326 IAC 8–5–3 Synthesized Pharmaceutical Manufacturing Operations
326 IAC 8–5–5 Graphic Arts Operations
Published July 1, 1990; Effective June 8, 1990:
326 IAC 8–1–2 Compliance Methods
326 IAC 1–2–90 Volatile Organic Compound (VOC) Definition
326 IAC 8–1–4 Testing Procedures
Published June 1, 1991; Effective June 5, 1991:
326 IAC 1–2–14 Coating Line Definition
326 IAC 8–1–1 Applicability of Rule
326 IAC 8–1–2 Compliance Methods
326 IAC 8–1–4 Testing Procedures
326 IAC 8–2–1 Applicability
326 IAC 8–3–5 Cold Cleaner Degreaser Operation and Control
326 IAC 8–3–6 Open Top Vapor Degreaser Operation and Control Requirements
326 IAC 8–3–7 Conveyorized Degreaser Operation and Control
326 IAC 8–4–8 Leaks from Petroleum Refineries; Monitoring; Reports
326 IAC 8–5–5 Graphic Arts Operations.

No action is taken on 326 IAC 8–5–4 Pneumatic Rubber Tire Manufacturing.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 5, 1992. Filing petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. [See section 307(b)(2).]

List of Subjects in 40 CFR Part 52

Air pollution control, Environmental protection, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone.

Note: Incorporation by Reference of the State Implementation Plan for the State of Indiana was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 31, 1991.

Valdas V. Adamkus,

Regional Administrator.

For the reasons set out in the Preamble, chapter I, title 40, Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(87) to read as follows:

§ 52.770 Identification of plan.

* * * * *

(c) * * *

(87) On October 23, 1990, and August 19, 1991, the Indiana Department of Environmental Management submitted regulations adopted by the Indiana Air Pollution Control Board as part of title 326 of the Indiana Administrative Code and intended incorporation into the Indiana ozone plan as part of the stationary source control strategy.

(i) Incorporation by reference.

(A) The following volatile organic compound rules adopted by the Indiana Air Pollution Control Board as part of title 326 of the Indiana Administrative Code (326 IAC) and intended to partially satisfy the requirements of the Clean Air Act.

(*1*) Effective October 23, 1988: 326 IAC 8–1–.05 Coating Definition, 326 IAC 8–2–11 Fabric and Vinyl Coating.

(*2*) Effective February 15, 1990: 326 IAC 1–2–48 Non-Photochemically Reactive Hydrocarbon Defined; 326 IAC 8–2–5 Paper Coating Operations.

(*3*) Effective May 18, 1990: 326 IAC 1–2–18.5 Cold Cleaner Degreaser Defined; 326 IAC 1–2–21.5 Conveyorized Degreaser Defined; 326 IAC 1–2–29.5 Freeboard Height Defined; 326 IAC 1–2–29.6 Freeboard Ratio Defined; 326 IAC 1–2–49.5 Open Top Vapor Degreaser Defined; 326 IAC 8–2–9 Miscellaneous Metal Coating Operations; 326 IAC 8–3–1 Organic Solvent Degreasing Operations; 326 IAC 8–5–3 Synthesized Pharmaceutical Manufacturing Operations; 326 IAC 8–5–5 Graphic Arts Operations.

(*4*) Effective June 8, 1990: 326 IAC 8–1–2 Compliance Methods; 326 IAC 1–2–90 Volatile Organic Compound (VOC) Definition; 326 IAC 8–1–4 Testing Procedures.

(*5*) Effective June 5, 1991: 326 IAC 1–2–14 Coating Line Definition; 326 IAC 8–1–1 Applicability of Rule; 326 IAC 8–1–2 Compliance Methods; 326 IAC 8–1–4 Testing Procedures; 326 IAC 8–2–1 Applicability; 326 IAC 8–3–5 Cold Cleaner Degreaser Operation and Control; 326 IAC 8–3–6 Open Top Vapor Degreaser Operation and Control Requirements; 326 IAC 8–3–7 Conveyorized Degreaser Operation and Control; 326 IAC 8–4–8 Leaks from Petroleum Refineries, Monitoring, Reports; 326 IAC 8–5–5 Graphic Arts Operations.

3. Section 52.777 is amended by adding paragraph (c)(2) to read as follows:

§ 52.777 Control strategy: photochemical oxidants (hydrocarbons).

* * * * *

(c) * * *

(*2*) The stationary source volatile organic control measures submitted by the State on October 23, 1990, and August 19, 1991, are approved as described in 40 CFR 52.770(c)(87) with the exception of 326 IAC 8–5–4 Pneumatic Rubber Tire Manufacturing, on which USEPA has taken no action. It should be noted that although the State's control measures provide that equivalent test methods, alternative emission controls, and revisions in rule applicability must be submitted to the USEPA as proposed revisions to the State Implementation Plan (SIP), such proposed SIP revisions are not part of the SIP unless and until they are approved as such by the USEPA.

* * * * *

[FR Doc. 92–5202 Filed 3–5–92; 8:45 am]
BILLING CODE 6560–50–M

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40 CFR Parts 148, 264, 265, and 268

[FRL–4112–2]

Land Disposal Restrictions for Third Third Scheduled Wastes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendments.

SUMMARY: On June 1, 1990, EPA published regulations promulgating congressionally-mandated prohibitions on land disposal of certain hazardous wastes. This notice corrects errors and clarifies the language in the preamble and regulations of the June 1, 1990 final rule.

EFFECTIVE DATE: This rule is effective on March 6, 1992.

ADDRESSES: The RCRA docket is open from 9:30 to 3:30, Monday through Friday, excluding Federal holidays, and is located at the following address: EPA RCRA Docket (OS–305), room M–2427, 401 M Street SW., Washington, DC 20460. The public must make an appointment to review docket materials

by calling (202) 260–9327. Refer to Docket number F–92–13C2–FFFFF when making appointments to review any background documentation for this correction. The public may copy a maximum of 100 pages of material from any one regulatory docket at no cost; additional copies cost $0.20 per page.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline at (800) 424–9346 (toll free) or (703) 920–9810 in the Washington, DC metropolitan area. For technical information contact the Waste Treatment Branch, Office of Solid Waste, 401 M Street SW., Washington, DC 20460, (703) 308–8434.

SUPPLEMENTARY INFORMATION:

Outline

I. Reasons and Basis for Today's Amendment
II. Summary of Corrections to the Third Third Final Rule
A. Section 148.1 & .10
B. Sections 264.13 & 265.13
C. Section 268.3
D. Section 268.41
E. Section 268.42
III. Rationale for Immediate Effective Date
IV. Regulatory Impact Analysis
V. List of Subjects in Parts 148, 264, 265, and 268

I. Reasons and Basis for Today's Amendment

It has recently come to the attention of the Agency in regard to the so-called third third rule, which established land disposal prohibitions and treatment standards for characteristic wastes and for listed wastes in the final third of the section 3004(g) schedule (55 FR 22520–720, June 1, 1990), that in some cases the regulatory language was at odds with the intent of the preamble to the final regulation, or failed to express those intentions. This notice corrects those errors, and also restores language inadvertently deleted from the third third rule by an unrelated **Federal Register** notice.

II. Summary of Corrections to the Third Third Final Rule

An explanation is provided below for each of the corrections made in today's rule.

A. Section 148.1 & .10

In the preamble to the final regulation, EPA discussed at length its reasons for applying land disposal prohibitions at the point of disposal for characteristic wastes that are injected into nonhazardous Class I deep wells (wells in which wastewater is injected below the lowermost geologic formation containing an underground source of drinking water). 55 FR 22658–59; 22645, col. 3. In essence, this means that if a characteristic waste no longer exhibits a characteristic when it is injected into such a deep well, the disposal is not prohibited. *Id.* at 22658–59.

In codifying this principle, however, EPA mistakenly indicated that it applied to characteristic wastes injected into either a nonhazardous or hazardous Class I deep well. See § 148.1(d)(1), 55 FR 22683. The provision should apply only to injection into nonhazardous Class I deep wells because hazardous wells would not be subject to any regulatory disruption if land disposal prohibitions (including the dilution prohibition) for characteristic wastes are applied to them. This is because hazardous Class I deep wells are already subject to such prohibitions by virtue of receiving listed and other hazardous wastes. EPA is consequently correcting § 148.1(d)(1) by removing the reference to hazardous Class I deep wells.

In the technical amendment to the third third, published on January 31, 1991 (55 FR 3864), Table A in 40 CFR 148.10 was incorrectly transposed and several constituents were inadvertently omitted. EPA is correcting Table A in § 148.10 by adding the omitted constituents.

B. Sections 264.13 & 265.13

In the 1986 rulemaking establishing the framework provisions for the land disposal restrictions program, EPA amended the waste analysis plan provisions contained in §§ 264.13(a) and 265.13(a) to require that any waste analysis done by subtitle C facilities must be adequate to comply with the provisions of the land disposal restrictions program in the part 268 regulations. 51 FR at 40637, 638 (Nov. 7, 1986). As amended, the provision consequently read in pertinent part: "(a)(1) Before an owner or operator treats, stores, or disposes of any hazardous wastes * * * he must obtain a detailed chemical and physical analysis of a representative sample of the wastes * * * At a minimum, the analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with this part and part 268 of this chapter * * *"

In an August 14, 1989 regulation related to closure requirements, EPA amended the first sentence of §§ 264.13(a)(1) and 265.13(a)(1). The Office of the Federal Register misinterpreted the codification instructions, however, and deleted the second sentence of these provisions. EPA is restoring the mistakenly deleted language in this technical correction.

C. Section 268.3

EPA established treatment standards for D003 reactive cyanide wastes of 590 mg/kg (total cyanide) and 30 mg/kg (amenable cyanide) for nonwastewaters, and 0.86 mg/l (amenable cyanide) for wastewaters. § 268.43(a) Table CCW; 55 FR 22701. At issue here is whether these treatment standards can be achieved by dilution.

EPA stated expressly that these treatment standards had to be achieved through modes of treatment other than dilution: "EPA also notes that it considers * * * reactive cyanide wastes * * * to be toxic characteristic wastes * * * Reactive cyanide * * * wastes obviously contain toxic constituents. Thus, dilution would not be an appropriate method of treatment for [such wastes]." 55 FR 22666, col. 1. See also 54 FR at 48426, col. 2 (Nov. 22, 1989) (proposing that D003 reactive cyanide wastes be subject to the dilution prohibition).

In codifying this regulation, however, EPA inadvertently omitted this prohibition on dilution for reactive cyanide wastewaters that are treated in treatment systems whose ultimate discharges are subject to regulation under the Clean Water Act. The error results from the drafting of § 268.3(b), an exception from the dilution prohibition for characteristic wastes treated in systems whose discharges are subject to Clean Water Act regulation. The exception does not, however, apply to wastes for which "a method has been specified as the treatment standard." § 268.3(b) (final sentence). Since the reactive cyanide standards are levels rather than methods, this limitation on the exclusion would not apply and dilution of D003 reactive cyanide wastewaters would be allowed in Clean Water Act treatment systems. As noted above, this is the opposite result EPA proposed and intended, as stated in the preambles. Therefore, EPA is amending § 268.3(b) to indicate that the treatment standard for reactive cyanide wastes cannot be achieved through dilution as a substitute for adequate treatment under any circumstance, including management in a treatment system whose discharge is subject to the Clean Water Act. As always, the issue of what dilution is impermissible (i.e., serves as a substitute for adequate treatment, see § 268.3(a)) turns on specific facts, and aggregation of different D003 reactive cyanide wastes for centralized treatment that efficiently destroys cyanide is not ordinarily precluded. See, *e.g.*, 55 FR 22666, cols. 1–2; 55 FR 22664.

D. Section 268.41

As part of the third third rule, EPA added language to § 268.41 and .43 indicating that where treatment standards are based on grab sampling, enforcement would also use grab samples. Conversely, where treatment standards are based on composite sampling, so would enforcement. 55 FR 22689, 22701; *see also id.* at 22539. The regulatory language to § 268.41(a), however, suggests that enforcement will invariably be based on grab sampling. EPA is correcting this rule by adding the language already present in § 268.43(a), which states that grab sampling will be used unless noted otherwise in the treatment standard itself. (As an example of how such an instruction is noted, see e.g., standards for U209 to U226, all of which are based on composite samples, as stated in the treatment standard.)

E. Section 268.42

EPA also stated that D003 reactive sulfide wastes remain subject to the dilution prohibition: "EPA also notes that it considers * * * reactive sulfide wastes to be toxic characteristic wastes * * * Reactive * * * sulfide wastes obviously contain toxic constituents. Thus, dilution would not be an appropriate method of treatment for [such waste]." 55 FR 22666, col. 1. (EPA also proposed that reactive sulfide wastes be subject to the dilution prohibition. 54 FR 48426, col. 2 (Nov. 22, 1989).)

EPA specified, as a method of treatment for these wastes, deactivation to remove the characteristic. § 268.42(a) Table 2; 55 FR 22694. As is clear from the discussion in the relevant preambles, EPA did not intend to allow dilution as a substitute for adequate treatment to deactivate reactive sulfide wastes. EPA is consequently adding clarifying language to § 268.42 to confirm that the dilution prohibition applies to reactive sulfide wastes. EPA notes further that because there is a specified method of treatment for these wastes, the exception from the dilution prohibition in § 268.3(b) (for wastes treated in Clean Water Act treatment systems) does not apply.

III. Rationale for Immediate Effective Date

Today's notice does not create any new regulatory requirements; rather, it restates and clarifies requirements already in effect by correcting a number of errors in the June 1, 1990 final rule (55 FR 22520). For these reasons, EPA finds that good cause exists under section 3010(b)(3) of RCRA, 42 U.S.C. 9903(b)(3), to provide for an immediate effective date. In addition, there already was full opportunity to comment on all of these issues during the rulemaking so that further comment is unnecessary. For the same reasons, EPA finds that there is good cause under 5 U.S.C. 553(b)(3) to promulgate today's corrections in final form and that there is good cause under 5 U.S.C. 553(b)(3) to waive the requirement that regulations be published at least 30 days before they become effective. Finally, EPA notes that although it is not withdrawing any existing regulatory language, all of today's revisions operate prospectively.

IV. Regulatory Impact Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. Due to the nature of this regulation (technical correction), it is not "major"; therefore, no Regulatory Impact Analysis is required.

V. List of Subjects in Parts 148, 264, 265, and 268

Administrative practice and procedure, Confidential business information, Designated facility, Environmental protection, Hazardous materials, Hazardous materials transporting, Hazardous waste, Intergovernmental relations, Labeling, Manifests, Packaging and containers, Recycling, Reportable quantities, Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution control, Water supply.

Dated: February 27, 1992.

Don R. Clay,

Assistant Administrator, Office of Solid Waste and Emergency Response.

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

PART 148—HAZARDOUS WASTE INJECTION RESTRICTIONS

1. The authority citation for part 148 continues to read as follows:

Authority: Section 3004, Resource Conservation and Recovery Act, 42 U.S.C. 6901 et. seq.

2. Section 148.1 is amended by revising paragraph (d) to read as follows:

§ 148.1 Purpose, scope, and applicability.

* * * * *

(d) Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited under this part, are not prohibited if the wastes:

(1) Are disposed into a nonhazardous injection well defined under 40 CFR 144.6(a); and

(2) Do not exhibit any prohibited characteristic of hazardous waste identified in subpart C of part 261 at the point of injection.

3. In Section 148.10 Table A is amended by adding entries for "ethyl ether" and "methyl isobutyl ketone" in alphabetical order.

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

2. Section 264.13 is amended by revising paragraph (a)(1) to read as follows:

§ 264.13 General waste analysis.

(a)(1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes if applicable under § 264.113(d), he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with this part and part 268 of this chapter.

* * * * *

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

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

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

2. Section 265.13 is amended by revising paragraph (a)(1) to read as follows:

§ 265.13 General waste analysis.

(a)(1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes if applicable under § 265.113(d), he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information which must be known to treat, store, or dispose of the waste in

accordance with this part and part 268 of this chapter.

* * * * *

PART 268—LAND DISPOSAL RESTRICTIONS

1. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

2. Section 268 is amended by revising paragraph (b) to read as follows:

§ 268.3 Dilution prohibited as a substitute for treatment.

* * * * *

(b) Dilution of wastes that are hazardous only because they exhibit a characteristic in a treatment system which treats wastes subsequently discharged to a water of the United States pursuant to a permit issued under section 402 of the Clean Water Act (CWA) or which treats wastes for the purposes of pretreatment requirements under section 307 of the CWA is not impermissible dilution for purposes of this section unless a method has been specified as the treatment standard in § 268.42, or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.

3. Section 268.41 is amended by revising paragraph (a) to read as follows:

§ 268.41 Treatment standards expressed as concentration in waste extract.

(a) Table CCWE identifies the restricted wastes and the concentrations of their associated constituents which may not be exceeded by the extract of a waste or waste treatment residual developed using the test method in Appendix I of this part of the allowable land disposal of such wastes, with the exception of wastes D004, D008, D031, K084, K101, K102, P010, P011, P012, P036, and U136 and the concentrations of their associated constituents which may not be exceeded by the extract of a waste or waste treatment residual developed using the test methods in appendix II of 40 CFR part 261 for the allowable land disposal of such wastes. (Appendix II of this part provides Agency guidance on treatment methods that have been shown to achieve the Table CCWE levels for the respective wastes. Appendix II of this part is not a regulatory requirement but is provided to assist generators and owners/operators in their selection of appropriate treatment methods.) Compliance with these concentrations is required based upon grab samples, unless otherwise noted in the following Table CCW.

* * * * *

4. In § 268.42 Table 2 is amended by revising, under waste code D003, the entry for "Reactive Sulfides based on 261.23(a)(5)." to read as follows:

§ 268.42 Treatment standards expressed as specified technologies.

* * * * *

TABLE 2.—TECHNOLOGY-BASED STANDARDS BY RCRA WASTECODE

Waste code	See also	Waste descriptions and/or treatment subcategory	CAS No. for regulated hazardous constituents	Technology code	
				Wastewaters	Nonwastewaters
*	*	*	*	*	*
D003	.....	Reactive Sulfides based on 261.23(a)(5).	NA	DEACT but not including dilution as a substitute for adequate treatment.	DEACT but not including dilution as a substitute for adequate treatment.
*	*	*	*	*	*

[FR Doc. 92-5259 Filed 3-5-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[FRL-4111-3]

Rhode Island; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Rhode Island 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 Rhode Island's application and has made a decision, subject to public review and comment, that Rhode Island's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Rhode Island's hazardous waste program revision. Rhode Island's application for program revision is available for public review and comment.

DATES: Final authorization for Rhode Island shall be effective May 5, 1992, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Rhode Island's program revision application must be received by the close of business April 6, 1992.

ADDRESSES: Copies of Rhode Island's program revision application are available for inspection and copying, 8:30 a.m.–4 p.m. Monday–Friday at the following addresses: Rhode Island Department of Environmental Management, Division of Air & Hazardous Materials, 291 Promenade Street, Providence, Rhode Island 02908–5767, Phone: 401/277–2797; U.S. EPA Region I Library, One Congress Street, 11th Floor, Boston, Massachusetts 02203, Phone: 617/565–3300. Written comments should be sent to Frank Battaglia, at the address below.

FOR FURTHER INFORMATION CONTACT: Frank Battaglia, MA & RI Waste Regulation Section, U.S. EPA Region I, HRR–CAN3, JFK Federal Building, Boston, Massachusetts 02203, Phone: 617/573–9643.

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.

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. Rhode Island

Rhode Island initially received final authorization on January 31, 1986, (51 FR 3780, January 30, 1986) to implement its base hazardous waste program. Rhode

Island received final authorization for revisions to its program on March 26, 1990, (55 FR 9128, March 12, 1990) to implement the program revisions listed in the **Federal Register** notice published March 12, 1990. On December 12, 1989, Rhode Island submitted, for EPA's review, a draft program revision application for federal requirements promulgated from July 1, 1985 to June 30, 1986, except that approval was not requested for revisions which are required as a result of the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter "HSWA"). On March 25, 1991, Rhode Island submitted the final program revision application which responded to all of EPA's prior review comments. Today, Rhode Island is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Rhode Island's application, and has made an immediate final decision that Rhode Island's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the modifications to the Rhode Island program subject to further review based on adverse public comment. The public may submit written comments on EPA's immediate final decision up until April 6, 1992. Copies of Rhode Island's application for program revision are available for inspection and copying at the locations indicated in the "**ADDRESSES**" section of this notice.

Approval of Rhode Island'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.

The Rhode Island program revision application is based on changes to State Regulations which were intended to make them equivalent to the analogous Federal Regulations which had been promulgated during the July 1, 1985 to June 30, 1986 period, in 40 CFR parts 260, 261, 264, 265 and 270. These changes did not include any provisions which were required as a result of the Hazardous and Solid Waste Amendments 1984 (HSWA). Specific provisions which are included in the Rhode Island program revision authorization made today are listed in Table 1 below.

TABLE 1.—PROVISIONS COVERED BY THIS PROGRAM REVISION AUTHORIZATION

Federal requirement	State authority
Financial Responsibility: Settlement Agreement 51 FR 16443-16459, May 2, 1986.	Rule 3.100, 9.00, 9.16, 10.00, 10.02, 11.00, 11.01D, 7.01E, 9.17, 8.04R, 8.04T, 7.06A, 7.05C.
Listing of Spent Pickle Liquor (KO62) 51 FR 19320, May 28, 1986 as amended September 22, 1986 (51 FR 33612).	Rule 3.25.

Rhode Island agrees to review all State hazardous waste permits which have been issued under State law prior to the effective date of this authorization. Rhode Island agrees to then modify, revoke and reissue, or reissue such permits as necessary to require compliance with the amended State program when the permit expires. The modification, revocation and reissuance, or reissuance will be scheduled in the State Grant Workplan, if necessary.

Rhode Island is not seeking authorization to operate on Indian lands.

C. Decision

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

Rhode Island 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 and previously approved authorization, subject to the limitations of the HSWA. Rhode Island also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12291

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

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Rhode Island'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: February 21, 1992.

Paul G. Keough,

Acting Regional Administrator.

[FR Doc. 92-4893 Filed 3-5-92; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 301-9 and 301-11

[FTR Amendment 25]

RIN 3090-AE47

Federal Travel Regulation; Travel Expenses of Federal Employees with Disabilities

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR) to allow payment of certain additional travel expenses incurred by a Federal employee as a result of a disability. This change is intended to provide each employee equal opportunity to perform official business travel by reimbursing the employee for certain additional travel expenses incurred to accommodate the employee's disability.

EFFECTIVE DATE: This final rule is effective March 6, 1992, and applies for travel (including travel incident to a change of official station) performed on or after March 6, 1992.

FOR FURTHER INFORMATION CONTACT: Robert A. Clauson, Transportation Management Division (FBX), Washington, DC 20406, telephone FTS 365-5253 or commercial (703) 305-5253.