

US EPA ARCHIVE DOCUMENT

40 CFR Part 271

[FRL-3756-2]

Schedules of Compliance for Modification of Delaware's Hazardous Waste Program and for Modification of Maryland's Hazardous Waste Program**AGENCY:** U.S. Environmental Protection Agency, Region III.**ACTION:** Notice of Compliance Schedules to Adopt Program Modifications for States of Delaware and Maryland.

SUMMARY: On September 22, 1986, EPA promulgated amendments to the deadlines for State program modifications, and published requirements for States to be placed on a compliance schedule to adopt the necessary program modifications. EPA is today publishing a compliance schedule for the States of Delaware and Maryland to modify their programs in accordance with § 271.21(g) to adopt the Federal program modifications.

FOR FURTHER INFORMATION CONTACT: John J. Humphries, Cynthia Burrows (Delaware Contact), or Denis Zielinski (Maryland Contact), EPA Region III, RCRA Programs Branch (3HW50), 841 Chestnut Building, Philadelphia, PA 19107, (Phone: 215-597-7370).

SUPPLEMENTARY INFORMATION:**A. Background**

Final authorization to implement the Federal hazardous waste program within the State is granted by EPA if the Agency finds that the State program (1) is "equivalent" to the Federal program, (2) is "consistent" with the Federal program and other State programs, and (3) provides for adequate enforcement (section 3006(b), 42 U.S.C. 6228(b)). EPA regulations for final authorization appear at 40 CFR 271.1 through 271.24. In order to retain authorization, a State must revise its program to adopt new Federal requirements by the cluster deadlines and procedures specified in 40 CFR 271.21. See 51 FR 33712, September 22, 1986 for a complete discussion of these procedures and deadlines.

B. Delaware

EPA approved Delaware's final authorization of its hazardous waste management program on December 14, 1983 (48 FR 55570). Today EPA is publishing a compliance schedule for Delaware to obtain program revisions for Non-HSWA Cluster IV (RCRA regulations promulgated by EPA from July 1, 1987 to June 30, 1988) and HSWA

Cluster I (HSWA regulations promulgated by EPA November 8, 1984 to June 30, 1987). Delaware has agreed to obtain the needed program revisions according to the following schedule:

1. Draft regulations prepared and forwarded to EPA and the Delaware Deputy Attorney General for review by December 31, 1989.
2. Public notice of proposed regulations by March 1, 1990.
3. Public hearing on adoption of proposed amendments by April 15, 1990.
4. Final adoption of regulations by June 30, 1990.

Delaware expects to submit an application to EPA for authorization of the above mentioned program revisions by August 30, 1990.

C. Maryland

Maryland received final authorization of its hazardous waste management program on February 11, 1985, as set forth in the January 25, 1985, Federal Register notice (50 FR 3511). Today EPA is publishing a schedule of compliance for Maryland to obtain program revisions for Non-HSWA Cluster IV (RCRA regulations promulgated by EPA from July 1, 1987 to June 30, 1988) and HSWA Cluster I (HSWA regulations promulgated by EPA November 8, 1984 to June 30, 1987). Maryland has agreed to obtain the needed program revisions according to the following schedule:

1. Draft regulations prepared and forwarded to the Attorney General and EPA for review and comment by June 1, 1990.
2. Public notice of proposed regulations by August 1, 1990.
3. Public hearing on proposed regulations by September 15, 1990.
4. Final adoption of regulations by November 1, 1990.

Maryland expects to submit an application to EPA for authorization of the above mentioned program revisions by December 31, 1990.

Authority

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 RCRA of 1976, as amended, 42 U.S.C. 6912(a), 6928, and 6974(b).

Steve R. Wassersug,

Acting Regional Administrator.

[FR Doc. 90-8778 Filed 4-16-90; 8:45 am]

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40 CFR Part 271

[FRL-3757-2]

Hazardous Waste Management Program; Approval of State Hazardous Waste Program Revisions for Oklahoma**AGENCY:** Environmental Protection Agency.**ACTION:** Immediate final rule.

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

DATES: Final authorization for Oklahoma shall be effective June 18, 1990, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on the Oklahoma program revision application must be received by the close of business May 17, 1990.

ADDRESSES: Copies of the Oklahoma program revision application are available from 8:30 a.m. to 4 p.m., Monday through Friday at the following addresses for inspection and copying: Oklahoma State Department of Health, 1000 NE Tenth, Oklahoma City, Oklahoma 73152; U.S. EPA Region 6, Library, 12th Floor First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-6444; and U.S. EPA Headquarters, Library, PM 211A, 401 M Street SW., Washington, DC 20460; phone (202) 382-5926. Written comments referring to Docket Number OK-90-1 should be sent to Ms. Lynn Prince, Grants and Authorization Section (6H-HS), RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-6760.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Prince, State Programs Section (6H-HS), Grants and Authorization Section, RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross

Avenue, Dallas, Texas 75202, phone (214) 655-6760.

SUPPLEMENTARY INFORMATION:

Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA"), 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 (Pub. L. No. 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 and 124 and 270.

Oklahoma

On December 27, 1984, EPA published a Federal Register notice announcing its decision to grant final authorization to Oklahoma (See 49 FR 50362). On December 31, 1987, Oklahoma submitted a program revision application. Today, Oklahoma is seeking approval of its program revision in accordance with § 271.21(b)(3).

EPA has reviewed the Oklahoma application, and has made an immediate final decision that the Oklahoma hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications.

The public may submit written comments on EPA's immediate final decision until May 17, 1990. Copies of the Oklahoma application for program revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

Approval of the Oklahoma 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 Oklahoma program revision application is based on changes to State regulations which were intended to make them equivalent to the analogous Federal regulations. Although the State's regulation changes included some changes based on provisions of the Hazardous and Solid Waste Amendments of 1984 (HSWA), the State is not seeking HSWA authorization at this time. EPA is not authorizing the State's HSWA-type provisions with this notice. Consequently, EPA intends to grant final authorization to Oklahoma for only the program modifications which are described below.

The following chart lists the State rules (Rules and Regulations for Industrial Waste Management as amended October 29, 1987, and the referenced State laws) that have been changed and that are being recognized as equivalent to the analogous Federal rules.

Federal citation	State analog
1. Permit Rules: Settlement Agreement—changes 40 CFR part 270, subpart G—as published in the FEDERAL REGISTER on April 24, 1984.	1. Chapter 2, Sections 200 and 210
2. Listing of Warfarin and Zinc Phosphide—changes to 40 CFR part 261, subpart D—as published in the FEDERAL REGISTER on May 10, 1984.	2. Chapter 2, Sections 200 and 210
3. Exclusion of Lime Stabilized Pickle Liquor Sludge—changes to 40 CFR part 261, subpart A—as published in the FEDERAL REGISTER on June 5, 1984.	3. Chapter 2, Sections 200 and 210
4. State Availability of Information—as required by Section 3006(f) of RCRA.	4. 63 O.S. Supp. 1987 section 1-2004(15); 41 O.S. Supp. 1987 sections 24A.3(1), .5(5) & .17(B); 75 O.S. 1981, section 318(a); 75 O.S. Supp. 1987, section 307 and State Rules 701, 704, 706
5. Exclusion of Household Waste as a Hazardous Waste—changes to 40 CFR part 261, subpart A—as published in the FEDERAL REGISTER on November 13, 1984.	5. Chapter 2, Sections 200 and 210
6. Applicability of Interim Status Standards of Owners and Operators of Treatment, Storage and Disposal Facilities—changes to 40 CFR part 265, subpart A—as published in the FEDERAL REGISTER on November 21, 1984.	6. Chapter 2, Sections 200 and 210
7. Corrections to the Test Methods Manual changes to 40 CFR parts 260, subparts B-C and 270, subpart A—as published in the FEDERAL REGISTER on December 4, 1984.	7. Chapter 2, Sections 200-240
8. Satellite Accumulation Rule—changes to 40 CFR part 262, subpart C—as published in the FEDERAL REGISTER on December 20, 1984.	8. Chapter 2, Sections 200 and 210
9. Definition of Solid Waste—changes to 40 CFR parts 260, subparts B-C; 261, subparts A and D; 264, subparts A and O; 265, subparts A, O, and P; and 266, subparts C, D, F and G—as published in the FEDERAL REGISTER on January 4, 1985, April 11, 1985, and August 20, 1985.	9. Chapter 2, Sections 200-240
10. Interim Status Standards for Treatment, Storage, and Disposal Facilities—changes to 40 CFR part 265, subparts K, M, and N—as published in the FEDERAL REGISTER on April 23, 1985.	10. Chapter 2, Sections 200 and 210
11. Financial Responsibility: Settlement Agreement—changes to 40 CFR parts 260, subpart B; 264, subparts G and H; 265, subparts G and H; and 270, subparts B, D, and G—as published in the FEDERAL REGISTER on May 2, 1986.	11. Chapter 2, Sections 200-240
12. Listing of Spent Pickle Liquor from Steel Finishing Operations—changes to 40 CFR part 261, subpart D—as published in the FEDERAL REGISTER on May 28, 1986.	12. Chapter 2, Sections 200 and 210

The Oklahoma provisions incorporating the Federal HSWA provisions concerning research, development, and demonstration permits have not been evaluated and are not a part of the authorized

revisions, since Oklahoma had not applied for them at the time of this application. Therefore, the following State rule is not part of the authorized State program.

Oklahoma Rules and Regulations for Controlled Industrial Waste Management, chapter 2, Rule 210 (portion), November 2, 1987: That portion of Rule 210 which incorporates 40 CFR 270.10(a), providing for R, D, and

D permits, is not being considered for authorization at this time.

The subsequent State rule was determined to be broader in scope than the Federal requirements, and therefore, is not part of the Oklahoma authorized program.

Fees

Oklahoma Rules and Regulations for Controlled Industrial Waste Management, chapter 7, Rules 740-743.

The following State rules were added by adoption of the HSWA provisions. Because the state has not applied for these HSWA authorities, these Federal requirements will not become part of the Oklahoma authorized program until the State applies for and receives authorization for them.

Additional Wastes

Oklahoma Rules and Regulations for Controlled Industrial Management, chapter 2, Rules 210 (portion), November 2, 1987; Dioxin wastes (See 50 FR 1978, January 14, 1985); TDI, DNT, and TDA wastes (See 50 FR 42,936, October 23, 1985); Spent solvents (See 50 FR 53,315, December 31, 1985); EDB wastes (See 51 FR 5330, February 13, 1986); and additional spent solvents (See 51 FR 6541, February 25, 1986).

The State also submitted revisions to the Program Description, Attorney General's Statement and the Memorandum of Agreement between the State of Oklahoma and EPA, Region 6.

The State of Oklahoma is not authorized to operate on Indian lands.

Decision

I conclude that the Oklahoma application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Oklahoma is granted final authorization to operate its hazardous waste program as revised. Oklahoma now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitation of its revised program application and previously approved authorities. Oklahoma 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.

Codification in Part 272

EPA uses part 272 for codification of the decision to authorize the Oklahoma program and for incorporation by reference of those provisions of the Oklahoma statutes and regulations that EPA will enforce under sections 3008,

3013 and 7003 of RCRA. Therefore, EPA is amending part 272, subpart LL, under a separate notice.

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. 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 20062(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6905, 6912(a) and 6926, 6974(b).

Dated: September 7, 1988.

Editorial Note: This document was received by the Office of the Federal Register on April 12, 1990.

Robert E. Layton, Jr.,

Regional Administrator.

[FR Doc. 90-6895 Filed 4-16-90; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 412

[BPD-630-CN]

RIN 0938-AE02

Medicare Program; Changes to the Inpatient Hospital Prospective Payment System and FY 1990 Rates; Correction and Technical Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule; correction and technical amendment.

SUMMARY: In the September 1, 1989 issue of the Federal Register (FR Doc. 89-20481), (54 FR 36453), we made revisions to the Medicare inpatient hospital prospective payment system and set forth the prospective payment rates for FY 1990. This notice corrects technical

errors made in that document. In addition, we are making a conforming change to § 412.92(a)(2)(iii) to accurately reflect the less burdensome criteria for classification as a sole community hospital. This language conforms to the change we made in § 412.92(a)(3). We intended to change both sections at the same time, but mistakenly left out the changes to § 412.92(a)(2)(iii).

EFFECTIVE DATE: October 1, 1989.

FOR FURTHER INFORMATION CONTACT: Barbara Wynn (301) 966-4529.

SUPPLEMENTARY INFORMATION:

We are making the following corrections to the September 1, 1989 document:

1. On page 36465, in the second column, in line 5 of the Response, "Heart) long with HIS Bundle until" is corrected to read "Heart) along with HIS bundle study until".

2. On page 36465, in the second column, in the last two lines from the bottom of the page, "DRGs 104 and 106," is changed to read "DRG 104,".

3. On page 36467, in the third column, in line 10 of the third full paragraph, "35.96 through 36.05)" is changed to read "35.96, 36.01, 36.02, and 36.05)".

4. On page 36483, in the second column, in the fifth line from the top of the page, "§ 412.92(a)(3)" is corrected to read "§§ 412.92 (a)(2)(iii) and (a)(3)".

5. On page 36498, in the second column, in the third line of the third full paragraph, "Rural—.99925" is changed to read "Rural—.99924".

6. Beginning on page 36547, in Table 6A, the superscript "1" is added after the description of each of the following diagnosis codes: 651.30, 651.40, 651.50, and 651.60, and a footnote is added to read as follows:

¹ In developing the correct assignment for these codes, we identified other unspecified codes that are invalid as a discharge diagnosis in MDC 14 because they do not provide delivery status. We removed the following diagnosis codes from DRGs 370 through 375 and added them to DRG 469. Cases assigned to DRG 469 are returned to the hospital by the fiscal intermediary for a more specific principal diagnosis. (We identified only two cases in the FY 1988 MEDPAR data that would be affected by this change.)

65100 Twin pregnancy, unspecified
65110 Triplet pregnancy, unspecified
65120 Quadruplet pregnancy, unspecified
65180 Multiple gestation, not elsewhere classified (NEC), unspecified
65190 Multiple gestation, not otherwise specified (NOS), unspecified
65200 Unstable lie, unspecified
65210 Cephalic version NOS, unspecified
65220 Breech presentation, unspecified
65230 Transverse or oblique lie, unspecified