amended Incorporation by Reference, 52 FR 8072, 03/16/87	OAR 340-100-002(1)
Non-HSWA Cluster IV	
List (Phase I) of Hazardous Constituents for Ground-Water Monitoring, 52 FR 25942, 07/09/87	OAR 340-100-002(1)
Identification and Listing of Hazardous Waste (Container/Inner Liner Correction), 52 FR 26012, 07/10/87	OAR 340-100-002(1)
	" 340-109-020(1)
Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee, 52 FR 44314, 11/18/87	OAR 340-100-002(1)
Hazardous Waste Miscellaneous Units, 52 FR 46946, 12/10/87	OAR 340-100-002(1)
	" 340-105-014
Technical Correction; Identification and Listing of Hazardous Waste (Technical Correction to Checklist 29 and Addition of Hazardous Waste Numbers), 53 FR 13382, 04/22/88	OAR 340-100-002(1)
Non-HSWA Cluster V	
Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption, 53 FR 27290, 07/19/88	OAR 340-100-002(1)
Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems (Non-HSWA Provisions, Revision to Checklist 28), 53 FR 34079, 09/02/88	OAR 340-100-002(1)
Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification (Amendment to the Bevill Exclusion), 53 FR 35412, 09/13/88	OAR 340-100-002(1)
Permit Modifications for Hazardous Waste Management Facilities, 53 FR 37912, 09/28/88	OAR 340-100-002(1)
Statistical Methods for Evaluating Groundwater Monitoring Data from Hazardous Waste Facilities, 53 FR 39720, 10/11/88	OAR 340-100-002(1)
Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes, 53 FR 43878, 10/31/88	OAR 340-100-002(1)
Identification and Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes, 53 FR 43881, 10/31/88	OAR 340-100-002(1)
Standards for Generators of Hazardous Waste; Manifest Renewal, 53 FR 45089, 11/08/88	OAR 340-100-002(1)
Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators (Clarification of and Correction to CL 45, 54 FR 615, 01/09/89)	OAR 340-100-002(1)
	" 340-105-014
Amendment to Requirements for Hazardous Waste Incinerator Permits, 54 FR 4286, 01/30/89	OAR 340-100-002(1)
Non-HSWA Cluster VI	
Delay of Closure Period for Hazardous Waste Management Facilities, 54 FR 33376, 08/14/89	OAR 340-100-002(1)
Mining Waste Exclusion I, 54 FR 36592, 09/01/89	OAR 340-100-002(1)
	" 340-101-004(2)
Testing and Monitoring Activities, 54 FR 40260, 09/29/89	OAR 340-100-002(1)
Changes to Part 124 Not Accounted for by Present Checklists, 54 FR 246, 01/04/89	OAR 340-100-002(1)
	" 340-106-003(2)
	" 340-106-004(1-3)
	" 340-106-005(1)(a-c)
	" 340-106-006
	" 340-106-012
Mining Waste Exclusion II, 55 FR 2322, 01/23/90	OAR 340-100-002(1)
	" 340-101-004(2)
Modifications of F019 Listing, 55 FR 5340, 02/14/90	OAR 340-100-002(1)
Testing and Monitoring Activities; (Technical Correction to Checklist 67), 55 FR 8948, 03/09/90	OAR 340-100-002(1)
Criteria for Listing Toxic Wastes; Technical Amendment, 55 FR 18726, 05/04/90	OAR 340-100-002(1)
Land Disposal Restrictions for Third Third Scheduled Wastes (Non-HSWA Provisions), 55 FR 22520, 06/01/90	OAR 340-100-002(1)
HSWA Cluster I	
Hazardous and Used Oil Fuel Criminal Penalties	OAR 340-100-002(1)
	ORS 466.995
Sharing of Information with the Agency for Toxic Substances and Disease Registry, 07/15/85	OAR 340-100-005
	ORS 192.410
HSWA Codification Rule; Delisting, 50 FR 28702, 07/15/85	OAR 340-100-002(1)
HSWA Codification Rule; Household Waste (Resource Recovery Facilities), 50 FR 28702, 07/15/85	OAR 340-100-002(1)
HSWA Codification Rule; Waste Minimization, 50 FR 28702, 07/15/85	OAR 340-100-002(1)
HSWA Codification Rule; Location Standards for Salt Domes, Salt Beds, Underground Mines and Caves, 50 FR 28702, 07/15/85	OAR 340-100-002(1)
HSWA Codification Rule; Liquids in Landfills I,	OAR 340-100-002(1)
HSWA Codification Rule; Dust Suppression, 50 FR 28702, 07/15/85	OAR 340-100-002(1)
HSWA Codification Rule; Double Liners, 50 FR 28702, 07/15/85	OAR 340-100-002(1)
HSWA Codification Rule; Ground-Water Monitoring, 50 FR 28702, 07/15/85	OAR 340-100-002(1)
HSWA Codification Rule; Cement Kilns, 50 FR 28702, 07/15/85	OAR 340-100-002(1)
HSWA Codification Rule; Fuel Labeling, 50 FR 28702, 07/15/85	OAR 340-100-002(1)
HSWA Codification Rule; Permit Life, 50 FR 28702, 07/15/85	OAR 340-100-002(1)
HSWA Codification Rule; Omnibus Provision, 50 FR 28702, 07/15/85	OAR 340-100-002(1)
HSWA Codification Rule; Interim Status, 50 FR 28702, 07/15/85	OAR 340-100-002(1)

Federal requirement	State authority ¹
HSWA Codification Rule; Research and Development Permits, 50 FR 28702, 07/15/85	OAR 340-100-002(1)
HSWA Codification Rule; Hazardous Waste Exports, 50 FR 28702, 07/15/85	OAR 340-100-002(1)
HSWA Codification Rule; Exposure Information, 50 FR 28702, 07/15/85	OAR 340-100-002(1)
Listing of TDI, TDA, and DNT Wastes, 50 FR 42936, 10/23/85	OAR 340-100-002(1)
Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces, 50 FR 49164, 11/29/85	OAR 340-100-002(1)
Listing of Spent Solvents, 50 FR 53315, 12/31/85	OAR 340-100-002(1)
Listing of EDB Waste, 51 FR 5327, 02/13/86	OAR 340-100-002(1)
Listing of Four Spent Solvents, 51 FR 6537, 02/25/86	OAR 340-100-002(1)
Codification Rule; Technical correction (Paint Filter Test), 51 FR 19176, 05/28/86	" 340-101-033
Biennial Report; Correction (Waste Minimization, Technical Correction to Checklist 17D), 51 FR 28556, 08/08/86	OAR 340-100-002(1)
Exports of Hazardous Waste, 51 FR 28664, 08/08/86	OAR 340-104-075
	OAR 340-100-002(1)
	" 340-102-041
	" 340-102-050
Standards for Generators; Waste Minimization Certifications, 51 FR 35190, 10/01/86	OAR 340-100-002(1)
	" 340-102-060
Listing of EBDC, 51 FR 37725, 10/24/86	OAR 340-100-002(1)
Land Disposal Restrictions (Solvents and Dioxins), 51 FR 40572, 11/07/86	OAR 340-100-002(1)
	" 340-100-010
	" 340-102-011(d)(e)
	" 340-105-014
Surface Impoundment Variance under § 3005 (j) (2)-(9) and 13	OAR 340-100-002(1)
HSWA Cluster II	
California List Waste Land Disposal Restrictions, 52 FR 25760, 07/08/87	OAR 340-100-002(1)
Exception Reporting for Small Quantity Generators of Hazardous Waste, 52 FR 35894, 09/23/87	OAR 340-100-102(1)
HSWA Codification Rule 2; Permit Modification, 52 FR 45788, 12/01/87	OAR 340-100-002(1)
HSWA Codification Rule 2; Permit as a Shield Provision, 52 FR 45788, 12/01/87	OAR 340-100-002(1)
HSWA Codification Rule 2; Permit Conditions to Protect Human Health and the Environment, 52 FR 45788, 12/01/87	OAR 340-100-002(1)
HSWA Codification Rule 2; Post-Closure Permits, 52 FR 45788, 12/01/87	OAR 340-100-002(1)
Technical Correction to Checklist 23, Small Quantity Generators, 53 CFR 27162, 07/19/88	OAR 340-100-002(1)
Farmer Exemptions; Technical Corrections, 53 FR 27164, 07/19/88	OAR 340-100-002(1)
Land Disposal Restrictions for First Third Scheduled Wastes, 53 FR 31138, 08/17/88	OAR 340-100-002(1)
Hazardous Waste Management System; Standards for Hazardous Storage and Treatment Tank Systems (Revision to Checklist 28) (HSWA Provisions), 53 FR 34079, 09/02/88	OAR 340-100-002(1)
Land Disposal Restriction Amendments to First Third Scheduled Wastes (Technical Correction to Checklist 50), 54 FR 18836, 05/02/89	OAR 340-100-002(1)
Land Disposal Restrictions for Second Third Scheduled Wastes, 54 FR 26594, 06/23/89	OAR 340-100-002(1)
Land Disposal Restrictions; Correction to the First Third Scheduled Wastes, (Correction to Checklist 50), 54 FR 36967, 09/06/89	OAR 340-100-002(1)
Reportable Quantity Adjustment Methyl Bromide Production Wastes, 54 FR 41402, 10/06/89	OAR 340-100-002(1)
Reportable Quantity Adjustment (F024 & F025), 54 FR 50968, 12/11/89	OAR 340-100-002(1)
Toxicity Characteristic Revisions, 55FR 11798, 03/29/90	OAR 340-100-002(1)
Listing of 1,1-Dimethylhydrazine Production Wastes, 55 FR 18496, 05/02/90	OAR 340-100-002(1)
HSWA Codification Rule: Double Liners; Correction (Correction to Checklist 17H), 55 FR 19262, 05/09/90	OAR 340-100-002(1)
Land Disposal Restrictions for Third Third Scheduled Wastes (HSWA Provisions), 55 FR 22520, 06/01/90	OAR 340-100-002(1)
Organic Air Emission Standards for Process Vents and Equipment Leaks, 55 FR 25454, 06/21/90	OAR 340-100-002(1)
RCRA Cluster I	
Toxicity Characteristic; Hydrocarbon Recovery Operations (HSWA), 55 FR 40834, 10/05/90	OAR 340-100-002(1)
Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038) (HSWA), 55 FR 46354, 11/02/90	OAR 340-100-002(1)
Wood Preserving Listings (HSWA/Non-HSWA), 55 FR 50450, 12/06/90	OAR 340-100-002(1)
	" 340-102-034
Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendment (HSWA), 56 FR 3864, 01/31/91	OAR 340-100-002(1)
Toxicity Characteristic; Chlorofluorocarbon Refrigerants (HSWA), 56 FR 5910, 02/13/91	OAR 340-100-002(1)
Burning of Hazardous Waste in Boilers and Industrial Furnaces (HSWA/Non-HSWA), 56 FR 7134, 02/21/91	OAR 340-100-002(1)
	" 340-101-004(2)
Removal of Strontium Sulfide From the List of Hazardous Waste; Technical Amendment (Non-HSWA), 56 FR 7567, 02/25/91	OAR 340-100-002(1)
Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment (HSWA), 56 FR 19290, 04/26/91	OAR 340-100-002(1)
Administrative Stay for K069 Listing (Non-HSWA), 56 FR 19951, 05/01/91	OAR 340-100-002(1)
Revision to F037 and F038 Listings (HSWA), 56 FR 21955, 05/13/91	OAR 340-100-002(1)
Mining Exclusion III (Non-HSWA), 56 FR 27300, 06/13/91	OAR 340-101-004(2)
RCRA Cluster II	
Wood Preserving Listing; Technical Correction (HSWA/Non-HSWA), 56 FR 30192, 07/01/91	OAR 340-100-002(1)

Federal requirement	State authority ¹
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I (HSA/Non-HSA), 56 FR 32688, 07/17/91.	OAR 340-100-002(1) " 340-101-004 " 340-105-010
Land Disposal Restrictions for Electric Arc Furnace Dust (K061) (HSA), 56 FR 41164, 08/19/91	OAR 340-100-002(1)
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II (HSA/Non-HSA), 56 FR 42504, 08/27/91.	OAR 340-100-002(1) " 340-100-004
Exports of Hazardous Waste; Technical Correction (HSA), 56 FR 43704, 09/04/91	OAR 340-100-002 " 340-102-050
Coke Ovens Administrative Stay, 56 FR 43754, 09/05/91	OAR 340-100-002(1)
Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations at Hazardous Waste Facilities (Non-HSA), 56 FR 66365, 12/23/91.	OAR 340-100-002
Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units, 57 FR 3462, 01/29/92	OAR 340-100-002(1) " 340-105-021
Hazardous Debris Case-by-Case Capacity Variance, 57 FR 20766, 05/15/92	OAR 340-100-002(1)
Used Oil Filter Exclusion, 57 FR 21524, 05/20/92	OAR 340-100-002(1)
Coke by-product Exclusion, 57 FR 27880, 06/22/92	OAR 340-100-002(1)
Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance, 57 FR 28628, 06/26/92	OAR 340-100-002(1)
Administrative Stay for the Requirement That Existing Drip Pads be Impermeable, 57 FR 5859, 02/18/92	OAR 340-100-002(1)
Second Correction to the Third Third Land Disposal Restrictions, 57 FR 8086, 03/06/92	OAR 340-100-002(1)
RCRA Cluster III	
Toxicity Characteristics Revision; Technical Corrections, 57 FR 30657, 07/10/92	OAR 340-100-002(1)
Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris, 57 FR 37194, 08/18/92	OAR 340-100-002(1) " 340-105-013 " 340-105-014
Coke By-Product Listings, 57 FR 37284, 08/18/92	OAR 340-100-002(1)
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III, 57 FR 38558, 08/25/92	OAR 340-100-002(1)
Recycled Used Oil Management Standards, 57 FR 41566, 09/10/92	OAR 340-100-002(1)
Financial Responsibility for Third-Party Liability, Closure and Post-closure, 57 FR 42832, 09/16/92	OAR 340-100-002(1) " 340-104-143(7) " 340-104-145(5)
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Amendment IV, 57 FR 44999, 09/30/92	OAR 340-100-002(1)
Chlorinated Toluene Production Waste Listing, 57 FR 47376, 10/15/92	OAR 340-100-002(1)
Hazardous Soil Case-by-Case Capacity Variance, 57 FR 47772, 10/20/92	OAR 340-100-002(1)
Liquids in Landfills II, 57 FR 54452, 11/18/92	OAR 340-100-002(1)
Toxicity Characteristic Revision; TCLP, 57 FR 55114, 11/24/92	OAR 340-100-002(1)
Wood Preserving; Amendments to Listings and Technical Requirements, 57 FR 61492, 12/24/92	OAR 340-100-002(1)
Recycled Used Oil Management Standards; Technical Amendments and Corrections, 58 FR 26420, 05/03/93	OAR 340-100-002(1) " 340-111-010 " 340-111-020 " 340-111-030 " 340-111-032 " 340-111-035 " 340-111-037 " 340-111-040 " 340-111-050 " 340-111-060 " 340-111-070
Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance, 58 FR 28506, 05/14/93.	OAR 340-100-002(1)
Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated, 58 FR 29860, 06/17/93.	OAR 340-100-002(1)

¹ The rules referenced are in the Oregon Administrative Rules. State authorities: ORS 183.355, as amended in 1991; ORS 466.020, as amended in 1989; ORS 466.086, enacted in 1987, and OAR 166-510-010, effective 1993.

Some portions of Oregon's revised program are broader in scope than the federal program, and thus are not federally enforceable. The broader in scope rules are OAR Chapter 340: 100-011, 101-033, 102-044, 102-070, 104-075, 105-013, 105-014, 105-040, 105-041, 105-051, 111-020, 111-030, and 111-037. Broader information requirements characterize 100-011, 102-070, 105-013, and 105-014 (in some cases the last two rules may be more stringent depending on the type of information required). State-only siting

standards make 105-040, 105-041, and 120-001 broader. Permit conditions are modified under 105-051. State-only hazardous wastes are added by 101-033. Small quantity generators must comply with large quantity generator requirements under 102-044. Non-RCRA permitted recycling facilities are required to comply to provide biennial report information by 104-075 (in some cases this rule may be more stringent depending on the information required). Oregon's used oil rule adds regulated and prohibited activities to the Federal

rule in 111-020 and 111-030. Used oil generators are allowed to transport oil in leased vehicles under 111-037.

EPA will administer the enforcement, modification, revocation, reissuance, and termination of portions of joint State/EPA permits for which the State is not yet authorized until such time that the State is granted authorization. Oregon is not seeking authorization to operate on Indian lands.

C. Decision

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

Oregon now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of HSWA. Oregon also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Sections 3008, 3013, and 7003 of RCRA.

Compliance with Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Certification under the Regulatory Flexibility Act

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

List of Subjects in 40 CFR Part 271

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

Authority: 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 20, 1994.

Chuck Clarke,

Regional Administrator.

[FR Doc. 94-18721 Filed 8-4-94; 8:45 am]

FILLING CODE 6580-50-P

40 CFR Part 271

[FRL-5027-4]

Wisconsin: Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Wisconsin has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act of 1976, as amended (hereinafter RCRA). The Environmental Protection Agency (EPA) has reviewed Wisconsin's application and has reached a decision, subject to public review and comment, that these hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Thus, EPA intends to grant final authorization to Wisconsin to operate its expanded program, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter HSWA).

EFFECTIVE DATE: Final authorization for Wisconsin shall be effective on October 4, 1994, unless EPA publishes a prior **Federal Register** (FR) action withdrawing this immediate final rule. All comments on Wisconsin's final authorization must be received by 4:30 p.m. central time on September 6, 1994. If an adverse comment is received, EPA will publish either (1) a withdrawal of this immediate final rule or (2) a notice containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

ADDRESSES: Copies of Wisconsin's final Authorization Revision Application are available from 9 a.m. to 4 p.m., at the following addresses for inspection and copying: Mr. Al Matano, Wisconsin Department of Natural Resources, 101 S. Webster, Third Floor, Madison, Wisconsin 53707, Phone 608/267-3531; Ms. Margaret Millard, U.S. EPA Region V, Office of RCRA, 77 W. Jackson, Seventh Floor, Chicago, Illinois 60604, Phone 312/353-1440. Written comments should be sent to Ms. Margaret Millard, U.S. EPA Region V, Office of RCRA, 77 W. Jackson (HRM-7J), Chicago, Illinois, 60604, Phone 312/353-1440.

FOR FURTHER INFORMATION CONTACT:

Margaret Millard, Wisconsin Regulatory Specialist, U.S. EPA Region V, HRM-7J, 77 West Jackson Blvd., Chicago, Illinois, 60604, (312) 353-1440.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of RCRA, 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 accordance with 40 CFR 271.21, 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 124, 260-266, 268, and 270.

B. Wisconsin

Wisconsin initially received final authorization for its program effective January 31, 1986 (51 FR 3783). Subsequently, Wisconsin received authorization for revisions to its program, which became effective on June 6, 1989 (54 FR 22278), January 22, 1990 (54 FR 48243), April 24, 1992 (57 FR 15029), and August 2, 1993 (58 FR 31344). On March 16, 1994, Wisconsin submitted a program revision application for additional program approvals. Today, Wisconsin is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA reviewed Wisconsin's application, and has made an immediate final decision that Wisconsin'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 Wisconsin. The public may submit written comments on EPA's immediate final decision up until September 6, 1994. Copies of Wisconsin's application for program revision are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

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

which either affirms that the immediate final decision takes effect or reverses the decision.

On October 4, 1994, (unless EPA publishes a prior FR action withdrawing this immediate final rule), Wisconsin will be authorized to carry out, in lieu

of the Federal program, those provisions of the State's program which are analogous to the following provisions of the Federal program:

Federal requirement	Analogous state authority
Toxicity Characteristic Revisions, March 29, 1990, (55 FR 11798)*.	Wisconsin Administrative Code (WAC) NR 605.05(1)(a)5,9,17; 605.13; 605.08(5)(a),(b); 605.09(1)(b); 605.11; effective September 1, 1992.
Land Disposal Restrictions for Third Third Scheduled Wastes, June 1, 1990, (55 FR 22520)*.	WAC NR 605.08(1)(b),(2)(b),(3)(b),(4)(b), and (5)(b); 605.09(2)(a),(3)(a)3 and (5)(b); 605 Appendix III; 610.05(3); 615.06(3); 660.13(8)(c)6; 675.22(4) and (4)(a)-(d); 675.22(5); and 680.22(25); 615.05(4)(a)5; 660.13(3); 655.09; 680.22(32); 600.03; 675.03; 600.03(85),(89),(112),(149),(162),(239)(a)-(c); 600.03(109)(a)-(h); 675.06(1) and (2); 675.07(1)(c)1.b,(1)(d)1.b and (1)(e)1.b; 675.07(1)(i),(1)(i)1-3; 675.07(1)(j) and (k); 675.07(2)(d)1.b; 675.07(2)(e)1 and 3; 675.07(2)(g); 675.09(1)-(5); 675.16(1)(a)-(e), (2)-(8); 675.20(1) and (3); 675.21(1); 675.22(1) and (1)(b); 675.22(1)(b) Tables 1,2, and 3; 675.22(2)(a); 675.23(1); 675.23(1) Table CCW; 675.23(3),(3)(a)-(c); 675 Appendices III,IV,V,VI, and VII; effective September 1, 1992.

*Indicates HSWA Requirement.

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the federal program provisions for which the State is applying for authorization, and which were issued by EPA prior to the effective date of this authorization. EPA has previously suspended issuance of permits for the other provisions on January 31, 1986, June 6, 1989, January 22, 1990, April 24, 1992, and August 2, 1993, the effective dates of Wisconsin's final authorization for the RCRA base program, and for subsequent program revisions.

Wisconsin is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Wisconsin's program revision meets all of the statutory and regulatory requirements established by RCRA described in its revised program application, subject to the limitations of the HSWA. Accordingly, EPA grants Wisconsin final authorization to operate its hazardous waste program as revised. Wisconsin currently has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program and its amendments. Wisconsin 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.

D. Codification in Part 272

EPA incorporates by reference authorized State programs in Part 272 of 40 CFR to provide notice to the public of the scope of the authorized program in each State. Incorporation by reference

of the Wisconsin program will be completed at a later date.

Compliance with Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

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 Wisconsin's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Paperwork Reduction Act

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

List of Subjects in 40 CFR Part 271

Environmental protection, 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: June 30, 1994.

Valdas V. Adamkus,
Regional Administrator.

[FR Doc. 94-19164 Filed 8-4-94; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA-7102]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Associate Director, Mitigation Directorate, reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base (100-year) flood elevations for each community are available for inspection