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tolerances in 40 CFR 180.197 which are revoked by this notice are as follows:

RAW AGRICULTURAL COMMODITIES IN 40 CFR 180.197:

Commodities	Existing tolerances (ppm) inorganic bromides
Almonds.....	50
Almonds, hulls.....	75
Apricots.....	5
Bananas, pulp.....	75
Bananas, whole.....	125
Beans, lima.....	75
Beans, snap.....	75
Blackberries.....	25
Boysenberries.....	25
Broccoli.....	50
Brussels sprouts.....	50
Cabbage.....	50
Carrots.....	75
Cauliflower.....	50
Celery.....	75
Cherries.....	15
Citrus fruits.....	20
Cotton, seed.....	25
Cucumbers.....	25
Dewberries.....	25
Eggplant.....	50
Endive (escarole).....	130
Figs.....	75
Grapes.....	25
Lettuce.....	130
Loganberries.....	25
Melons.....	50
Nectarines.....	5
Okra.....	75
Parsnips.....	75
Peaches.....	5
Peanuts.....	50
Peppers.....	50
Pineapples.....	50
Plums (fresh prunes).....	15
Radishes.....	75
Raspberries.....	25
Soybeans.....	125
Squash, summer.....	25
Strawberries.....	10
Tomatoes.....	50
Turnips.....	50
Walnuts, English.....	10

There are no established tolerances for residues of DBCP *per se*; however, action levels have been established by the Food and Drug Administration (FDA) for residues of DBCP *per se* in milk (fat basis) at 1.5 parts per million (ppm) and in raw agricultural commodities other than milk at 0.05 ppm.

EPA is recommending that FDA revoke the existing action levels for residues of DBCP *per se* in milk and in raw agricultural commodities other than milk. EPA is taking this action since DBCP *per se* is only moderately persistent in the soil and residue problems due to environmental contamination with DBCP residues (DBCP *per se* or inorganic bromides) are not anticipated after all uses are cancelled. Consequently, FDA's action levels for residues of DBCP *per se* should be revoked.

Elsewhere in this issue of the Federal Register, EPA has published a related document [OPP-300118A] which revokes

the food additive regulation for residues of inorganic bromides (calculated as Br) resulting from use of DBCP, in or on dehydrated citrus pulp under 21 CFR 561.260(c). Any person adversely affected by this regulation revoking the tolerances may, within 30 days after the date of publication of this regulation in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

This action has been reviewed by the Office of Management and Budget as required by section 3 of Executive Order 12291.

In order to satisfy requirements for analysis as specified by Executive Order 12291 and the Regulatory Flexibility Act, the Agency has analyzed the costs and benefits of the revocation of tolerances for these chemicals. These analyses are available for public inspection in Rm. 236, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Executive Order 12291

As explained in the proposals published on March 13, 1985, the Agency has determined pursuant to the requirements of Executive Order 12291, that the revocation of these tolerances will not cause adverse economic impacts on significant portions of U.S. enterprises.

Regulatory Flexibility Act

This rulemaking has been reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96-354; 94 Stat. 1164, 5 U.S.C. 601 *et seq.*) and it has been determined that it will not have a significant economic impact on a substantial number of small businesses, small governments, or small organizations. The reasons for this conclusion are discussed in the March 13, 1985 proposal.

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

Dated: January 6, 1986.
J.A. Moore,
Assistant Administrator for Pesticides and Toxic Substances.

PART 180—[AMENDED]

Therefore, 40 CFR Part 180 is amended as follows:

1. The authority citation for Part 180 continues to read as follows:

Authority: 21 U.S.C. 346a.

§ 180.164 [Removed]

2. Section 180.164 is removed.

§ 180.166 [Removed]

3. Section 180.166 is removed.

§ 180.197 [Removed]

4. Section 180.197 is removed.

[FR Doc. 86-579 Filed 1-14-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[SW-3-FRL-2954-7]

Pennsylvania; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final determination on Pennsylvania's application for final authorization.

SUMMARY: The Commonwealth of Pennsylvania has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Pennsylvania's application and has reached a final determination that Pennsylvania's hazardous waste management program satisfies all of the requirements necessary to qualify for Final Authorization. Thus, EPA granting Final Authorization to the Commonwealth of Pennsylvania to operate its hazardous waste program in lieu of the Federal program, subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984) (HSWA).
EFFECTIVE DATE: Final Authorization for the Commonwealth of Pennsylvania shall be effective at 1:00 pm January 30, 1986.

FOR FURTHER INFORMATION CONTACT: John J. Humphries, Program Manager, Pennsylvania Section, Waste Management Branch (3HW33), U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107 (215) 597-8116.

SUPPLEMENTARY INFORMATION:

A. Background

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize State hazardous waste programs to operate in the State in lieu of the Federal

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hazardous waste program, subject to the limitation on its authority imposed by the Hazardous and Solid Waste Amendments of 1984. To qualify for Final Authorization, a State's program must (1) be "equivalent" to the Federal program, (2) be consistent with the Federal program and other State programs, and (3) provide for adequate enforcement (Section 3006(b) of RCRA, 42 U.S.C. 6926(b)).

B. The Commonwealth of Pennsylvania

On October 16, 1985, the Commonwealth of Pennsylvania submitted an official application to obtain Final Authorization to administer the RCRA program. On November 12, 1985, EPA published a tentative decision announcing its intent to grant Pennsylvania Final Authorization. Further background on the tentative decision to grant authorization appears at 50 FR 46734, November 12, 1985.

Along with the tentative determination EPA announced the availability of the application for public review and comment and the date of a public hearing on the application. The public hearing was held on December 12, 1985 in Harrisburg, Pennsylvania. Three people attended the hearing. One person provided testimony. Six additional letters were received during the comment period. Four people favored granting Final Authorization to the Commonwealth, one person favored Final Authorization despite some reservations, and two people opposed granting Final Authorization to the Commonwealth.

Two areas of concern were identified by a commenter favoring a decision to grant Final Authorization to the Commonwealth despite some reservations: (1) Pennsylvania's application does not include a request for Interim Authorization under HSWA to manage the Federal delisting program, and (2) Pennsylvania's application should be amended prior to Final Authorization to include the pre-HSWA regulated unit date of January 26, 1983 instead of requiring post-closure permits for land disposal facilities which received wastes on or after July 26, 1982. On the first point, Pennsylvania is not required to include a request for HSWA Interim Authorization to manage the Federal delisting program within its Final Authorization application. EPA anticipates that Pennsylvania will place a high priority on requesting authorization for the HSWA delisting provisions after receiving Final Authorization. On the second point, the preamble to the July 26, 1982 Federal Register indicated that facilities which stopped receiving waste after January

26, 1983 were subject to post-closure permits. The Commonwealth's regulation covers facilities which have stopped receiving waste after July 26, 1982.

Therefore, the Commonwealth regulations are broader in scope than the analogous Federal regulations, which is permissible under 40 CFR 271.1(i)(2).

One commenter raised two areas of concern in opposition to a decision to grant Final Authorization to the Commonwealth: (1) Pennsylvania's Department of Environmental Resources (PA DER) lacks adequate financial resources and (2) PA DER does not effectively deal with the public and their concerns. On the first point, PA DER's Bureau of Waste Management has assigned high priority to the regulation of hazardous waste throughout the Commonwealth. Federal and State funding have helped the Bureau grow from a total of fifty employees in 1979 to a total of over two hundred employees in 1985. In addition, EPA has determined that PA DER has adequate resources to effectively carry out the RCRA program in the Commonwealth. PA DER will further increase these resources beginning January 1986 with approximately thirty-three new positions. On the second point, PA DER has regulations equivalent to EPA's that require the Commonwealth to inform the public of various planned actions through a public notice which specifically provides for a public comment period.

One commenter raised an additional concern in opposition to a decision to grant Final Authorization to the Commonwealth in that Pennsylvania's regulations require Federal facilities to comply with financial responsibility bonding requirements, while the analogous Federal program exempts these facilities from such requirements.

See 40 CFR 264.140(c) and 265.140(c). EPA has determined that Pennsylvania's bonding requirement, in this respect, is broader in scope than the Federal program, which is permissible under 40 CFR 271.1(i)(2). However, such additional coverage is not part of the Federally approved program.

Therefore, EPA has determined that the comments received on the Commonwealth's application are not relevant or significant enough to be the basis for denying Final Authorization. However, the comments received may well be discussed during EPA's regular evaluation and assessment of State program implementation.

C. Decision

After reviewing the public comments and the changes the Commonwealth has made to its application and program since the tentative decision, I conclude that Pennsylvania's application for Final Authorization meets all of the statutory and regulatory requirements established by RCRA. Accordingly, the Commonwealth of Pennsylvania is granted Final Authorization to operate its hazardous waste program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984)(HSWA). In accordance with 40 CFR 271.21(e)(1)(i), official State applications shall be reviewed on the basis of Federal self-implementing statutory provisions that were in effect twelve months prior to the State's submission of its official application and the regulations in 40 CFR Parts 124, 260-266, 270 and 271 that were promulgated twelve months prior to the State's submission of its official application. In addition, a State may receive Final Authorization for any provision of its program corresponding to a Federal provision in effect on the date of the State's authorization. Pennsylvania is receiving Final Authorization for its program corresponding to the Federal regulatory program in effect on October 16, 1984 and for the technical amendment issued on November 21, 1984 (49 FR 46094).

Pennsylvania now has the responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out the other aspects of the RCRA program, subject to the HSWA. Pennsylvania also has primary enforcement responsibility, 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. The Commonwealth has not sought the authority to operate the RCRA program on Indian Lands.

As stated above, Pennsylvania's authority to operate a hazardous waste program under Subtitle C of RCRA is limited by the November 1984 HSWA amendments to RCRA. Prior to that date, a State with Final Authorization administered its hazardous waste program entirely in lieu of the EPA. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent Federal requirements were promulgated and enacted, the State was obligated to enact equivalent authority within

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specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time as they take effect in non-authorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial Federal permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain Final Authorization, the HSWA applies in authorized States in the interim.

As a result of HSWA, there will be a dual State and Federal regulatory program in Pennsylvania. To the extent the authorized State program is unaffected by the HSWA, the State program is authorized to operate in lieu of the Federal program. Where HSWA-related requirements apply, however, EPA will administer and enforce them in Pennsylvania until the Commonwealth receives authorization to do so. Any State requirement that is more stringent than a HSWA provision also remains in effect; thus, the universe of more stringent provisions in the HSWA and the approved State program define the applicable Subtitle C requirements in Pennsylvania.

Pennsylvania is not being authorized now for any requirement implementing HSWA. Once the Commonwealth is authorized to implement a HSWA requirement or prohibition, Pennsylvania's program in that area will operate in lieu of the Federal program. Until that time the Commonwealth will assist EPA's implementation of the HSWA under a Cooperative Agreement.

EPA has published a Federal Register notice that explains in detail the HSWA and its effect on authorized States. That notice was published at 50 FR 28702-28755, July 15, 1985.

Compliance With Executive Order 12291

The Office of Management and Budget (OMB) 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 5 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 Pennsylvania's

program, thereby eliminating duplicative requirements for handlers of hazardous waste in the Commonwealth. 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.

This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 8912(a), 8926, 6974(b), EPA Delegations 7-

Dated: December 23, 1985.
 Stanley L. Laskowski,
 Acting Regional Administrator.
 [FR Doc. 86-853 Filed 1-14-86; 8:45 am]
 BILLING CODE 1505-01-M

40 CFR Part 799

(OPTS-42030A; FRL-2941-8)

Toxic Substances; Mesityl Oxide; Final Test Rule

Correction

In FR Doc. 85-30172 beginning on page 51857 in the issue of Friday, December 20, 1985, make the following corrections:

1. On page 51861, in the first column, in the second line of the last paragraph, "C aromatic hydrocarbon" should read "C₆ aromatic hydrocarbon";
2. On the same page, in the second column, in the twelfth line from the bottom, "contract" should read "contrast"; and
3. On page 51866, in the third column, in § 799.2500(a), in the second line, "141.79-7" should read "141-79-7".

BILLING CODE 1505-01-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-26

[FPMR Temp. Reg. E-82]

Requests for Waivers

AGENCY: Federal Supply Service, GSA.
ACTION: Temporary regulation.

SUMMARY: This regulation sets forth revised policy concerning the submission to GSA by executive

agencies of requests to waive the requirement for use of GSA sources of supply and services. This regulation revises the regulation presently appearing in the Federal Property Management Regulations at § 101-26.100-2. The purpose is to be responsive to the peculiar needs of agencies and at the same time preserve the integrity of and maintain discipline in the Federal supply and procurement systems.

DATES: Effective date: February 1, 1986.
 Expiration date: January 31, 1987.
 Comments due on or before: June 1, 1986.

ADDRESS: Comments should be addressed to: General Services Administration (FFY), Washington, DC 20406.

FOR FURTHER INFORMATION CONTACT: Robert A. Renner, Regulations and Policy Division, Federal Supply Service (703-557-7990).

SUPPLEMENTARY INFORMATION: GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least cost to society.

(Sec. 205(c) 63 Stat. 390; (40 U.S.C. 486(c))

In 41 CFR Chapter 101, the following temporary regulation is added to the appendix at the end of Subchapter E to read as follows:

T.C. Golden,
 Administrator of General Services.

Federal Property Management Regulations; Temporary Regulation E-82

November 18, 1985.
 To: Heads of Federal agencies.
 Subject: Requests for waivers.

1. *Purpose.* This regulation revises the policy in Federal Property Management Regulations (FPMR) § 101-26.100-2 that governs the management of and participation in the GSA waiver program.

2. *Effective date.* This regulation is effective February 1, 1986.

3. *Expiration date.* This regulation expires January 31, 1987, unless sooner