

Dated: July 3, 1996.

Valdas V. Adamkus,

*Regional Administrator.*

For reasons stated in the preamble, parts 52 and 81 of chapter I, title 40 of the Code of Federal Regulations are amended as follows:

#### **PART 52—[AMENDED]**

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

#### **Subpart O—Illinois**

2. Section 52.725 is amended by adding paragraph (d) to read as follows:

#### **§ 52.725 Control strategy: Particulates.**

\* \* \* \* \*

(d) Approval—On June 2, 1995, and January 9, 1996, the State of Illinois submitted a maintenance plan for the particulate matter nonattainment portion of LaSalle County, and requested that it be redesignated to attainment of the National Ambient Air Quality Standard for particulate matter. The redesignation request and maintenance plan satisfy all applicable requirements of the Clean Air Act.

#### **PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES**

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. In § 81.314, the table for “Illinois PM–10” is amended by revising the table heading and the entry for “LaSalle County” to read as follows:

#### **§ 81.314 Illinois.**

\* \* \* \* \*

#### **ILLINOIS—PM–10**

Designated area	Designation		Classification	
	Date	Type	Date	Type
* * * * *	* * * * *	* * * * *	* * * * *	* * * * *
LaSalle County	October 7, 1996	.... Attainment		
Oglesby including the following Townships, ranges, and sections: T32N, R1E, S1; T32N, R2E, S6; T33N, R1E, S24; T33N, R1E, S25; T33N, R2E, S30; T33N, R2E, S31; and T33N, R1E, S36				
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[FR Doc. 96–19888 Filed 8–7–96; 8:45 am]

BILLING CODE 6560–50–P

#### **40 CFR Parts 271 and 272**

[FRL–5547–5]

#### **Delaware; Final Authorization of State Hazardous Waste Management Program Revisions**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** Delaware 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 Delaware’s application and has made a decision, subject to public review and comment, that Delaware’s hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Delaware’s hazardous waste program revisions. Delaware’s application for program revision is available for public review and comment.

**DATES:** Final authorization of Delaware’s program revisions shall be effective

October 7, 1996, unless EPA publishes a prior Federal Register notice withdrawing this immediate final rule. All comments on Delaware’s program revision application must be received by the close of business September 9, 1996.

**ADDRESSES:** Copies of Delaware’s program revision application are available from 8 a.m. to 4:30 p.m., Monday through Friday, at the following addresses for inspection and copying: Delaware Department of Natural Resources and Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, DE 19903, and USEPA, Region 3, Library, 3rd Floor, 841 Chestnut Street, Philadelphia, PA 19107, phone (215) 566–5000. Written comments should be sent to Marie Owens, Mail Code: 3HW60, State Programs Branch, Office of RCRA Programs, USEPA Region 3, 841 Chestnut Street, Philadelphia, PA 19107, phone (215) 566–3384.

**FOR FURTHER INFORMATION CONTACT:** Marie Owens, Mail Code: 3HW60, State Programs Branch, Office of RCRA Programs, USEPA Region 3, 841 Chestnut Street, Philadelphia, PA 19107, phone (215) 566–3384.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Background**

States with final authorization under Section 3006(b) of the Resource

Conservation and Recovery Act (“RCRA” or “the Act”), 42 U.S.C. 6929(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. Program revision may be necessary when the controlling Federal or State statutory or regulatory authority is modified or supplemented. Certain program revisions were necessitated by the provisions of the Hazardous and Solid Waste Amendments of 1984 (Public Law 98–616, November 8, 1984), hereinafter “HSWA”.

##### **B. Delaware**

Delaware received final authorization effective June 22, 1984 (see Federal Register 23837, June 8, 1984) to implement its hazardous waste management program in lieu of the Federal program. On January 31, 1986 (see 51 FR 3954), the authorized Delaware program was incorporated by reference into the Code of Federal Regulations (CFR). On April 9, 1996, Delaware submitted a program revision application for additional approval in accordance with the requirements of 40

CFR 271.21 (Procedures for Revision of State Programs).

EPA has reviewed Delaware's application, and has made an immediate final decision that Delaware's hazardous waste program revisions satisfy 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 September 9, 1996. Copies of Delaware's application for program revision are available for inspection and copying at the locations

indicated in the **ADDRESSES** section of this notice.

Approval of Delaware's program revision shall become effective in 60 calendar 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.

Delaware's program revision application includes State regulatory changes that are at least equivalent to the rules promulgated in the Federal RCRA implementing regulations in 40 CFR Parts 124, 260 through 266, and 270 that were published in the Federal Register through June 30, 1991. This proposed approval includes the provisions that are listed in the chart below. This chart also lists the State analogs that are being recognized as equivalent to the appropriate Federal requirements.

Checklist	Federal requirement	FR reference	FR date	Delaware authority
<b>Non-HSWA Requirements prior to Non-HSWA Cluster I</b>				
1 .....	Biennial Report .....	48 FR 3977	1/28/83 .....	7 Delaware Code Annotated ( <i>Del. C.</i> ), 1991 Replacement, §§ 6305(a), 6304; Delaware Regulations Governing Hazardous Waste (DRGHW), 1992, §§ 262.40(b), 262.41, 264.75, 264.76, 264.77, and 265.75, 265.76, 265.77, 265.94(a)(2), (b)(2), 122.30(k)(9) as adopted 11/19/80 and amended 3/21/84.
2 .....	Permit Rules; Settlement Agreement.	48 FR 39611	9/1/83 .....	7 <i>Del. C.</i> §§ 6305(a), 6307; DRGHW §§ 122.11(a)(1), (a)(3), (d), 122.30(d) as adopted 3/21/84.
3 .....	Interim Status Standards; Applicability.	48 FR 52718	11/22/83 .....	7 <i>Del. C.</i> §§ 6305(a), 6307(g); DRGHW § 265.1(b) as adopted 11/21/85.
4 .....	Chlorinated Aliphatic Hydrocarbon Listing (F024).	49 FR 5308	2/10/84 .....	7 <i>Del. C.</i> § 6305(a)(1); DRGHW § 261.31, Part 261 Appendix VII, Part 261 Appendix VIII as adopted 2/5/85.
5 .....	National Uniform Manifest .....	49 FR 10490	3/20/84 .....	7 <i>Del. C.</i> §§ 6305(a), 6306; DRGHW §§ 260.10, 262.20(a), 262.21(a), (b), 262.50(b)(3), (b)(4), 262.50(d), (e), Part 262 Appendix II as adopted 9/20/84.
7 .....	Part 261—Warfarin and Zinc Phosphide Listing.	49 FR 19922	5/10/84 .....	7 <i>Del. C.</i> § 6305(a)(1); DRGHW § 261.33(e), (f) as adopted 8/29/88.
<b>Non-HSWA Cluster I</b>				
AI .....	State Availability of Information	HSWA § 3006(f)	11/8/84 .....	7 <i>Del. C.</i> § 6304(c); 29 <i>Del. C.</i> § 10005(b); DRGHW Hazardous Waste Disclosure Regulations as adopted 8/29/88.
9 .....	Household Waste .....	49 FR 44978	11/13/84 .....	7 <i>Del. C.</i> § 6305(a); DRGHW § 261.4(b)(1) as adopted 5/8/86.
10 .....	Interim Status Standards; Applicability.	49 FR 46094	11/21/84 .....	7 <i>Del. C.</i> §§ 6305(a), 6307(g); DRGHW § 265.1(a), (b) as adopted 11/21/85.
11 .....	Corrections to Test Methods Manual.	49 FR 47390	12/4/84 .....	7 <i>Del. C.</i> § 6305(a), § 6306(d); DRGHW §§ 260.11(a), 122.6(a) as adopted 5/8/86.
12 .....	Satellite Accumulation .....	49 FR 49568	12/20/84 .....	7 <i>Del. C.</i> § 6305(a) and § 6306; DRGHW § 262.34(c) as adopted 8/29/88.
13 .....	Definition of Solid Waste .....	50 FR 614, 50 FR 14216, 50 FR 33541	11/4/85, 4/11/85, 8/20/85.	7 <i>Del. C.</i> § 6305(a); DRGHW §§ 260.10, 260.30, 260.31, 260.32, 260.33, 260.40, 260.41, 261.1(b), 261.1(c), 261.2, 261.2(a), (b), (c), (c)(2)–(4), (d)–(f), 261.3(c)(2), 261.4(a)(6), 261.4(a)(7), 261.5(c), 261.6, 261.31, 261.33, 264.1(f)(2), 264.340(a), 265.1(c)(6), 265.340(a), 265.370, 266.20, 266.21, 266.22, 266.23, 266.30, 266.32, 266.33, 266.34, 266.35(c), 266.36, 266.70, 266.80 as adopted 11/21/85 and 8/29/88.
15 .....	Interim Status Standards for Treatment, Storage, and Disposal Facilities.	50 FR 16044	4/23/85 .....	7 <i>Del. C.</i> §§ 6305(a) and 6307; DRGHW §§ 265.222, 265.229, 265.272(a), 265.310(a)&(b), 265.315 as adopted 11/21/85.

Checklist	Federal requirement	FR reference	FR date	Delaware authority
<b>Non-HSWA Cluster II</b>				
26 .....	Listing of Spent Pickle Liquor (KO62).	51 FR 19320	5/28/86 .....	7 Del. C. § 6305(a); DRGHW § 261.32.
<b>Non-HSWA Cluster III</b>				
MW .....	Radioactive Mixed Waste .....	51 FR 24504	7/3/86 .....	7 Del. C. §§ 6302, 6305(a); DRGHW § 261.3.
27 .....	Liability Coverage; Corporate Guarantee.	51 FR 25350	7/11/86 .....	7 Del. C. § 6305(a); DRGHW §§ 264.147(a)(2), (a)(3), (b)(2), (b)(3), (f), 264.151(g), (h)(2), 265.147(a)(2), (a)(3), (b)(2), (b)(3), 265.147(f) as adopted 8/29/88.
28N .....	Standards for Hazardous Waste Storage and Treatment Tank Systems.	51 FR 25422, 51 FR 29430	7/14/86, 8/15/86 .....	7 Del. C. §§ 6304, 6305(a)(4), 6306, 6307; DRGHW §§ 260.10, 261.4(a)(8), 262.34(a)(1), (d)(2), (d)(3), 264.15(b)(4), 264.73(b)(6), 264.110(b)(3), 264.140(b)(3), 264.190, 264.191, 264.192, 264.193(a)–(f), 264.193(g), 264.193(g)(3), (g)(4), 264.193(h), 264.193(i), 264.194, 264.195, 264.196, 264.197, 264.198, 264.199, 265.13(b)(6), 265.15(b)(4), 265.73(b)(3), (b)(6), 265.110(b)(2), 265.140(b), 265.190, 265.191, 265.192, 265.193, 265.194, 265.195, 265.196, 265.197, 265.198, 265.199, 265.200, 265.201, 122.14(b)(5), (b)(13), 122.16, 122.72(e) as adopted 8/10/90.
29 .....	Correction to Listing of Commercial Chemical Products and Appendix VIII Constituents.	51 FR 28296	8/6/86 .....	See Delaware's authorities listed under 53 FR 13382, 4/22/88 (CL 46).
35 .....	Revised Manual SW-846; Amended Incorporation by Reference.	52 FR 8072	3/16/87 .....	7 Del. C. §§ 6305(a), 6306(d); DRGHW §§ 260.11, 122.6(a) as adopted 8/29/88.
36 .....	Closure/Post-Closure Care for Interim Status Surface Impoundments.	52 FR 8704	3/19/87 .....	7 Del. C. §§ 6305(a) and 6307; DRGHW §§ 265.228 as adopted 8/29/88.
37 .....	Definition of Solid Waste; Technical Corrections.	52 FR 21306	6/5/87 .....	7 Del. C. § 6305(a); DRGHW §§ 261.33, 266.20(a)(2), (a)(3) as adopted 8/29/88.
38 .....	Amendments to Part B Information Requirements for Land Disposal Facilities.	52 FR 23447, 52 FR 33936	6/22/87, 9/9/87 .....	7 Del. C. § 6305(a), 6304; DRGHW § 122.14(c)(7), (c)(8)(v) as adopted 8/29/88.
<b>Non-HSWA Cluster IV</b>				
40 .....	List (Phase 1) of Hazardous Constituents for Ground-water Monitoring.	52 FR 25942	7/9/87 .....	7 Del. C. § 6305(a); DRGHW §§ 264.98(h)(2), (h)(3), (h)(4)(i), 264.99(f), Part 264 Appendix IX, 122.14(c)(4)(ii) as adopted 8/29/88.
41 .....	Identification and Listing of Hazardous Waste.	52 FR 26012	7/10/87 .....	7 Del. C. § 6305(a)(1); DRGHW § 261.33(c) as adopted 8/10/90.
43 .....	Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee.	52 FR 44314	11/18/87 .....	7 Del. C. § 6305(a); DRGHW §§ 264.147(f)(2), 264.151(h)(2), 265.147(f)(2) as adopted 8/29/88.
45 .....	Hazardous Waste Miscellaneous Units.	52 FR 46946	12/10/87 .....	7 Del. C. §§ 6305(a), (a)(4), (a)(6), (a)(10), (a)(13), 6304; DRGHW §§ 260.10, 264.10(b), 264.15(b)(4), 264.18(b)(1)(ii), 264.73(b)(6), 264.90(d), 264.111(c), 264.112(a)(2), 264.114, 264.117(a)(1), 264.118(b)(1), 264.118(b)(2), 264.142(a), 264.144(a), 264.147(b), 264.600, 264.601, 264.602, 264.603, 122.14(b)(5), (b)(13), 122.23 as adopted 8/10/90.
46 .....	Technical Correction; Identification and Listing of Hazardous Waste.	53 FR 13382	4/22/88 .....	7 Del. C. §§ 6305(a)(1); DRGHW §§ 261.33(e), (f), Part 261 Appendix VIII as adopted 8/10/90.

Checklist	Federal requirement	FR reference	FR date	Delaware authority
<b>Non-HSWA Cluster V</b>				
49 .....	Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption.	53 FR 27290	7/19/88 .....	7 Del. C. §§ 6305(a), (c); DRGHW §§ 260.10, 261.4(e), 261.4(f) as adopted 8/10/90.
52N .....	Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems.	53 FR 34079	9/2/88 .....	7 Del. C. §§ 6304, 6305(a)(4), 6306, 6307; DRGHW §§ 260.10, 264.114, 264.190, 264.193(f)(3), 264.196, 265.110(b)(2), 265.114, 265.190, 265.193(f)(3), (g)(3)(iii), 265.196, 265.201(c)(3), 122.2 as adopted 8/10/90.
53 .....	Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification.	53 FR 35412	9/13/88 .....	7 Del. C. §§ 6305(a)(1); 261.32, Part 261 Appendix VII as adopted 8/10/90.
54 .....	Permit Modifications for Hazardous Waste Management Facilities.	53 FR 37912, 53 FR 41649	9/28/88, 10/24/88 ...	7 Del. C. §§ 6305(a), 6307; DRGHW §§ 124.5(c)(1), (c)(3), 264.54, 264.112(c), (c)(1), (c)(2), 264.118(d), (d)(1), (d)(2), 265.112(c)(3), (c)(4), 265.118(d)(3), (d)(4), 122.2, 122.4(a), 122.30(l)(2), 122.40, 122.41, 122.41(a)(3), (a)(5), 122.42, 122.42 Appendix I, 122.62(a), (b)(10), 122.63(d) as adopted 8/10/90.
55 .....	Statistical Methods for Evaluating Ground-Water Monitoring Data from Hazardous Waste Facilities.	53 FR 39720	10/11/88 .....	7 Del. C. §§ 6305(a), 6307; DRGHW §§ 264.91(a)(1), (a)(2), 264.92, 264.97(a)(1), (a)(3), (g)–(j), 264.98(c), (d), (f)–(h), 264.99(c), (d), (f)–(j) as adopted 8/10/90.
56 .....	Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes.	53 FR 43878	10/31/88 .....	7 Del. C. §§ 6305(a)(1); DRGHW §§ 261.33(f), Part 261 Appendix VIII as adopted 8/10/90.
57 .....	Identification and Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes.	53 FR 43881	10/31/88 .....	7 Del. C. §§ 6305(a)(1); DRGHW §§ 261.33(e), Part 261 Appendix VIII as adopted 8/10/90.
58 .....	Standards for Generators of Hazardous Waste; Manifest Renewal.	53 FR 45089	11/8/88 .....	7 Del. C. §§ 6305(a), 6306; DRGHW §§ 262.20(a), Part 262 Appendix II as adopted 8/10/90.
59 .....	Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators.	54 FR 615	1/9/89 .....	7 Del. C. §§ 6305(a); DRGHW §§ 122.14(b)(5), (b)(13) as adopted 8/10/90.
60 .....	Amendment to Requirements for Hazardous Waste Incinerator Permits.	54 FR 4286	1/30/89 .....	7 Del. C. §§ 6305(a); DRGHW § 122.62(d) as adopted 8/10/90 and amended 11/19/93.
61 .....	Changes to Interim Status Facilities for Hazardous Waste Management Permits; Modifications of Hazardous Waste Management Permits; Procedures for Post-Closure Permitting.	54 FR 9596	3/7/89 .....	7 Del. C. §§ 6305(a)(3), 6307; DRGHW §§ 124.1, 124.15(a), (b), 122.1(e), 122.10(c), 122.29, 122.42 Appendix I, 122.72(a), (b), (b)(1)–(6), 122.73(e)–(g) as adopted 6/19/92.

Checklist	Federal requirement	FR reference	FR date	Delaware authority
<b>Non-HSWA Cluster VI</b>				
24 (Amended).	Financial Responsibility; Settlement Agreement; Correction.	55 FR 25976	6/26/90 .....	7 Del. C. §§ 6305(a), 6307; DRGHW §§ 260.10, 264.110, 264.111, 264.112, 264.113, 264.114, 264.115, 264.116, 264.117, 264.118, 264.119, 264.120, 264.141(f), 264.142(a)–(c), 264.143(a)(10), (b)(4)(ii), (c)(5), (d)(8), (e)(5), (f)(1)(i)(B), (f)(1)(i)(D), (f)(1)(ii)(B), (f)(1)(ii)(D), (f)(2), (i), 264.144(a)–(c), 264.145 introductory paragraph, 264.145(a)(11), (b)(4)(ii), (c)(5), (d)(9), (e)(5), (f)(1)(i)(B), (f)(1)(i)(D), (f)(1)(ii)(B), (f)(1)(ii)(D), (f)(2), (i), 264.147(d), 264.151(b), (f)(5), (g)(5), 265.110, 265.111, 265.112, 265.113, 265.114, 265.115, 265.116, 265.117, 265.118, 265.119, 265.120, 265.140(a), 265.142(a)–(c), 265.143(a)(10), (b)(4)(ii), (c)(8), (d)(5), (e)(1)(i)(B), (e)(1)(i)(D), (e)(1)(ii)(B), (e)(1)(ii)(D), (e)(2), (h), 265.144(a)–(c), 265.145 introductory paragraph, 265.145(a)(11), (b)(4)(ii), (c)(9), (d)(5), (e)(1)(i)(B), (e)(1)(i)(D), (e)(1)(ii)(B), (e)(1)(ii)(D), (e)(2), (h), 265.147(d), 122.14(b)(14)–(16), 122.42(d), 122.72(d) as adopted 8/10/90.
<b>HSWA Cluster I</b>				
BB .....	Exceptions to the Burning and Blending of Hazardous Waste.	HSWA § 3004(q)(2)(A), § 3004(r)(2)&(3)	.....	7 Del. C. §§ 6305(a)(12).
CP .....	Hazardous and Used Oil Fuel Criminal Penalties.	HSWA § 3006(h), § 3008(d), § 3014	.....	7 Del. C. §§ 6309(f) through (n).
14 .....	Dioxin Waste Listing and Management Standards.	50 FR 1978	1/14/85 .....	7 Del. C. §§ 6305(a), 6307; DRGHW §§ 261.5(e), 261.7(b)(1), 261.7(b)(3), 261.30(d), 261.31, 261.33(f), Part 261 Appendices III, VII, VIII, X, 264.175(c)&(d), 264.194(c)(2), 264.200(a), 264.231, 264.259, 264.283, 264.317, 264.343(a), 265.1(d)(1), 265.352, 265.383, 122.14(b)(7), 122.16(g), 122.17(i), 122.18(j), 122.20(i), 122.21(j) as adopted 11/21/85.
16 .....	Paint Filter Test .....	50 FR 18370	4/30/85 .....	7 Del. C. § 6305(a), 6306(d); DRGHW §§ 264.13(b)(6), 264.73(b)(3), 264.314(c), 265.13(b)(6), 265.73(b)(3), 265.314(d) as adopted 5/8/86.
SI .....	Sharing Information With the Agency for Toxic Substances and Disease Registry.	HSWA § 3019(b)	7/15/85 .....	7 Del. C. §§ 6304; DRGHW Hazardous Waste Disclosure Regulations as adopted 8/29/88.
17A .....	HSWA Codification Rule: Small Quantity Generators.	50 FR 28702	7/15/85 .....	See Delaware's authorities listed under 51 FR 10146, 3/24/86 (CL 23).
17C .....	HSWA Codification Rule: Household Waste.	50 FR 28702	7/15/85 .....	7 Del. C. § 6305(a); DRGHW § 261.4(b)(1) as adopted 5/8/86.
17D .....	HSWA Codification Rule: Waste Minimization.	50 FR 28702	7/15/85 .....	7 Del. C. §§ 6305(a), 6305(a)(6), (a)(10), (a)(13), 6306; DRGHW §§ 262.41(a)(6)–(8), Part 262 Appendix II, 264.70, 264.73(b)(9), 122.30(j)(2), 122.70(a), 122.70(c) as adopted 11/21/85 and 5/8/86.
17E .....	HSWA Codification Rule: Location Standards for Salt Domes, Salt Beds, Underground Mines and Caves.	50 FR 28702	7/15/85 .....	7 Del. C. §§ 6305(a), 6307; DRGHW §§ 264.18(c), 265.18 as adopted 5/8/86.
17F .....	HSWA Codification Rule: Liquids in Landfills.	50 FR 28702	7/15/85 .....	7 Del. C. §§ 6305(a), 6306(d); DRGHW §§ 264.314(a), (b), (e), 265.314(a), (b), (f), 122.21(h) adopted 5/8/86 and amended 8/29/88.
17G .....	HSWA Codification Rule: Dust Suppression.	50 FR 28702	7/15/85 .....	7 Del. C. § 6305(a)(12); DRGHW §§ 266.23 as adopted 8/29/88.

Checklist	Federal requirement	FR reference	FR date	Delaware authority
17I .....	HSWA Codification Rule: Ground-Water Monitoring.	50 FR 28702	7/15/85 .....	7 Del. C. §§6305(a); DRGHW §§264.90(b), 264.222, 264.226(b)(3), 264.228(b)(2), 264.228(d), 264.252, 264.253, 264.254, 264.302, 264.303(b)(2), 264.310(b)(2), 264.310(c) as adopted 8/29/88.
17J .....	HSWA Codification Rule: Cement Kilns.	50 FR 28702	7/15/85 .....	7 Del. C. §§6305(a), (a)(12); DRGHW §§261.6(a)(2), 261.33, 266.31(c) as adopted 11/21/85.
17K .....	HSWA Codification Rule: Fuel Labeling.	50 FR 28702	7/15/85 .....	See Delaware's authorities listed under 51 FR 49164, 11/29/85 (CL 19).
17M .....	HSWA Codification Rule: Pre-construction Ban.	50 FR 28702	7/15/85 .....	7 Del. C. §§6305(a)(3); DRGHW §§122.10(f) as adopted 5/8/86.
17N .....	HSWA Codification Rule: Permit Life.	50 FR 28702	7/15/85 .....	7 Del. C. §§6305(a)(3), 6307; DRGHW §§122.41(a)(6) and 122.50(d) as adopted 5/8/86.
17O .....	HSWA Codification Rule: Omnibus Provision.	50 FR 28702	7/15/85 .....	7 Del. C. §§6305(a)(2)–(4), 6307; DRGHW §§122.32(b) as adopted 5/8/86.
17P .....	HSWA Codification Rule: Interim Status.	50 FR 28702	7/15/85 .....	7 Del. C. §§6305(a), 6307; DRGHW §§122.10(a), (c), (e)(1), (e)(4), 122.30(j)(2), 122.70(a), (c), 122.73(c)–(f) as adopted 5/8/86.
17Q .....	HSWA Codification Rule: Research and Development Permits.	50 FR 28702	7/15/85 .....	7 Del. C. §§6305(a) and 6307; DRGHW §§122.10(a), 122.65 as adopted 5/8/86.
17R .....	HSWA Codification Rule: Hazardous Waste Exports.	50 FR 28702	7/15/85 .....	See Delaware's authorities listed under 51 FR 28664, 8/8/86 (CL 31).
17S .....	HSWA Codification Rule: Exposure Information.	50 FR 28702	7/15/85 .....	7 Del. C. §§6304, 6305(a)(3), 6307; DRGHW §§122.10(c), (j) as amended 5/8/86.
18 .....	Listing of TDI, TDA, DNT .....	50 FR 42936	10/23/85 .....	7 Del. C. §§6305(a)(1); DRGHW §§261.32, 261.33(f), Part 261 Appendices III, VII, VIII as adopted 5/8/86.
19 .....	Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces.	50 FR 49164, 52 FR 11819	11/29/85, 4/13/87 ...	7 Del. C. §§6305(a), 6307; DRGHW §§261.3(c)(2)(ii)(B), 261.5(b), 261.5(k), 261.6(a)(2)(iii), 261.6(a)(3)(iii), 261.6(a)(3)(vii), 261.6(a)(3)(viii), 261.6(a)(3)(ix), 264.340(a)(2), 265.340(a)(2), 266.30, 266.31, 266.32, 266.33, 266.34, 266.35, 266.40, 266.41, 266.42, 266.43, 266.44 as adopted 8/29/88.
20 .....	Listing of Spent Solvents .....	50 FR 53315, 51 FR 2702	12/31/85, 1/21/86 ...	7 Del. C. §§6305(a)(1); DRGHW §261.31 as adopted 8/29/88.
21 .....	Listing of EDB Waste .....	51 FR 5327	2/13/86 .....	7 Del. C. §§6305(a)(1); DRGHW §261.32, Part 261 Appendices III, VII as adopted 8/29/88.
22 .....	Listing of Four Spent Solvents	51 FR 6537	2/25/86 .....	7 Del. C. §§6305(a)(1); DRGHW §§261.31, 261.33(f), Part 261 Appendices III, VII, VIII as adopted 8/29/88.
23 .....	Generators of 100 to 1000 kg Hazardous Waste.	51 FR 10146	3/24/86 .....	7 Del. C. §§6305(a), 6306; DRGHW §§260.10, 261.1(a)(1), 261.5, 261.33(f), 262.34(a), (d), (e), (f), 262.44, 122.1(a)(2)(i), 122.10(e)(1)(iii) as adopted 8/29/88.
25 .....	Codification Rule; Technical Correction (Paint Filter Test).	51 FR 19176	5/28/86 .....	7 Del. C. §§6305(a) and 6306(d); DRGHW §§265.314(d) as adopted 8/29/88.
28H .....	Standards for Hazardous Waste Storage and Treatment Tanks Systems (HSWA provisions).	51 FR 25422, 51 FR 29430	7/14/86, 8/15/86 .....	See Delaware's authorities listed under 51 FR 25422 (7/14/86) and 51 FR 29430 (8/15/86) in Non-HSWA Cluster V.
30 .....	Biennial Report; Correction .....	51 FR 28556	8/8/86 .....	7 Del. C. §§6304, 6305(a), 6305(a)(6), 6305(a)(10), 6305(a)(13), 6306; DRGHW §§264.75(h)–(j), 265.75(h)–(j) as adopted 8/29/88.
31 .....	Exports of Hazardous Waste	51 FR 28664	8/8/86 .....	7 Del. C. §§6305(a)(2), (a)(4), (a)(8), (a)(13), 6306; DRGHW §§261.5(f)(3), (g)(3), 261.6(a)(3)(i), 262.41(a), (a)(3)–(5), (b), 262.50, 262.51, 262.52, 262.53, 262.54, 262.55, 262.56, 262.57, 262.58, 262.60, 262.70, Part 262 Appendix II, 263.20(a), (c), (e)(2), (f)(2), (g)(3), (g)(4) as adopted 8/29/88.
32 .....	Standards for Generators; Waste Minimization Certifications.	51 FR 35190	10/1/86 .....	7 Del. C. §§6305(a), (a)(6), (a)(10), (a)(13), and 6306; DRGHW Part 262 Appendix II as adopted 8/29/88.

Checklist	Federal requirement	FR reference	FR date	Delaware authority
33 .....	Listing of EBDC .....	51 FR 37725	10/24/86 .....	7 Del. C. § 6305(a)(1); DRGHW §§ 261.32, Part 261 Appendices III, VII as adopted 8/29/88.
<b>HSWA Cluster II</b>				
47 .....	Identification and Listing of Hazardous Waste; Technical Correction.	53 FR 27162	7/19/88 .....	7 Del. C. §§ 6305(a), 6306; DRGHW §§ 261.5(e), (f)(2) as adopted 8/10/90.
48 .....	Farmer Exemptions; Technical Corrections.	53 FR 27164	7/19/88 .....	7 Del. C. §§ 6305(a)(2), (a)(4), (a)(8), (a)(13), and 6306; DRGHW §§ 262.10(b), 262.10(d), 264.1(f)(4), 265.1(c)(7), 268.1(c)(5), 122.1(c)(2)(ii) as adopted 8/10/90.
52H .....	Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems (HSWA Provisions).	53 FR 34079	9/2/88 .....	See Delaware's authorities listed under 53 FR 34079 (9/2/88) in Non-HSWA Cluster V).
74 .....	Toxicity Characteristic Revisions.	55 FR 11798, 55 FR 26986	3/29/90, 6/29/90 .....	7 Del. C. §§ 6305(a), 6306, 6307; DRGHW §§ 261.4(b)(6)(i), (b)(9), (b)(10), 261.8, 261.24, 261.30(b), Part 261 Appendix II, 264.301(e)(1), 265.221(d)(1), 265.273(a), Part 268 Appendix I as adopted 6/19/92.
<b>RCRA Cluster I</b>				
81 .....	Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038).	55 FR 46354, 55 FR 51707	11/2/90, 12/17/90 ...	7 Del. C. §§ 6305(a); DRGHW §§ 261.31(a), (b), Part 261 Appendix VII as adopted 11/19/93.
84 .....	Toxicity Characteristic; Chlorofluorocarbon Refrigerants.	56 FR 5910	2/13/91 .....	7 Del. C. §§ 6305(a); DRGHW §§ 261.4(b)(12) as adopted 7/26/94.
89 .....	Revision to F037 and F038 Listings.	56 FR 21955	5/13/91 .....	7 Del. C. §§ 6305(a); DRGHW §§ 261.31(a) as adopted 7/26/94.

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Delaware is not seeking authority over Indian Lands since there are no Federally recognized Indian Lands in the State at this time.

#### C. Decision

I conclude that Delaware's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Delaware is granted final authorization to operate its hazardous waste program as revised.

Delaware now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the

limitations of the HSWA. Delaware 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 Delaware's program and for incorporation by reference of those provisions of Delaware's statutes and regulations that EPA will enforce under Sections 3008, 3013 and 7003 of RCRA. EPA is reserving amendment of 40 CFR Part 272, Subpart I, until a later date.

#### *Compliance With Executive Order 12866*

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

#### *Certification Under the Unfunded Mandates Reform Act*

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104-4, establishes requirements for Federal

agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small

governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector. The Act excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program, except in certain cases where a "federal intergovernmental mandate" affects an annual federal entitlement program of \$500 million or more that are not applicable here. Delaware's request for approval of revisions to its authorized hazardous waste program is voluntary and imposes no Federal mandate within the meaning of the Act. Rather, by having these revisions to its hazardous waste program approved, Delaware will gain the authority to implement these federally authorized revisions to its hazardous waste program within its jurisdiction, in lieu of EPA thereby eliminating duplicative State and Federal requirements. If a State chooses not to seek authorization for administration of a hazardous waste program under RCRA Subtitle C, RCRA regulation is left to EPA.

In any event, EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of \$100 million or more for State, local, and tribal governments in the aggregate, or the private sector in any one year. EPA does not anticipate that the approval of Delaware's revisions to its hazardous waste program referenced in today's notice will result in annual costs of \$100 million or more. EPA's approval of state programs, and revisions thereto, generally may reduce, not increase, compliance costs for the private sector since the State, by virtue of the approval, may now administer the program in lieu of EPA and exercise primary enforcement for those regulations for which they have been authorized. Hence, owners and operators of treatment, storage, or disposal facilities (TSDFs) will continue to generally no longer face dual Federal and State compliance requirements, thereby reducing overall compliance costs. Thus, today's rule is not subject

to the requirements of sections 202 and 205 of the UMRA.

EPA has determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that small governments may own and/or operate TSDFs or that will become subject to the requirements of an approved State hazardous waste program. However, such small governments which own and/or operate TSDFs are already subject to the requirements in 40 CFR parts 264, 265, and 270 and are not subject to any additional significant or unique requirements by virtue of this program approval. Once EPA authorizes a State to administer its own hazardous waste program and any revisions to that program, these same small governments will be able to own and operate their TSDFs under the approved State program, in lieu of the Federal program.

#### *Certification Under the Regulatory Flexibility Act*

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. EPA recognizes that small entities may own and/or operate TSDFs that will become subject to the requirements of an approved state hazardous waste program. However, since such small entities which own and/or operate TSDFs are already subject to the requirements in 40 CFR Parts 264, 265 and 270, this authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would result in an administrative change (i.e., whether EPA or the state administers the RCRA Subtitle C program in that state), rather than result in a change in the substantive requirements imposed on small entities. Once EPA authorizes a state to administer its own hazardous waste program and any revisions to that program, these same small entities will be able to own and operate their TSDFs under the approved state program, in lieu of the federal program. Moreover, this authorization, in approving a state program to operate in lieu of the federal program, eliminates duplicative requirements for owners and operators of TSDFs in that particular state.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 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 approves the Delaware program to operate in lieu of the federal 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.

#### *Submission to Congress and the General Accounting Office*

Under section 801(a)(1)(A) of the Administrative Procedures Act (APA) as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's Federal Register. This rule is not a "major rule" as defined by section 804(2) of the APA as amended.

#### *List of Subjects in 40 CFR Part 272*

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste 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: July 26, 1996.  
W. Michael McCabe,  
*Regional Administrator.*  
[FR Doc. 96-20248 Filed 8-7-96; 8:45 am]  
BILLING CODE 6560-50-P

## **GENERAL SERVICES ADMINISTRATION**

### **41 CFR Parts 101-43 and 101-46**

[FPMR Temp. Reg. H-28]

RIN 3090-AG01

### **Relocation of FIRMR Provisions Relating To GSA's Role in the Disposal of Excess and Exchange/Sale Information Technology (IT) Equipment**

**AGENCY:** Office of Policy Planning and Evaluation, GSA.

**ACTION:** Temporary regulation.

**SUMMARY:** This regulation redesignates certain provisions of the Federal Information Resources Management Regulation (FIRMR) to the Federal Property Management Regulation