

US EPA ARCHIVE DOCUMENT

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after Federal Register publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to protect any marine traffic from the potential hazards involved.

Drafting Information

The drafters of this regulation are BMC Cassin, project officer, Captain of the Port, Long Island Sound, and LT Korroch, project attorney, First Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation will begin at 9:45 pm on July 3, 1990 approximately 15 minutes prior to the fireworks display South West of Cedar Point in Westport, CT. This Safety Zone is needed to protect any transiting commercial or recreational marine traffic from the possible hazards associated with the fireworks display in this entrance channel area.

This regulation is issued pursuant to U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 100.5.

2. A new 33 CFR 165.T1045 is added to read as follows:

§ 165.T1045 Safety zone: Westport P.A.L. fireworks display.

(a) *Location.* The following area is a safety zone: All waters within a 1000 ft radius of the Barge "Brooke" (the fireworks launching platform) approximately ½ mile offshore South West of Cedar Point in Westport, CT. The launching platform will be moved into and then anchored in positionm (41-05'52"N, 073-21'27"W). The safety zone will be closed to all marine traffic from 9:45 pm until the completion of the display at approximately 10:30 pm.

(b) *Effective date.* This regulation becomes effective on July 3, 1990 at 9:45 pm approximately 15 minutes prior to the display. It terminates upon completion of the display at approximately 10:30 pm July 3, 1990, unless terminated sooner by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port or his on scene representatives:

Dated: May 15, 1990:

T.H. Collins,

Captain, U.S. Coast Guard, Captain of the Port Long Island Sound.

[FR Doc. 90-12039 Filed 5-23-90; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL 3781-8]

Texas; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Texas has applied for final authorization of revisions to its authorized hazardous waste management program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the Texas application and has made a decision that the Texas hazardous waste management program revision satisfies all of the requirements necessary to qualify for final authorization. Thus EPA is approving the Texas program revision application unless adverse public comment shows the need for further review. The Texas application is available for public review and comment.

DATES: Final authorization for the Texas revisions shall be effective July 23, 1990 unless EPA publishes a prior Federal Register notice withdrawing this immediate final rule. All comments on the Texas program revision application must be received by the close of business June 25, 1990.

ADDRESSES: Copies of the Texas program revision application and the materials which 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: Texas Water Commission,

Library, Fifth Floor, Stephen F. Austin State Office Building, 1700 North Congress, Austin, Texas 78711, phone (512) 463-7834; U.S. EPA, Region 6, Library, 12th floor, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-6760; and U.S. EPA, Headquarters, Library, room PM211A, 401 M Street SW., Washington, DC 20460, phone (202) 382-5926. Written comments, referring to Docket Number TX-90-2, should be sent to Ms. Lynn Prince, Grants and Authorization Section (611-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, Grants and Authorization Section (611-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.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act, 42 U.S.C. 6928(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to the Federal program, consistent with the Federal or State programs applicable in other States and is no less stringent than the Federal hazardous waste program, and provides adequate enforcement of compliance with the requirements of RCRA. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. These State program revisions are necessitated by changes to EPA's regulations.

B. Texas

The State of Texas initially received final authorization on December 12, 1984. Texas received authorization for revisions to its program on March 26, 1985, October 4, 1985, January 31, 1986, and December 18, 1986. EPA's final determination to authorize additional revisions was recently published in the Federal Register on March 1, 1990, and effective on March 15, 1990. On October 18, 1988, Texas submitted further revisions to its authorized program. Today Texas is seeking approval of these program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed the Texas application, and has made an immediate

final decision that Texas' hazardous waste program revisions satisfied all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the RCRA program. The public may submit written comments on EPA's immediate final decision until June 25, 1990. Copies of the Texas application for program revisions are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

Approval of the Texas program revision application will 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 30 day comment period. If an adverse comment is received, EPA will publish either (1) A withdrawal of the immediate final rule or (2) a notice containing a response to comments which either affirms that the immediate final rule takes effect or reverses the decision.

The Texas program revision application included State regulatory changes that are equivalent to the rules promulgated in the Federal RCRA implementing regulations in 40 CFR parts 260 through 266, 268, 124, and 270 that were published in the Federal Register through June 22, 1987. The only

provision that is not being proposed for approval at this time is section 3006(f), Availability of Information, requirements. That submission is being reviewed separately, at the request of the State. This proposed approval includes, therefore, only the provisions that are listed in the chart below. This chart lists the State analogs that are being recognized as equivalent to the appropriate Federal requirements. The Texas Administrative Code and the Solid Waste Disposal Act as cited below refer to the revisions as of July 27, 1988, and September 1, 1987, respectively.

Federal citation	State analog
1. Liability Coverage—Corporate Guarantee, as published in the FEDERAL REGISTER on July 11, 1986.	1. TEX. ADMIN. CODE tit. 31, sections 335.112(a)(7) and 335.152(a)(6) (1988).
2. Hazardous Waste Tank Systems—as published in the FEDERAL REGISTER on July 14, 1986.	2. TEX. ADMIN. CODE tit. 31, sections 305.50, 305.51, 335.1, 335.69, 335.112 and 335.152 (1988).
3. Correction to Listing of Commercial Chemical Products and Appendix VIII constituents—as published in the FEDERAL REGISTER on August 6, 1986.	3. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 2(13) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, sections 335.1 and 335.29 (1988).
4. Hazardous Waste Tank Systems; Correction—as published in the FEDERAL REGISTER on August 15, 1986.	4. TEX. ADMIN. CODE tit. 31, section 335.152(a)(8) (1988).
5. Listing of Spent Pickle Liquor; Correction—as published in the FEDERAL REGISTER on September 22, 1986.	5. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 2(13) (Vernon 1988).
6. Revised Manual SW-846; Amended Incorporation by Reference—as published in the FEDERAL REGISTER on March 16, 1987.	6. TEX. ADMIN. CODE tit. 31, section 335.125(d) (1988).
7. Closure/Post-Closure Care for Interim Status Surface Impoundments—as published in the FEDERAL REGISTER on March 19, 1987.	7. TEX. ADMIN. CODE tit. 31, section 335.112(a)(6) (1988).
8. Definition of Solid Waste; Tech. Corrections—as published in the FEDERAL REGISTER on June 5, 1987.	8. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 2(13) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, sections 335.1 and 335.211 (1988).
9. Amendments to Part B—Information Requirements for Land Disposal Facilities—as published in the FEDERAL REGISTER on June 22, 1987.	9. TEX. ADMIN. CODE tit. 31, section 305.410(c) (1988).
10. Direct Action Against Insurers—as required by HSWA section 3004(i)	10. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 4(c) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, section 335.112(a)(7) (1988).
11. Dioxin Listing and Management Standard—as published in the FEDERAL REGISTER on January 14, 1985.	11. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 2(13) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, sections 305.50(4), 335.1, 335.29, 335.41(i)(2) (A) and (C), 335.78(e), 335.111(b), and 335.152(a) (7)-(18) (1988).
12. Fuel Labeling—as required by HSWA section 3004(i)(1)	12. TEX. ADMIN. CODE tit. 31, section 335.225 (1988).
13. Paint Filter Test—as published in the FEDERAL REGISTER on April 30, 1985.	13. TEX. ADMIN. CODE tit. 31, section 335.125(d) (1988).
14. Prohibition of Liquids in Landfills—as required by HSWA section 3004(c)	14. TEX. ADMIN. CODE tit. 31, sections 305.50(4), 335.125, and 335.175 (1988).
15. Expansions During Interim Status—Waste Piles—as required by HSWA section 3015(a).	15. TEX. REV. CIV. STAT. ANN. art. 4477-7 sections 4(f) (1) and (2) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, sections 281.19(b), 281.22(b), 305.42(b), 305.125(11)(B), 305.143, and 335.43 (b) and (d) (1988).
16. Expansions During Interim Status—Landfills and Surface Impoundments—as required by HSWA section 3015(b).	16. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 4(f) (2) and (1) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, sections 281.19(b), 281.22(b), 305.42(b), 305.125(11)(B), 305.143, and 335.43 (b) and (d) (1988).
17. HSWA Codification Rule—as published in the FEDERAL REGISTER on July 15, 1985.	17A. TEX. ADMIN. CODE tit. 31, sections 335.61(b) and 335.78 (f) through (j) (1988).
17A. Small Quantity Generators	17B. State does not have program.
17B. Delisting	17C. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 2(13) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, section 335.1 (1988).
17C. Household Waste	17D. TEX. ADMIN. CODE tit. 31, sections 335.71(a) (6)-(8), 335.30, 335.152(a)(4), 305.125(11)(B), 305.143, and 335.43 (b) and (d) (1988).
17D. Waste Minimization	17E. TEX. ADMIN. CODE tit. 31, section 335.204(f) (1988).
17E. Loc. Standards for Salt Domes, Salt Beds, Underground Mines and Caves	17F. TEX. ADMIN. CODE tit. 31, sections 335.175 (a), (b), (f)(1)-(2), 335.125 (a), (b), (f)(1) and 305.50(4) (1988).
17F. Liquids in Landfills	17G. TEX. ADMIN. CODE tit. 31, section 335.214 (a) and (b) (1988).
17G. Dust Suppression	17H. TEX. ADMIN. CODE tit. 31, sections 335.168 (a), (c), (d), (e), 335.173 (a), (c), (b), (e), and 335.112(a) (10), (11), (13) (1988).
17H. Double Liners	17I. TEX. ADMIN. CODE tit. 31, section 335.156(b) (1988).
17I. Ground-Water Monitoring	17J. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 2(13) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, sections 335.24(b), 335.1 and 335.222(c) (1988).
17J. Cement Kilns	17K. TEX. ADMIN. CODE tit. 31, section 335.225(4) (1988).
17K. Fuel Labeling	17L. TEX. ADMIN. CODE tit. 31, sections 335.156(a), 335.167 (a) and (b), and 335.47(b) (1988).
17L. Corrective Action	17M. TEX. ADMIN. CODE tit. 31, section 335.2(a) (1988).
17M. Pre-construction Ban	17N. TEX. ADMIN. CODE tit. 31 sections 305.62(c) and 305.127(1)(B)(iii) (1988).
17N. Permit Life	17O. TEX. ADMIN. CODE tit. 31 section 305.127 (4)(A) and (6) (1988).
17O. Omnibus Provision	17P. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 4(f) (1) and (2) TEX. ADMIN. CODE tit. 31, sections 281.19(b), 281.22(b), 305.42(b), 305.125(11)(B), 305.143, and 335.43 (b) and (d) (1988).
17P. Interim Status	

Federal citation	State analog
17Q. Research and Development Permits.....	17Q. TEX. ADMIN. CODE tit. 31 sections 305.42 and 305.191-305.194 (1988).
17R. Hazardous Waste Exports.....	17R. TEX. ADMIN. CODE tit. 31 section 335.76(e) (1988).
17S. Exposure Information.....	17S. TEX. ADMIN. CODE tit. 31 sections 281.22(b) and 305.50(8) (1988).
18. Listing of TDI, TDA, and DNT—as published in the FEDERAL REGISTER on October 23, 1985.....	18. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 2(13) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, sections 335.1 and 335.29 (1988).
19. Used Oil—as published in the FEDERAL REGISTER on November 29, 1985.....	19. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 2(13) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, sections 335.1, 335.24(b)(3), 335.24(c)(3), 335.24(d)(8) and (9), 335.78(f), 335.112(a)(14), 335.152(a)(13), and 335.221-335.226 (1988).
20. Spent Solvents Listing—as published in the FEDERAL REGISTER on December 31, 1985.....	20. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 2(13) (Vernon 1988).
21. EDB Waste Listing—as published in the FEDERAL REGISTER on February 13, 1985.....	21. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 2(13) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, sections 335.1 and 335.29 (1988).
22. Four Spent Solvents Listing—as published in the FEDERAL REGISTER on February 25, 1985.....	22. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 2(13) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, sections 335.1 and 335.29 (1988).
23. Small Quantity Generators—as published in the FEDERAL REGISTER on March 24, 1986.....	23. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 2(13) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, sections 335.1, 335.2(c), 335.43(b)(3), 335.69(a), 335.69 (f)-(h), and 335.78 (a)-(f) (1988).
24. Paint Filter Test; Correction—as published in the FEDERAL REGISTER on May 28, 1986.....	24. TEX. ADMIN. CODE tit. 31, section 335.125(d) (1988).
25. Hazardous Waste Tank Systems—as published in the FEDERAL REGISTER on July 14, 1986.....	25. TEX. ADMIN. CODE tit. 31, sections 305.50, 305.51, 335.1, 335.69, 335.112, and 335.152 (1988).
26. Biennial Reports; Correction—as published in the FEDERAL REGISTER on July 8, 1986.....	26. TEX. ADMIN. CODE tit. 31, sections 335.71(b) and 335.154(a) (6)-(9) (1988).
27. Exports of Hazardous Waste—as published in the FEDERAL REGISTER on July 8, 1986.....	27. TEX. ADMIN. CODE tit. 31, sections 335.1, 335.10(a)(4), 335.11, 335.24(C)(1), 335.71, 335.76, 335.77, and 335.78 (1988).
28. Standards for Generators—as published in the FEDERAL REGISTER on October 1, 1986.....	28. TEX. ADMIN. CODE tit. 31, section 335.10(b) (1988).
29. Listing of EDBC—as published in the FEDERAL REGISTER on October 24, 1986.....	29. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 2(13) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, sections 335.1 and 335.29 (1988).
30. Land Disposal Restrictions—as published in the FEDERAL REGISTER on November 7, 1986.....	30. TEX. REV. CIV. STAT. ANN. art. 4477-7 sections 1 and 2(13) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, sections 305.46, 305.50(4), 305.62(c)(2)(C)(ii) and (iii), 305.127(4)(C), 335.1, 335.24 (c) and (e), 335.41(f)(1), 335.41(h), 335.46, 335.78 (b), (c), (e), (f)(2) and (g)(2), 335.94(a), 335.112(a) (1) and (4), 335.152(a) (1) and (4), and 335.431 (a)-(c) (1988).
31. Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces; Technical Corrections—as published in the FEDERAL REGISTER on April 13, 1987.....	31. TEX. REV. CIV. STAT. ANN. art. 4477-7 section 2(13) (Vernon 1988) and TEX. ADMIN. CODE tit. 31, sections 335.1, 335.221(b), 335.24(c)(7), 335.222(a), 335.225 (2) and (5), and 335.226 (2)-(4) (1988).
32. Land Disposal Restrictions; Corrections—as published in the FEDERAL REGISTER on June 4, 1987.....	32. TEX. ADMIN. CODE tit. 31, sections 335.41(h), 335.152(a)(4), and 335.431(c) (1988).

Upon authorization of the above-referenced HSWA provisions, the State of Texas will assume authority for HSWA permitting for those specific provisions. EPA retains authority to enforce such HSWA provisions for which the State is not receiving authorization, including the California list waste restrictions (as published in the Federal Register on July 8, 1987, and October 27, 1987); corrective action beyond a facility boundary and corrective action for injection wells (as published in the Federal Register on December 1, 1987); and the land disposal restrictions for the First Third Scheduled Wastes (as published in the Federal Register on August 17, 1988). Texas is not required at this time to apply for authorization of these provisions, as well as other HSWA provisions not listed in the above chart.

The State of Texas will propose an emergency rule to give public notice that when the State is authorized under this immediate final rule, it will assume responsibility for enforcing and administering all HSWA provisions of previously issued Federal permits for which it is currently being authorized. Under the Texas emergency rule, EPA

will retain authority for those HSWA provisions not included in this approval. The State proposes to adopt a final rule prior to the expiration date of the Emergency rule. If, however, a final rule is not adopted by the expiration date, EPA and the State agree that EPA will reassume responsibility for the EPA HSWA permits. EPA's responsibility for these permits will continue until either (1) A final State rule is adopted which will provide that the State assumes enforcement for all provisions of previously issued Federal permits for which the State has received authorization, or (2) until such Federal permits expire or are terminated.

C. Decision

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

application and previously approved authorities. Texas has primary enforcement responsibilities and EPA retains the right to conduct inspections under section 3007 of RCRA, 42 U.S.C. 6927, and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA, 42 U.S.C. 6928, 6934, and 6973.

D. Codification in Part 272

EPA uses part 272 for codification of the decision to authorize the Texas program and for incorporation by reference of those provisions of the Texas statutes and regulations that EPA will enforce under subtitle C of RCRA. Therefore EPA will soon amend part 272, subpart SS, 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 does not create any new requirements, but simply approves requirements that are already State law. 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 Sec. 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: April 30, 1990.

Robert E. Layton Jr.,
Regional Administrator.

[FR Doc. 90-12122 Filed 5-23-90; 8:45 am]

BILLING CODE 8560-50-M

DEPARTMENT OF TRANSPORTATION Coast Guard

46 CFR Part 147

[CGD 88-033]

RIN 2115-AD00

Appeal Procedures and Coast Guard Organization

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: The Coast Guard is correcting an amendatory instruction and section number which appeared in rule document 88-033 (FR Doc. 89-28461) published on Wednesday, December 6, 1989 at 54 FR 50374.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Don. M. Wrye, Office of Chief Counsel, (202) 267-1534.

SUPPLEMENTARY INFORMATION: In rule document 88-033 published at 54 FR 50374 on December 6, 1989, the Coast Guard misnumbered the section being added to 46 CFR part 147. In amendatory instruction 33 and the section heading of the text following amendatory instruction 33 appearing on page 50381, the section number 147.35 should be corrected to read 147.33.

PART 147—[CORRECTED]

§ 147.33 [Correctly added]

1. In amendatory instruction 33 and the section heading following amendatory instruction 33 published on

page 50381 of the issue dated Wednesday, December 6, 1989, the number 147.35 is removed and the number 147.33 correctly added in its place.

Dated: May 17, 1990.

D.H. Whitten,

Captain, U.S. Coast Guard, Acting Chief,
Office of Marine Safety, Security and
Environmental Protection.

[FR Doc. 90-12038 Filed 5-23-90; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-409; RM-6693]

Radio Broadcasting Services; Linden, AL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 253C1 for Channel 253C2 at Linden, Alabama, and modifies the license of Marengo County Broadcasting, Inc. for Station WDAL(FM), as requested, to specify operation on the higher powered channel, thereby providing a wider coverage area FM service. See 54 FR 40895, October 4, 1989. Coordinates for Channel 253C1 at Linden are 32-10-00 and 87-40-00. With this action, the proceeding is terminated.

EFFECTIVE DATE: June 14, 1990.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-409, adopted April 17, 1990, and released May 1, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments for Alabama, is amended for Linden, by removing Channel 253C2 and adding Channel 253C1.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division,
Mass Media Bureau.

[FR Doc. 90-12060 Filed 5-23-90; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1160

[Ex Parte No. 55 (Sub-No. 69A)]

Rules Governing Applications for Operating Authority—Revision of Form OP-1 (Hazardous Materials)

AGENCY: Interstate Commerce Commission.

ACTION: Policy statement.

SUMMARY: The Commission modifies its licensing policy to exclude hazardous materials from motor property carrier operating authorities, unless applicants specifically request this authority and demonstrate: (1) Their fitness, willingness, and ability to transport hazardous materials, and (2) that such service would be responsive to a public demand or need (common carrier authority) or consistent with the public interest (contract carrier authority). Those applicants that affirmatively seek and make the requisite evidentiary showing to transport hazardous materials must specify whether their service will embrace all hazardous materials (requiring \$5,000,000 in liability insurance coverage) or only those hazardous materials requiring insurance coverage of \$1,000,000.

This revised licensing approach will resolve State registration difficulties recently encountered by carriers with hazardous materials authority, will help to clarify hazardous materials liability insurance requirements, and will reinforce the Commission's safety oversight role.

We plan to issue a separate document postponing until June 1, 1990, the effective date of the Commission's new licensing Form OP-1 and corresponding regulations.

EFFECTIVE DATE: This policy statement is effective June 15, 1990.

FOR FURTHER INFORMATION CONTACT: Suzanne Higgins O'Malley, (202) 275-7292, or Richard B. Felder, (202) 275-

Enclosure E
Additional changes

Several changes were made to specific citations. I made the appropriate changes to the affected checklists and to the Attorney General's Statement.

- Section 335.62, which relates to hazardous waste determination and waste classification, was moved and is now §335.504. See Checklist 83 and §335.504, enclosed.
- The adoption by reference of 40 CFR Part 265 Subparts AA and BB was moved from §335.112(a)(18) and (19) to §335.112(19) and (20), respectively. See Checklist 87 and §335.112, enclosed.
- The adoption by reference of 40 CFR Part 264 Subparts AA and BB was moved from §335.152(15) and (16) to §335.152(16) and (17), respectively. See Checklist 87 and §335.152, enclosed.