

uninterrupted performance of not less than 3 months of operation.

(e) Qualification and approval may be based upon conditions agreed to by the Postal Service and the applicant. The applicant is approved in writing to engage in the function(s) for which authorization was sought and approved.

■ 3. Revise § 501.3 to read as follows:

**§ 501.3 Changes in ownership or control, bankruptcy, or insolvency.**

(a) Any person or entity authorized under § 501.1 must promptly notify the Postal Service when it has a reasonable expectation that there may be a change in its ownership or control including changes in the ownership of an affiliate which exercises control over its postage evidencing system operations in the United States. A change of ownership or control within the meaning of this section includes entry into a strategic alliance or other agreement whereby the third party has access to data related to the security of the system or the third party is a competitor to the Postal Service. Any person or entity seeking to acquire ownership or control of a person or entity authorized under § 501.1 must provide the Postal Service satisfactory evidence that it satisfies the conditions for approval stated in § 501.1. Early notification of a proposed change in ownership or control will facilitate expeditious review of an application to acquire ownership or control under this section.

(b) Any person or entity authorized under § 501.1 must promptly notify the Postal Service when it has a reasonable expectation that there may be a change in the status of its financial condition either through bankruptcy, insolvency, assignment for the benefit of creditors, or other similar financial action. Any person or entity authorized under § 501.1 who experiences a change in the status of its financial condition may, at the discretion of the Postal Service, have its authorization under § 501.1 modified or terminated.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 04-22234 Filed 10-6-04; 8:45 am]

**BILLING CODE 7710-12-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 271**

[FRL-7825-5]

**Delaware: Final Authorization of State Hazardous Waste Management Program Revisions**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Immediate final rule.

**SUMMARY:** Delaware has applied to EPA for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these revisions satisfy all requirements needed to qualify for final authorization and is authorizing Delaware's revisions through this immediate final action. EPA is publishing this rule to authorize the revisions without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we receive written comments that oppose this authorization during the comment period, the decision to authorize Delaware's revisions to its hazardous waste program will take effect. If we receive comments that oppose this action, or portions thereof, we will publish a document in the **Federal Register** withdrawing the relevant portions of this rule, before they take effect, and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize revisions to Delaware's program that were the subject of adverse comments.

**DATES:** This final authorization will become effective on December 6, 2004, unless EPA receives adverse written comments by November 8, 2004. If EPA receives any such comment, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization, or portions thereof, will not take effect as scheduled.

**ADDRESSES:** Submit your comments, identified by FRL-7825-5 by one of the following methods:

1. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

2. E-mail: [ellerbe.lillie@epamail.epa.gov](mailto:ellerbe.lillie@epamail.epa.gov)

3. Mail: Lillie Ellerbe, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029.

4. Hand Delivery: At the previously-listed EPA Region III address. Such

deliveries are only accepted during normal hours of operation, and special arrangements should be made for deliveries of boxed information.

You may inspect and copy Delaware's application from 8 a.m. to 4:30 p.m., Monday through Friday at the following addresses: Delaware Department of Natural Resources & Environmental Control, Division of Air & Waste Management, Solid and Hazardous Waste Management Branch, 89 Kings Highway, Dover, DE 19901, Phone number (302) 739-3689, Attn: Karen J'Anthony, and EPA Region III, Library, 2nd Floor, 1650 Arch Street, Philadelphia, PA 19103-2029, Phone number: (215) 814-5254.

**Instructions:** Direct your comments to FRL-7825-5. EPA's policy is that all comments received will be included in the public file without change, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The Federal <http://www.regulations.gov> Web site is an "anonymous access" system which means that EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public file and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters and any form of encryption, and be free of any defects or viruses.

**FOR FURTHER INFORMATION CONTACT:** Lillie Ellerbe, Mailcode 3WC21, RCRA State Programs Branch, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103-2029, Phone number: (215) 814-5454.

**SUPPLEMENTARY INFORMATION:**

**A. Why Are Revisions to State Programs Necessary?**

States that have received final authorization from EPA under RCRA

section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program revisions to become more stringent or broader in scope, States must revise their programs and apply to EPA to authorize the revisions. Authorization of revisions to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other revisions occur. Most commonly, States must revise their programs because of revisions to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

#### B. What Decisions Have We Made in This Rule?

EPA concludes that Delaware's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Delaware final authorization to operate its hazardous waste program with the revisions described in its application for program revisions, subject to the procedures described in section E, below. Delaware has responsibility for permitting treatment, storage, and disposal facilities (TSDFs) within its borders and for carrying out the aspects of the RCRA program described in its application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those HSWA requirements and prohibitions for which Delaware has not been authorized, including issuing HSWA permits, until the State is granted authorization to do so.

#### C. What Is the Effect of Today's Authorization Decision?

This decision serves to authorize revisions to Delaware's authorized hazardous waste program. This action does not impose additional requirements on the regulated community because the regulations for which Delaware is being authorized by

today's action are already effective and are not changed by today's action. Delaware has enforcement responsibilities under its state hazardous waste program for violations of its program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Perform inspections, and require monitoring, tests, analyses or reports;
- Enforce RCRA requirements and suspend or revoke permits; and
- Take enforcement actions regardless of whether Delaware has taken its own actions.

#### D. Why Wasn't There a Proposed Rule Before Today's Rule?

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize Delaware's program revisions. If EPA receives comments that oppose this authorization, or portions thereof, that document will serve as a proposal to authorize the revisions to Delaware's program that were the subject of adverse comment.

#### E. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, or portions thereof, we will withdraw this rule, or portions thereof, by publishing a document in the **Federal Register** before the rule would become effective. EPA will base any further decision on the authorization of Delaware's program revisions on the proposal mentioned in the previous section. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

If we receive comments that oppose the authorization of a particular revision to the State's hazardous waste program, we will withdraw that part of this rule, but the authorization of the program revisions that the comments do not oppose will become effective on the

date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

#### F. What Has Delaware Previously Been Authorized for?

Initially, Delaware received final authorization to implement its hazardous waste management program effective June 22, 1984 (53 FR 23837). EPA granted authorization for revisions to Delaware's regulatory program effective October 7, 1996 (61 FR 41345); October 19, 1998 (63 FR 44152); September 11, 2000 (65 FR 42871); August 8, 2002 (67 FR 51478), and May 3, 2004 (69 FR 10171).

#### G. What Revisions Are We Authorizing With Today's Action?

On August 23, 2004, Delaware submitted a program revision application, seeking authorization of additional revisions to its program in accordance with 40 CFR 271.21. Delaware's revision application includes various regulations that are equivalent to, and no less stringent than, revisions to the Federal hazardous waste program, as published in the **Federal Register** through April 26, 2004. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that Delaware's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Therefore, EPA grants Delaware's final authorization for the following program revisions:

##### 1. Program Revision Changes for Federal Rules

Delaware seeks authority to administer the Federal requirements that are listed in Table 1. This Table lists the State analogs that are being recognized as no less stringent than the analogous Federal requirements. Unless otherwise stated, the State's statutory references are to the Delaware Regulations Governing Hazardous Waste (DRGHW), amended and effective July 1, 2002, July 11, 2002, March 21, 2004 and August 21, 2004. The statutory references are to 7 Delaware Code Annotated (1991).

TABLE 1

Description of federal requirement (revision checklists <sup>1</sup> )	Analogous Delaware authority
RCRA Cluster XI <sup>2</sup> , Non-HSWA: Mixed Waste Rule, 66 FR 27218–27266, 5/16/01, Checklist 191 ...	7 Delaware Code (7 Del. Code) Chapter 63, §§6304, 6305, 6306, 6307; Delaware Regulations Governing Hazardous Waste (DRGHW) New Subpart N to Part 266 (§§266.210 through 266.360)

TABLE 1—Continued

Description of federal requirement (revision checklists <sup>1</sup> )	Analogous Delaware authority
RCRA Cluster XI, HSWA /Non-HSWA: Mixture and Derived-From Rules Revisions, 66 <i>FR</i> 27266–27297, 5/16/01, Checklist 192A.	7 Del. Code, §§ 6304, 6305; DRGHW 261.3(a)(2)(iii), 261.3(a)(2)(iv), 261.3(c)(2)(i), 261.3(g)(1)–(3), 261.3(h)
RCRA Cluster XI, HSWA: Land Disposal Restrictions Correction, 66 <i>FR</i> 27266–27297, 5/16/01, Checklist 192B.	7 Del. Code, §§ 6304, 6305; DRGHW Appendix VII to Part 268, Table 1
RCRA Cluster XII, HSWA/Non-HSWA: Mixture and Derived-From Rules Revision II, 66 <i>FR</i> 50332–50334, 10/03/01, Checklist 194.	7 Del. Code, §§ 6304, 6305; DRGHW 261.3(a)(2)(iv)
RCRA Cluster XII, HSWA: CAMU Amendments, 67 <i>FR</i> 2962–3029, 01/22/02, Checklist 196 ..	7 Del. Code, §§ 6304, 6305, 6306, 6307; DRGHW 260.10, 264.550, 264.551, 264.552, 264.554(a)(1)–(2), 264.555
RCRA Cluster XII, Non-HSWA: Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Wastes and TCLP Use with MGP Waste, 67 <i>FR</i> 11251–11254, 03/13/02, Checklist 199.	7 Del. Code, §§ 6304, 6305, 6306; DRGHW 261.2(c)(3), 261.4(a)(17)
RCRA Cluster XIII, HSWA/Non-HSWA: Zinc Fertilizer Rule, 67 <i>FR</i> 48393–48415, 07/24/02, Checklist 200	7 Del. Code, §§ 6304, 6305, 6306, 6307; DRGHW 266.20, 268.40 More stringent provisions: 261.4(a)(20)–(21), 266.20(d)
RCRA Cluster XIII, HSWA: Treatment Variance for Radioactively Contaminated Batteries, 67 <i>FR</i> 62618–62625, 10/07/02, Checklist 201.	7 Del. Code, §§ 6304, 6305, 6306, 6307; DRGHW 268.40/Table

<sup>1</sup> A Revision Checklist is a document that addresses the specific revisions made to the Federal regulations by one or more related final rules published in the FEDERAL REGISTER. EPA develops these checklists as tools to assist States in developing their authorization applications and in documenting specific State analogs to the Federal Regulations. For more information see EPA's RCRA State Authorization web page at <http://www.epa.gov/epaoswer/hazwaste/state>.

<sup>2</sup> A RCRA "Cluster" is a set of Revision Checklists for Federal rules, typically promulgated over a 12-month period starting on July 1 and ending on June 30 of the following year.

## 2. State-Initiated Revisions

In addition, Delaware will be authorized to carry out, in lieu of the Federal program, State-initiated revisions to provisions of the State's Program. These State-initiated revisions to some of Delaware's existing regulations are for the purpose of correcting errors and adding consistency or clarification to the existing regulations. The following State-initiated revisions are equivalent and analogous to the numerically-identical RCRA provisions found at Title 40 of the Code of Federal Regulations: DRGHW 260.10; 261.1(c)(8); 261.32; Part 261, Appendix VIII; 264.145(a)(1); 264.1050(h); and 265.1050(g). One other State-initiated revision being authorized by this notice is DRGHW 122.20 title and paragraph (a)(1), which is equivalent and analogous to 40 CFR 270.20 title and paragraph (a)(1).

## H. Where Are the Revised Delaware Rules Different From the Federal Rules?

### 1. Delaware Requirements That Are Broader in Scope Than the Federal Program

The Delaware hazardous waste program contains certain provisions that are beyond the scope of the Federal program. These broader in scope provisions are not part of the program being authorized by today's action. EPA cannot enforce requirements that are broader in scope, although compliance

with such provisions is required by Delaware law. Examples of broader in scope provisions of Delaware's program include, but are not limited to, the following:

(a) Delaware's regulation at DRGHW 263.102(c) amends requirements for permit termination, etc.

(b) Delaware's regulation at DRGHW 263.103(d) increases the time an application to replace an expiring permit must be submitted from 60 days to 90 days.

(c) Delaware's regulation at DRGHW 265.55 adds language clarifying that the emergency coordinator must receive annual training in assessing possible hazards to human health and the environment that may result from a release, fire or explosion.

### 2. Delaware Requirements That Are More Stringent Than the Federal Program

The Delaware hazardous waste program contains some provisions that are more stringent than is required by the RCRA program. The more stringent provisions are being recognized as a part of the Federally-authorized program and include the following:

(a) Delaware's regulations at DRGHW 265.195(c) and 265.201(c) are more stringent because the State adds a requirement for written inspection records for tanks.

(b) Delaware's regulation at DRGHW 273.19 is more stringent because the

State adds a requirement for written records for shipments of universal waste.

## I. Who Handles Permits After This Authorization Takes Effect?

After authorization, Delaware will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits that we issued prior to the effective date of this authorization until the timing and process for effective transfer to the State are mutually agreed upon. Until such time as formal transfer of EPA permit responsibility to the State occurs and EPA terminates its permit, EPA and the State agree to coordinate the administration of permits in order to maintain consistency. We will not issue any more new permits or new portions of permits for the provisions listed in section G above after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which Delaware is not yet authorized.

## J. How Does Today's Action Affect Indian Country (18 U.S.C. 115) in Delaware?

Delaware is not seeking authorization to operate the program on Indian lands, since there are no Federally-recognized Indian lands in Delaware.

### K. What Is Codification and Is EPA Codifying Delaware's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart I, for this authorization of Delaware's program revisions until a later date.

### L. Statutory and Executive Order Reviews

This rule only authorizes hazardous waste requirements pursuant to RCRA section 3006 and imposes no requirements other than those imposed by State law (see Supplementary Information: section A. Why are Revisions to State Programs Necessary?). Therefore, this rule complies with applicable executive orders and statutory provisions as follows. 1. Executive Order 12866: Regulatory Planning Review—The Office of Management and Budget has exempted this rule from its review under Executive Order 12866. 2. Paperwork Reduction Act—This rule does not impose an information collection burden under the Paperwork Reduction Act. 3. Regulatory Flexibility Act—After considering the economic impacts of today's rule on small entities under the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities. 4. Unfunded Mandates Reform Act—Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act. 5. Executive Order 13132: Federalism—Executive Order 13132 does not apply to this rule because it will not have federalism implications (*i.e.*, substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government). 6. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments—Executive Order 13175 does not apply to this rule because it will not have tribal implications (*i.e.*, substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and

Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes). 7. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks—This rule is not subject to Executive Order 13045 because it is not economically significant and it is not based on health or safety risks. 8. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use—This rule is not subject to Executive Order 13211 because it is not a significant regulatory action as defined in Executive Order 12866. 9. National Technology Transfer and Advancement Act—EPA approves State programs as long as they meet criteria required by RCRA, so it would be inconsistent with applicable law for EPA, in its review of a State program, to require the use of any particular voluntary consensus standard in place of another standard that meets the requirements of RCRA. Thus, section 12(d) of the National Technology Transfer and Advancement Act does not apply to this rule. 10. Congressional Review Act—EPA will submit a report containing this rule and other information required by the Congressional Review Act (5 U.S.C. 801 *et seq.*) to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This action will be effective on December 6, 2004.

### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action 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 17, 2004.

**Thomas C. Voltaggio,**

*Acting Regional Administrator, EPA Region III.*

[FR Doc. 04-22592 Filed 10-6-04; 8:45 am]

**BILLING CODE 6560-50-P**

## CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

### 45 CFR Parts 2551, 2552, and 2553

#### Senior Corps

**AGENCY:** Corporation for National and Community Service.

**ACTION:** Final rule; correction.

**SUMMARY:** The Corporation for National and Community Service (hereinafter the "Corporation"), hereby amends its regulations for three programs (Senior Companions, Foster Grandparents and RSVP). These amendments make technical corrections to the final rules issued on April 14, 2004, for the Foster Grandparent Program, and on April 19, 2004, for the Retired and Senior Volunteer Program. They also clarify the eligibility of and requirements for faith-based organizations to serve as Senior Corps sponsors and volunteer stations under all three programs.

**DATES:** Effective on October 7, 2004.

**FOR FURTHER INFORMATION CONTACT:** Mr. Peter Boynton at (202) 606-5000, ext. 499 or by e-mail: [pboynton@cns.gov](mailto:pboynton@cns.gov).

### List of Subjects in 45 CFR Parts 2551, 2552, and 2553

Aged, Grant programs-social programs, Volunteers.

■ For the reasons set forth in the preamble, the Corporation for National and Community Service amends 45 CFR parts 2551, 2552, and 2553 as follows:

### PART 2551—SENIOR COMPANION PROGRAM

■ 1. The authority citation for part 2551 continues to read as follows:

**Authority:** 42 U.S.C. 4950 *et seq.*

■ 2. In § 2551.12, revise paragraphs (r) and (w) to read as follows:

#### § 2551.12 Definitions.

\* \* \* \* \*

(r) Sponsor. A public agency or private non-profit organization, either secular or faith-based, that is responsible for the operation of a Senior Companion project.

\* \* \* \* \*

(w) Volunteer station. A public agency, secular or faith-based private non-profit organization, or proprietary health care organization that accepts the responsibility for assignment and supervision of Senior Companions in health, education, social service or related settings such as multi-purpose centers, home health care agencies, or similar establishments. Each volunteer station must be licensed or otherwise