

US EPA ARCHIVE DOCUMENT

B. Effect on State Authorization

EPA will implement the provisions of today's final rule in authorized States until their programs are modified to adopt the Toxicity Characteristic and the modification is approved by EPA. Implementation of today's rule beyond the date of a State's receiving final authorization for the Toxicity Characteristic depends upon actions taken by the State, as discussed below. EPA will implement the provisions of today's rule in unauthorized States.

Today's rule extends the compliance date for requirements imposed in the Toxicity Characteristic regulation (see 55 FR 11799, March 29, 1990) for certain hydrocarbon recovery operations. The Toxicity Characteristic was promulgated pursuant to a HSWA provision and must be adopted by States which intend to retain final authorization. However, today's rule provides, for a limited period of time, a less stringent standard for certain hydrocarbon recovery operations than would be imposed in the Toxicity Characteristic. In order to promote environmentally beneficial hydrocarbon operations, today's rule provides that these wastes would not be hazardous wastes under the Federal regulations until January 25, 1993 and States would not be required to mandate their management as such in order to retain their RCRA authorization. However, Section 3009 of RCRA provides that States may impose more stringent requirements than those imposed under Federal regulations. States, whether using RCRA authorities (e.g., authorities under State law for which a State has received final authorization to implement the Toxicity Characteristic provisions in lieu of EPA), or other State authorities under other statutes, may impose hazardous waste requirements on such operations, or may require other more stringent conditions upon management of these wastes.

VI. Regulatory Requirements**A. Regulatory Impact Analysis**

Under Executive order 12291, EPA must determine whether a regulation is "major," and therefore subject to the requirement of a Regulatory Impact Analysis. The overall effect of today's rule is to extend the compliance date for requirements imposed by the final Toxicity Characteristic rule for certain limited hydrocarbon operations. No sampling or analysis requirements are imposed by today's rule. The net effect of today's rule is to extend cost savings to certain segments of the regulated community. Consequently, no Regulatory Impact Analysis is required.

B. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601-612, whenever an agency is required to publish a General Notice of Rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the impact of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility analysis is required, however, if the head of the Agency certifies that the rule will not have a significant impact on a substantial number of small entities.

The extension of the compliance date of the Toxicity Characteristic requirements of certain limited hydrocarbon recovery activities in this rule is deregulatory in nature and thus will only provide beneficial opportunities for entities that may be affected by the rule. Accordingly, I hereby certify that this regulation will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

C. Paperwork Reduction Act

The Agency estimates that the number of facilities that will be affected annually by the reporting requirements in today's rule will not exceed six. Therefore, approval of the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. is not required.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling.

Dated: March 25, 1991.

William K. Reilly,
Administrator.

For the reasons set out in the preamble, chapter I of title 40 of the CFR part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6935.

2. Section 261.4 is amended by revising paragraph (b)(11) to read as follows:

§ 261.4 Exclusions.

(b) * * *

(11) Injected groundwater that is hazardous only because it exhibits the Toxicity Characteristic (Hazardous Waste Codes D018 through D043 only) in

§ 261.24 of this part that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transportation spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from such operations at petroleum refineries, marketing terminals, and bulk plants, until (insert date six months after publication). New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if: (i) Operations are performed pursuant to a written state agreement that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed; and

(ii) A copy of the written agreement has been submitted to: Characteristics Section (OS-333), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

[FR Doc. 91-7450 Filed 4-1-91; 8:45 am]
BILLING CODE 6930-20-0

40 CFR Part 271

(FRL-3916-3)

Hazardous Waste Management Program Revisions to the Authorized State of Oklahoma Program

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). The 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 is effective June 3, 1991 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 2, 1991.

ADDRESSES: Copies of the Oklahoma 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; and U.S. EPA Headquarters, Liberty, PM 211A, 401 M. Street SW., Washington, DC 20460. Written comments referring to Docket Number OK-91-1 should be sent to the Oklahoma Project Officer, 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.

FOR FURTHER INFORMATION CONTACT: Patricia Cupp, 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:

A. Background

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6922(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. 6922(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.

B. Oklahoma

On December 27, 1984, EPA published a Federal Register (FR) notice announcing its decision to grant final authorization, initially, to Oklahoma (See 49 FR 50362). Revisions to the State program were approved on June 18, 1989 and November 27, 1990. On August 31, 1990, Oklahoma submitted a program revision application for additional program approvals. Today, Oklahoma is seeking approval of its program revision in accordance with 40 CFR 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 to Oklahoma. The public may submit written comments on EPA's immediate final decision up until May 2, 1991. Copies of Oklahoma's 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 reverse 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 with this application. EPA is not, therefore, 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 January 26, 1989, effective May 11, 1989) and the referenced State laws (Oklahoma Controlled Industrial Waste Disposal Act, as amended, 63 O.S. Supp. 1988, Section 1-2001 *et. seq.*) that have

been changed and that are being recognized as equivalent to the analogous Federal rules.

Federal Citation	State Analog
40 CFR 261.11 (Phase 1) of Hazardous constituents for ground water monitoring—as published in the FR on July 9, 1987.	1. Chapter 2, Section 210.
40 CFR 261.12 Identification and Listing of hazardous waste—as published in the FR on July 10, 1987.	2. Chapter 2, Section 210.
40 CFR 261.13 List of spent plastic liquor identification—as published in the FR on August 3, 1987.	3. Chapter 2, Section 210.
40 CFR 261.14 Development of Corrective Action programs after permitting hazardous waste land disposal facilities correction—as published in the FR on September 9, 1987.	4. Chapter 2, Section 210.
40 CFR 261.15 Liability requirements for hazardous waste facilities corporate guarantee—as published in the FR on November 18, 1987.	5. Chapter 2, Section 210.
40 CFR 261.16 Hazardous waste miscellaneous units—as published in the FR on December 10, 1987.	6. Chapter 2, Section 210.
40 CFR 261.17 Technical corrections; identification and listing—as published in the FR on April 22, 1988.	7. Chapter 2, Section 210.

C. 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 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 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. Subsequently, EPA will be 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. This authorization effectively suspends the applicability of certain Federal regulations in favor of the Oklahoma 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 49 CFR part 272

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, and 6974(b).

Dated: March 22, 1991.

Robert E. Layton Jr.,
Regional Administrator.

[FR Doc. 91-7586 Filed 4-1-91; 9:45 am]
BILLING CODE 6050-02-02

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Public Land Order 6330**

[AK-932-4214-10; F-61489, F-61490, F-628976]

Modification of Public Land Order No. 2344; as Amended; and Withdrawal of Public Lands, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order modifies a public land order to transfer jurisdiction of approximately 171 acres of public lands withdrawn for the Naval Arctic Research Laboratory near Barrow from the Department of the Navy to the National Oceanic and Atmospheric Administration and the U.S. Geological Survey, withdraws an additional approximately 45 acres of public lands

for these agencies, and establishes a 20-year term for this withdrawal. The lands and minerals have been and remain withdrawn from all forms of appropriation and disposition pursuant to the terms and conditions of Public Land Order No. 2344 and/or section 102 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6502 (1988)).

EFFECTIVE DATE: April 2, 1991.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599 (907) 271-3342.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976; 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Public Land Order No. 2344, as amended, is hereby modified and jurisdiction of the surface estate transferred from the Department of the Navy to the National Oceanic and Atmospheric Administration and the U.S. Geological Survey as described below:

a. Geophysical Monitoring for Climatic Change Observatory for the National Oceanic and Atmospheric Administration (F-61489) located within U.S. Survey No. 5253, more particularly described as follows: Beginning at corner No. 1, which is approximately 18 chains N.23°18' W. from the U.S. Coast and Geodetic Survey monument "Point Barrow-South Base 1945."

From corner No. 1,
South 37.88 chains to corner No. 2;
East 30.3 chains to corner No. 3;
North 37.88 chains to corner No. 4;
West 30.3 chains to corner No. 1, the place of beginning.

Excepting from the above described tract that portion that lies outside Tract 1 of Public Land Order No. 2344.

The area described contains approximately 85 acres.

b. Geomagnetic Observatory for the U.S. Geological Survey (F-61490) located within U.S. Survey No. 5253, more particularly described as:

Beginning at U.S. Coast and Geodetic Survey monument "Point Barrow-South Base 1945;" thence West, approximately 500 feet, along line 10-11 of Lot 4, identical with line 9-1 of lot 3 of U.S. Survey No. 5253, to a point located on the western boundary of National Oceanic and Atmospheric Administration's Geophysical Monitoring for Climatic Change Observatory, as described in paragraph 1a of this order; thence north approximately 500 feet along the western boundary of the Geophysical Monitoring for Climatic Change Observatory to Corner No. 1, the true point of beginning.

From Corner No. 1, by metes and bounds,
West 2,000 feet, to corner No. 2;
South 2,300 feet, to corner No. 3;
East 2,000 feet, to a point located on a line which would be the southerly extension of

the western boundary of the National Oceanic and Atmospheric Administration's Geophysical Monitoring for Climatic Change Observatory, to Corner No. 4;

North 2,300 feet, along the extension of the western boundary of the Geophysical Monitoring for Climatic Change Observatory and the western boundary of the Geophysical Monitoring for Climatic Change Observatory to Corner No. 1, the true point of beginning.

Excepting from the above described tract that portion that lies outside Tract 1 of Public Land Order No. 2344.

The area described contains approximately 88 acres.

The areas described aggregate approximately 171 acres.

2. Subject to valid existing rights, the land excepted from the tract described in paragraph 1a above, containing approximately 30 acres, is withdrawn for the National Oceanic and Atmospheric Administration's Geophysical Monitoring for Climatic Change Observatory and the land excepted from the tract described in paragraph 1b above, containing approximately 15 acres, is withdrawn for the U.S. Geological Survey's Geomagnetic Observatory. The areas described aggregate approximately 45 acres.

3. The lands described in paragraphs 1 and 2 above continue to be withdrawn from all forms of appropriation and disposition under the public land and mineral laws pursuant to the terms and conditions of Public Land Order No. 2344 and/or section 102 of the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6502 (1988)).

4. The withdrawal described in paragraphs 1 and 2 of this order will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 91-7586 Filed 4-1-91; 9:45 am]

BILLING CODE 4910-JA-10

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Parts 1 and 63**

[Gen. Docket No. 89-387; FCC 91-44]

Common Carrier Services; Domestic, Non-Dominant, Facilities-Based Common Carriers

AGENCY: Federal Communications Commission.