

US EPA ARCHIVE DOCUMENT

believe that this final rule constitutes a "major rule" under Executive Order 12291, because it is not likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in cost or process for consumers, individual industries, Federal, state or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory analysis is required.

Paperwork Reduction Act

None.

Regulatory Flexibility Act

The Department believes that the rule will have "no significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Public Law 96-354, 91 Stat. 1164 (5 U.S.C. 605(b)). The proposed regulations apply primarily to Federal agencies and their employees. The rules do not affect small entities. The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. Accordingly, no regulatory impact analysis is required.

List of Subjects in 20 CFR Part 10

Claims, Government employees, Archives and records, Health records, Freedom of Information, Privacy, Penalties, Health profession, Workers' compensation, Employment, Administrative practices and procedures, Wages, Health facilities, Dental health, Medical devices, Health care, Lawyers, Legal services, Student, X-rays, Labor, Insurance, Kidney diseases, Lung diseases, and Tort Claims.

For the reasons set out in the preamble, 20 CFR part 10 is amended as set forth below:

PART 10—CLAIMS FOR COMPENSATION UNDER THE FEDERAL EMPLOYEES' COMPENSATION ACT, AS AMENDED

1. The authority citation for part 10 continues to read as follows:

Authority: 5 U.S.C. 301; Reorg. Plan No. 6 of 1950, 15 FR 3174, 64 Stat. 1263; 5 U.S.C. 8145; 59; Secretary's Order 1-89; Employment Standards Order 90-02.

2. Section 10.305 is revised to read as follows:

§ 10.305 Attendant allowance.

An employee who has been awarded compensation may receive an additional sum of not more than \$1,500 a month, as the Office considers necessary to pay for the service of an attendant, when the Office finds that the service of an attendant is necessary constantly because the employee is totally blind or has lost the use of both hands or both feet, or is paralyzed and unable to walk, or because of any impairment resulting from the injury making the employee so helpless as to require constant attendance.

3. Section 10.306 is amended by revising paragraph (a) to read as follows:

§ 10.306 Eligibility for death benefits and death benefit rates.

(a) If there is no child entitled to compensation, the employee's surviving spouse shall receive compensation equal to 50 percent of the employee's pay until death or remarriage before reaching 55 years of age. Upon remarriage, the surviving spouse will be paid a lump sum equal to 24 times the monthly compensation payment (excluding compensation payable on account of another individual) to which the surviving spouse was entitled immediately before the remarriage. If remarriage occurs at age 55 or older, the lump sum payment will not be paid and compensation shall continue until death.

4. Section 10.311 is amended by revising paragraph (c) to read as follows:

§ 10.311 Lump sum awards.

(c) On remarriage before age 55, a surviving spouse entitled to compensation under 5 U.S.C. 8133, shall be paid a lump sum equal to 24 times the monthly compensation payment (excluding compensation payable on account of another individual) to which the surviving spouse was entitled immediately before the remarriage.

Signed at Washington, DC, this 16th day of September, 1991.

Lawrence W. Rogers,
Director, Office of Workers' Compensation Programs.

[FR Doc. 91-22645 Filed 9-19-91; 8:45 am]

BILLING CODE 4510-27-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-4010-9]

Oklahoma; Final Authorization of State Hazardous Waste Management Program Revisions

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 State of Oklahoma's 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, subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984. The Oklahoma application for program revision is available for public review and comment.

DATES: This final authorization for the State of Oklahoma shall be effective on November 19, 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 October 21, 1991.

ADDRESSES: Copies of the Oklahoma program revision application and the materials EPA used in evaluating the revision 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 Northeast Tenth Street, Oklahoma City, Oklahoma 73117-1299, 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, Library, PM 211A, 401 M Street SW., Washington, DC 20460. Written comments, referring to Docket Number OK-91-2, should be sent to the Authorization Coordinator, 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:
Dick Thomas, 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 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 (Pub. L. 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 and 124 and 270.

B. Oklahoma

Oklahoma initially received final authorization on December 27, 1984, (See 49 FR 50362) to implement its base hazardous waste management program. Oklahoma has received authorization for additional revisions to its program. These approvals were published in the FR on the following dates: April 17, 1990, (55 FR 14280), September 28, 1990, (55 FR 39274), and April 2, 1991, (56 FR 13411). On August 31, 1990, Oklahoma submitted a complete revision application for additional program approvals. Today, Oklahoma is seeking approval of its program revision in accordance with § 271.21(b)(3).

EPA has reviewed the State of Oklahoma's 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 final decision up until October 21, 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 reverses the decision.

The Oklahoma program revision application includes State regulatory changes that are equivalent to the rules promulgated in the Federal RCRA implementing regulations in 40 CFR parts 260 through 266, 270, and 124 that were published in the Federal Register through March 7, 1989. The State's statutory authority is provided by the Oklahoma Controlled Industrial Waste Disposal Act, as amended, 63 O.S. 1981 §§ 1-2009 et seq. The Act was last amended May 30, 1990. Pursuant to this Act, the Oklahoma State Department of Health issued Rules and Regulations for Industrial Waste Management, ODH Bulletin 0525, as amended April 12, 1990, effective June 4, 1990, and as amended June 21, 1990, effective August 9, 1990. The chart below lists the State analogs that are being requested as equivalent to the appropriate Federal requirements.

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

Federal Citation	State Analog
1. Identification and Listing of Hazardous Waste; Treatability Studies Sample; July 19, 1988; [53 FR 27290].	Rules and Regulations for Industrial Waste Management, ODH Bulletin 0525, Chapter 2, Section 210, as amended April 12, 1990, effective June 4, 1990.
2. Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems; September 2, 1988; [53 FR 34079].	Chapter 2, Section 210.
3. Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification; September 13, 1988; [53 FR 35412].	Chapter 2, Section 210.

Federal Citation	State Analog
4. Permit Modifications for Hazardous Waste Management Facilities; September 28, 1988; [53 FR 37912]; as amended October 25, 1988; [53 FR 41649].	Chapter 2, Section 210.
5. Statistical Methods for Evaluating Ground-Water Monitoring Data from Hazardous Waste Facilities; October 11, 1988; [53 FR 39720].	Chapter 2, Section 210.
6. Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes; October 31, 1988; [53 FR 43878].	Chapter 2, Section 210.
7. Identification and Listing of Hazardous Waste; Removal of Strontium Sulfide from the list of Hazardous Wastes; October 31, 1988; [53 FR 43881].	Chapter 2, Section 210.
8. Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators; January 9, 1989; [54 FR 615].	Chapter 2, Section 210.
9. Amendment to Requirements for Hazardous Waste Incinerator Permits; January 30, 1989; [54 FR 4286].	Chapter 2, Section 210.
10. Changes to Interim Status Facilities for Hazardous Waste Management Permits; Modifications of Hazardous Waste Management Permits; Procedures for Post-Closure Permitting; March 7, 1989; [54 FR 9596].	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 the 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 sections 3007 of the 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. EPA is reserving amending part 272, subpart LL, until a later date.

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 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: September 12, 1991.

Robert E. Layton, Jr.,
Regional Administrator.

[FR Doc. 91-22727 Filed 9-19-91; 8:45 am]

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40 CFR Part 721

[OPTS-50591A; FRL-3932-8]

RIN 2070-AB27

Ethane, 2-chloro-1,1,1,2-tetrafluoro-; Withdrawal of Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of final rule.

SUMMARY: EPA is withdrawing a significant new use rule (SNUR) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for the chemical substance ethane, 2-chloro-1,1,1,2-tetrafluoro-, which was

the subject of premanufacture notice (PMN) P-88-1763. EPA initially published this SNUR using direct final procedures. EPA received a notice of intent from interested parties who wish to make adverse or critical comments on this rule. Therefore, the Agency is withdrawing this rule, as required under the Expedited SNUR rulemaking process (40 CFR 721 subpart D). In a separate notice of proposed rulemaking in today's Federal Register, EPA is proposing a SNUR for this substance with a 30-day comment period.

EFFECTIVE DATE: This rule is effective on September 20, 1991.

FOR FURTHER INFORMATION CONTACT:

David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, rm. E-543-B, 401 M St., SW., Washington, DC 20460, Telephone: (202) 260-3725, TDD: (202) 260-1532.

SUPPLEMENTARY INFORMATION: In the Federal Register of April 25, 1991, at 56 FR 19228, EPA issued several direct final SNURs including a SNUR for the substance ethane, 2-chloro-1,1,1,2-tetrafluoro-, number P-88-1763. Under § 721.160, EPA is required to withdraw rules issued under direct final procedures if the Agency receives notice of intent to submit adverse or critical comments within 30 days of publication of the rule in the Federal Register. EPA has received such a notice of intent regarding the SNUR for PMN P-88-1763 and is therefore withdrawing the subject SNUR and, according to § 716.160(a)(3)(iii), is proposing the rule elsewhere in today's Federal Register. For further information regarding EPA's expedited process for issuing SNURs, interested parties are directed to 54 FR 31314 (July 27, 1989).

The record for the direct final SNUR for this substance which is being withdrawn by this rule was established at OPTS-50591. That record includes information considered by the Agency in developing this rule, and includes the notice of intent to submit adverse or critical comments to which the Agency has responded with this notice of withdrawal. The docket control number for the withdrawal is OPTS-50591A. For details refer to the proposal elsewhere in today's Federal Register. The relevant portions of the original docket for the direct final SNUR are being incorporated under OPTS-50591B, which is established for the proposed rule.

A public version of the records, without any CBI, is available in the TSCA Public Docket Office from 8 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays.

The TSCA Public Docket Office is located in rm. NE-C004, 401 M St., SW., Washington, DC 20460.

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: September 13, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

1. The authority citation for Part 721 will continue to read as follows:
Authority: 15 U.S.C. 2604 and 2607.

§ 721.1006 [Removed]

2. By removing § 721.1006.

[FR Doc. 91-22719 Filed 9-19-91; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-932-4214-10; A-062396]

43 CFR Public Land Order 6882

Partial Revocation of Public Land Order No. 3776 for Selection of Land by the State of Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order insofar as it affects approximately 41.23 acres of National Forest System land withdrawn for use by the Forest Service, Department of Agriculture, as the administrative site for the Maybeso Experimental Forest. The land is no longer needed for the purpose for which it was withdrawn. This action opens approximately 35.19 acres of land for selection by the State of Alaska, if such land is otherwise available. If the land is not selected by the State, it will be opened to mining and will be subject to the terms and conditions of the national forest reservation and any other withdrawal of record. The remaining 6.04 acres of land will remain closed to mining until a further order is published.

EFFECTIVE DATE: September 20, 1991.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13,