3. When an onbase credit union can support only minimum staffing, one of the other positions required in A.1., above, may be subsumed under the counselor duties.

4. Remote service locations at the same installation may be staffed with one person alone, provided that a direct courier or message service links them to the credit union's onbase main office.

5. All staffing shall fully comply with the spirit and intent of DoD equal employment opportunity policies and programs, in accordance with DoD Directive 1100.15.

6. Neither active duty military personnel nor DoD civilian employees may be detailed to duty or employment with an onbase credit union. However, off-duty DoD personnel may be employed by a credit union if approved by the installation commander following a determination that such employment will not interfere with the full performance of the individual's official duties.

B. Counseling

Members of Defense credit unions shall have access to free counseling service. Members (particularly youthful or inexperienced personnel and young married families) shall receive help in budgeting and solving financial problems. Military members in junior enlisted grades who apply for loans shall receive special attention.

C. Lending

1. In accordance with accepted credit union practice, lending policies are expected to be as liberal as possible while remaining consistent with the best interests of the overall credit union membership. Credit unions must strive to provide the best possible service to all members.

2. Defense credit unions evidencing a policy of discrimination in their loan services are in violation of this Instruction. In resolving complaints of discrimination, the installation commander shall follow procedures specified in § 231a.5(g)(1).

3. Defense credit unions shall conform to the Standards of Fairness principles set forth in DoD Directive 1344.9 before executing loan or credit agreements. Should an onbase credit union branch refer a prospective borrower to an offbase office of the same credit union, it shall advise the latter office that the Department of Defense requires compliance with the Standards of Fairness.

D. Hours of Operation

Onbase credit unions may conduct operations during normal duty hours provided they do not disrupt the performance of official duties. Credit unions should set operating hours that meet the needs of all concerned. ATMs may be used to provide expanded service and operating hours.

E. Share Insurance

Credit unions serving on DoD installations must maintain adequate share insurance. Any share insurance that is at least equal to that required by the NCUA for Federal credit unions may be obtained through the NCUA, a State-sponsored insurance program, or a private insurance plan to satisfy this requirement. A credit union not maintaining share insurance shall be suspended from onbase operations.

F. Allotments of Pay

DoD personnel may use their allotment of pay privileges as authorized by DoD Directives 7330.1 and 1418.4 to establish sound credit and savings practices through Defense credit unions.

1. The credit union shall credit member accounts not later than the value date of allotment check or electronic funds transfer.

2. Under no circumstances shall the initiation of an allotment of pay become a prerequisite for loan approval or disbursement to the credit union member. Allotments voluntarily consigned to a credit union shall continue at the option of the member.

G. Advertising

1. Advertising of onbase credit union services shall be in accordance with policies set forth in DoD Directive 1344.7.

2. Advertising in official Armed Forces newspapers and periodicals (DoD Instruction 5120.4 and DoD Directive 5120.43) is prohibited, with the exception of inserts in the *Stars and Stripes* overseas.

3. DoD Instruction 5120.20 precludes use of the Armed Forces Radio and Television Service to promote a specific credit union.

4. Onbase credit unions may use the unofficial section of the installation daily bulletins, provided space is available, to inform DoD personnel of financial services and announce membership meetings, seminars, consumer information programs, and other matters of broad general interest. Announcement of free financial counseling services are encouraged. Such media may not be used for competitive or comparative advertising of, for example, specific interest rates on savings or loans.

5. Defense credit unions may use onbase information bulletin boards for announcements of membership meetings and promotional materials generally complementing the installation's financial counseling and thrift promotion programs. Onbase credit unions may, with moderation, use installation message center services to distribute announcements for display on informational bulletin boards, provided this does not overburden the distribution system.

6. Installation, to include military exchange outlets or concessionaires, shall not permit the distribution of competitive literature from other credit unions at locations served by onbase credit unions. This does not preclude a credit union from using a direct mail approach to serve its field of membership or commercial advertising in another credit union's area.

H. Overseas Operations

1. An overseas credit union branch or facility shall be limited to onbase operations. It shall confine its field of membership to individuals or organizations eligible by law or regulation to receive services and benefits from the installation, not precluded from receiving these services by intergovernmental agreement or host-country law.

2. Credit unions serving overseas shall have a prescribed territorial franchise. However, any credit union may continue to serve its members stationed overseas by direct mail.

3. Any proposal for a new service must be coordinated with the appropriate Unified Commander and U.S. Chief of Diplomatic Mission or U.S. Embassy to ensure that it does not conflict with status of force agreements or host-country law.

4. Credit unions may purchase *foreign* currency from the servicing military banking facility (MBF) at the bulk rate when used for internal vendor of payroll payments. The rate of exchange for sales to individuals must be no more favorable than that available from the MBF, in accordance with DoD Directive 7360.11.

5. Overseas credit unions operating in military payment certificate areas shall comply with DoD Instruction 7360.5 and any DoD Component regulations implementing that Instruction.

6. In accordance with NCUA rules and regulations, no credit union loans may be made for the purpose of purchasing real property or purchasing or erecting any type of residence in any country outside the United States, its territories and possessions, or the Commonwealth of Puerto Rico.

7. The recommendations and direction of the NCUA through its rules, regulations, procedural forms, reports, and manuals directly apply to all Defense credit union branches and facilities operating overseas.

8. Funds shall be deposited and invested in accordance with the authority applicable to federal credit unions. Overseas Defense credit union branches and facilities shall deposit funds in accordance with instructions issued by the NCUA, giving full consideration to using the servicing MBFs.

9. Operation of overseas Defense credit union branches and facilities shall be reviewed by the NCUA during examination of the parent credit union or as the NCUA determines necessary.

I. Notification of Credit Unions

Each DoD Component shall ensure that every credit union with an office at its installations receives a copy of the document that implements this part and DoD Directive 1000.11.

Linda M. Lawson,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

February 20, 1986.

[FR Doc. 86-3993 Filed 2-24-86; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP5F3295/R811; FRL-2960-1]

Pesticide Tolerance for Diclofop-Methyl

Correction

In FR Doc. 86-1682 beginning on page 3598 in the issue of Wednesday, January 29, 1986, make the following correction:

On page 3598 in the eighth line of the **SUPPLEMENTARY INFORMATION** in the second column, "s" should read "as".

BILLING CODE 1505-01-M

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40 CFR Parts 261 and 271

[SWN-FRL-2973-4]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) today is amending its regulations under the Resource Conservation and Recovery Act (RCRA) by listing as hazardous four spent solvents and still bottoms from the recovery of these solvents. Wastes that result from the use of these individual solvents as well as wastes that result from the use of solvent mixtures containing 10 percent or more of any of the listed solvents (before use) will be hazardous wastes. Also, the Agency is amending the list of commercial chemical products which are hazardous wastes when discarded by adding one of these solvents, and amending the hazardous property of another of these solvents to include toxicity. Finally, two of these solvents are being added to the list of hazardous constituents in Appendix VIII of Part 261. The effect of this regulation is that all of these wastes will be subject to regulation as hazardous wastes under 40 CFR Parts 262–266, and Parts 270, 271, and 124.

DATES: *Effective Date:* This regulation becomes effective on August 25, 1986.

Compliance Dates. *Notification*—The Agency has decided not to require persons who generate, transport, treat, store, or dispose of these hazardous wastes to notify the Agency within 90 days of promulgation that they are managing these wastes. Three of the solvents listed in today's notice (benzene, 2-ethoxyethanol, and 2-nitropropane) exhibit the characteristic of ignitability. Furthermore, two of these solvents (benzene and 1,1,2-trichloroethane) previously have been included on the list of commercial chemical products which are hazardous wastes, if and when they are discarded, due to their toxicity. The Agency views the notification requirement to be unnecessary in this case, since we believe that most, it not all, persons who manage these wastes have already notified EPA and received an EPA identification number. In the event that any person who generates, transports, treats, stores, or disposes of these wastes has not previously notified and received an identification number, he must get an identification number pursuant to 40 CFR 262.12 before he can generate, transport, treat, store, or dispose of these wastes.

Interim Status—All existing hazardous waste management facilities (as defined in 40 CFR 270.2) which treat, store, or dispose of hazardous wastes covered by today's rule, and which quality to manage these wastes under interim status under section 3005(e) of RCRA, must file with EPA an amended Part A permit application by August 25, 1986, and meet the criteria in 40 CFR 270.72. Under the Hazardous and Solid Waste Amendments of 1984, a facility also is eligible for interim status if it was in existence on the effective date of any statutory or regulatory change under RCRA that requires it to obtain a section 3005 permit. See RCRA (amended) section 3005(e)(1)(A)(ii). Facilities which have qualified for interim status under section 3005(e)(1)(A)(ii) will not be allowed to manage the wastes covered by today's rule after August 25, 1986, unless they have an EPA identification number and they submit an amended Part A permit application with EPA by August 25, 1986.

If the facility has received a permit pursuant to section 3005, however, it will not be allowed to treat, store, or dispose of the wastes covered by today's rule until it submits an amended permit application pursuant to 40 CFR 124.5, and the permit has been modified pursuant to 40 CFR 270.41 to allow it to treat, store or dispose of these wastes.

ADDRESSES: The offical public docket for this rulemaking is located in Room S-212, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline at (800) 424-9346 or at (202) 382-3000. For technical information contact Mr. Robert Scarberry, Office of Solid Waste (WH-562B), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 382-4761.

SUPPLEMENTARY INFORMATION:

I. Background

On July 30, 1985, EPA proposed to amend the regulations for hazardous waste management under RCRA by adding spent 1,1,2-trichloroethane and the still bottoms from the recovery of this spent solvent to the generic F002 listing, and benzene, 2-ethoxyethanol, and 2-nitropropane, as well as still bottoms from the recovery of these spent solvents to the generic F005 listing (See 50 FR 30908–30914). The hazardous constituents in these wastes are the solvents themselves, which are known to cause either carcinogenic, teratogenic, adverse reproductive, or other chronic toxic effects in laboratory animals. Also, benzene has been determined to cause leukemia in humans.

These solvents typically are present at concentrations ranging from 1 to 20 percent in the still bottoms and from 50 to 95 percent in the spent solvents. They are moderately to highly mobile in air and water, expected to be persistent in ground water, and can reach environmental receptors in harmful concentrations if these wastes are mismanaged. In addition, these solvents tend to degrade liners and, thus, may leach from land disposal facilities into ground or surface water, or form solutions of other hazardous substances, thereby rendering those compounds more mobile in the environment. Furthermore, three of these solvents (benzene, 2-ethoxyethanol, and 2-nitropropane) are also ignitable in their pure form and it is expected that the corresponding spent solvent will also exhibit the characteristic of ignitability, as these wastes typically contain significant concentrations of the solvent. On the other hand, the still bottoms from the recovery of the subject solvents typically contain a much lower concentration of these toxic solvents, and in general, are not expected to be ignitable. (See preamble to proposal (50 CFR 30908–30914) and listing background document [1] for a more detailed explanation on the basis for listing these wastes.)

EPA has evaluated these wastes against the criteria for listing hazardous wastes provided in 40 CFR 261.11(a)(3), and has determined that these wastes are hazardous because they are capable of posing a substantial present or potential threat to human health and the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Also, it should be noted that the Hazardous and Solid Waste Amendments of 1984 require the Agency to determine whether or not to list wastes from a number of industrial sectors and operations, including the use of solvents (see section 3001(e)(2)). This regulation responds to Congress' request to consider listing additional solvents.

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[1] The listing background document is available in the public docket at the address cited above.

Today's listings cover the subject solvents when they are used for their solvent properties, that is, to solubilize (dissolve) or mobilize other constituents. For example, solvents used as a cleaning or degreasing agent, a medium for chemical reactions, an extraction agent, a diluent, and similar uses are covered under this listing when spent. These solvents are considered "spent" and are regulated under Subtitle C of RCRA when they no longer can be used because they have become contaminated with physical or chemical impurities and are no longer fit for use without being regenerated, reclaimed, or otherwise re-processed. This listing does not cover manufacturing process wastes that are contaminated with solvents when the solvents are used as reactants or ingredients in the formulation of commercial chemical products. Such wastes, if determined to be hazardous, would be listed individually.

These spent solvent listings apply to wastes that result from use of the subject solvents in the following situations:

- As pure or technical grade solvents;
- In mixtures or blends that contain, in total, 10 percent (or more) of one (or more) of the subject solvents (before use); and
- In mixtures or blends that contain, in total, 10 percent (or more) of one (or more) of the subject solvents and any of the solvents currently listed in F001, F002, or F005 (before use).

The Agency received no comments on our proposal to list spent benzene, 2-ethoxyethanol, and 1,1,2-trichloroethane; therefore, we are making the listing of these spent solvents final in today's notice. The Agency did receive several comments on the waste listing proposed for 2-nitropropane from the principal manufacturer of this solvent. These comments did not refute our decision to list this solvent; however, a number of minor changes were made in the supporting documentation. Consequently, this notice makes final the regulation as proposed on July 30, 1985, and outlines EPA's response to the comments received on that proposal.

II. Response to Comments

Comments were received on the proposed rule regarding the production rate, waste generation rate, and end uses of 2-nitropropane as well as its toxic effects, mobility, and persistence. This section summarizes these comments and presents the Agency's response.

A. Comments on Production Rate, Waste Generation Rate, and End Uses of 2-Nitropropane

The principal manufacturer of 2-nitropropane has commented that recent projected market demand indicates approximately 2270 kkg/year of 2-nitropropane were manufactured in 1985. This represents a decline of one-third in the production level estimated by the Agency. Also, the commenter stated that since the Agency calculates waste generation rates based on production levels, there would be a corresponding decrease in the amount of spent 2-nitropropane solvent generated. Furthermore, the commenter stated that they were unaware of any user who currently recovers 2-nitropropane from wastes; therefore, no still bottoms are generated. Finally, the commenter reported that the use of 2-nitropropane in inks has been discontinued, except in a few specialized applications, and that 2-nitropropane is no longer used in azeotropic distillation.

The Agency has revised the listing background document to reflect this recent information on production rate, waste generation rate, and end uses of 2-nitropropane.

In regard to the comment that no users of 2-nitropropane can be identified who generate still bottoms from 2-nitropropane recovery, the Agency cannot be certain that none of the hundreds of users of 2-nitropropane are not generating this waste stream or that they will not generate it in the future. Therefore, the Agency is making final the listing of still bottoms from 2-nitropropane recovery.

B. Comments on Effects of Concern

One commenter, noting that evidence of the carcinogenicity of 2-nitropropane was derived from animal studies involving inhalation exposure, argued that postulated exposure via drinking water should not be considered as a health effect of concern.

The Agency agrees that data obtained regarding toxic effects resulting from one exposure route (*e.g.*, via inhalation exposure) cannot automatically be assumed to result in equivalent toxicity when exposure occurs by a different route (*e.g.*, oral exposure). In the case of 2-nitropropane, however, there are sound reasons to expect that this substance, which has been demonstrated to be an inhalation carcinogen, may also be carcinogenic when ingested.

2-nitropropane is readily absorbed both from the lungs and from the gastrointestinal tract, and is metabolized, in part, in the liver (U.S. EPA, 1977). Also, it has been speculated that N-nitrosocompounds (many of which are potent carcinogens) may be formed as metabolic intermediates. Furthermore, inhalation exposure to 2-nitropropane caused liver (rather than respiratory tract) tumors in animals in several studies (NIOSH, 1978; Griffin *et al.*, 1978). Therefore, it is reasonable to expect that ingestion of 2-nitropropane may result in carcinogenicity of the liver in much the same way as inhalation exposure.

C. Comments on Mobility of 2-Nitropropane

The commenter agreed with EPA that the high mobility of 2-nitropropane can be construed to imply rapid migration to potential receptors; however, the commenter also stated that the high mobility of 2-nitropropane means that it would rapidly disperse to levels low enough to be of no concern to said receptors. Further, the commenter argued that due to its high mobility, 2-nitropropane would be rapidly reduced to concentrations at which it is known to be easily assimilated by microorganisms.

The Agency disagrees with the commenter's conclusion that high mobility (due to relatively high solubility) means rapid dispersion of 2-nitropropane in ground water. The Agency maintains that substances with high solubilities, once released to the environment due to improper management at a disposal site or due to a spill, are more likely to leach out of the wastes, potentially contaminating ground water. The major factors which affect the migration of leachate plumes in ground water are hydraulic and lithologic conditions and leachate density, not solubility. Moreover, one of the basic hydrologic principles regarding the migration of leachate plumes in ground water is that the plume does not become diluted with the entire body of ground water, but tends to remain as an intact body with only slight dispersion and diffusion along the edges. Therefore, we continue to believe that 2-nitropropane's high mobility is an important basis for listing this spent solvent.

D. Comments on Persistence of 2-Nitropropane

A manufacturer who operates a nitroparaffins plant stated that they discharge wastewater containing "some 2-nitropropane" to their biological wastewater treatment plant and that it is subsequently degraded to a concentration less than the detection limit (the detection limit and analytical

method used are not specified). Furthermore, citing an eight-day residence time for biological degradation of 2-nitropropane in their system, the commenter states, ". . . there can be little reason to doubt that this rapid assimilation can be duplicated in the nature (sic) environment . . ."

The Agency disagrees with this conclusion regarding the assimilation of 2-nitropropane in the environment for several reasons. First, the subject waste (*i.e.*, still bottoms and spent solvent) would release 2-nitropropane to the environment at a concentration many times greater than the concentration found in the wastewater and, at such concentrations, the substance could reasonably be expected to kill many, if not all, species of microorganisms that would be able to metabolize it at lower concentrations. Second, the residence time of a substance in a biological wastewater treatment system comprised of acclimated microorganisms is not an appropriate standard by which to estimate the rate at which unacclimated microorganisms would develop the ability to metabolize a substance. Third, were 2-nitropropane to enter the environment through ground water, the biodegradation of the compound in that medium would be very slow, since the concentration of microorganisms in ground water is many orders of magnitude less than that found in a biological treatment system. Also, the metabolic rates of microorganisms in ground water are significantly slower than those in other, more biologically active, media.

Finally, under the conditions known to prevail in ground water, hydrolysis would be the major mechanism of degradation. However, nitroparaffins do not readily undergo hydrolysis in the pH range associated with ground water. In fact, the routine manufacture of nitroparaffins such as 2-nitropropane involves steam distillation during purification and even contact with heated neutral water does not hydrolyze them significantly. Thus, the Agency predicts that 2-nitropropane will persist in ground water for years, allowing an ample period of time for migration to receptors.

III. Substances Added to 40 CFR 261.33(f)

On July 30, 1985, the Agency also proposed to add 2-ethoxyethanol to 40 CFR 261.33(f). There were no comments received on this proposed action; therefore, the Agency is making final the addition of 2-ethoxyethanol to § 261.33(f), the list of commercial chemical products or manufacturing chemical intermediates which are identified as hazardous wastes when discarded.

IV. Toxicants Added to 40 CFR Part 261, Appendix VIII

In addition, the Agency proposed to add 2-nitropropane and 2-ethoxyethanol to Appendix VIII. There were no comments received on this part of the proposal; therefore, the Agency is making final this action.

V. Test Methods for New Appendices VII and VIII Compounds

In the July 30, 1985 proposal, the Agency proposed Method Number 8030, which involves the use of a gas chromatograph with a flame ionization detector (GC/FID), and Method Number 8240, which involves the use of a gas chromatograph with mass spectrometric detection (GC/MS), for use in analyzing both 2-ethoxyethanol and 2-nitropropane. The proposed rule also stated that previously established test methods for benzene (Method Numbers 8020 and 8240) and 1,1,2-trichloroethane (Method Numbers 8010 and 8240) would be appropriate for the subject wastes. No comments were received on this part of the proposal; therefore, the Agency is making final this action.

The methods cited above are described in "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods", SW–846, 2nd ed., July 1982, as amended; copies are available from: Superintendent of Documents, Government Printing Office, Washington, DC 20402, (202) 783–3238, Document Number: 055–002–81001–2.

Persons wishing to submit delisting petitions are to use the methods listed in Appendix III to demonstrate the concentration of these toxicants in the waste.[2] See 40 CFR 260.22(d)(1) and 50 FR 28742. Among other things, petitioners should submit quality control data demonstrating that the methods they have used yield acceptable recovery (*i.e.*, >50% recovery at concentrations above 1μg/g) on spiked aliquots of their waste.

VI. CERCLA Impacts

All hazardous wastes designated by today's rule will, upon the effective date, automatically become hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). (See CERCLA section 101(14).) CERCLA requires that persons in charge of vessels or facilities from which hazardous substances have been released in quantities that are equal to or greater than the reportable quantities (RQs) immediately notify the National Response Center (at (800) 424–8802 or (202) 426–2675) of the release. (See CERCLA section 103 and 50 FR 13456–13522, April 4, 1985.)

RQs have already been promulgated for three of the four solvents addressed in today's rule: Benzene has an RQ of 1000 pounds, while 1,1,2-trichloroethane and 2-nitropropane have RQs of 1 pound (50 FR 13456–13522). (Since the methodology is currently being assessed for carcinogens, the RQ's for 2-nitropropane, benzene, and 1,1,2-trichloroethane and the RQs of the listed wastes are subject to change when the assessment is completed.) In the July 30, 1985 proposal, the Agency stated that statutory RQ's of 1 pound would be imposed pursuant to CERCLA section 102(b) for spent 2-ethoxyethanol and the still bottoms from its recovery as well as for the commercial chemical product 2-ethoxyethanol (which were proposed to be added to 40 CFR 261.33(f)). The Agency received no comments on these proposed RQs.

Although this rule is not changing Table 302.4 of 40 CFR 302.4, the RQs as stated here are effective upon the effective date of today's action, pursuant to the statutory requirements of CERCLA section 102(b). These listed wastes, as well as the commercial chemical product, 2-ethoxyethanol, and their RQs, will be added to Table 302.4 of § 302.4 at the time of its next publication in the **Federal Register**.

Finally, the Agency wishes to clarify that, except as noted below, all hazardous wastes newly designated under RCRA will have a statutorily imposed RQ of one pound until adjusted by regulation under CERCLA. See CERCLA section 102. If a newly listed hazardous waste stream has only one constituent of concern, the waste will have the same RQ as that of the constituent. (The RQ to be considered for this purpose would be the final RQ of the constituent, whether statutorily imposed or by regulation.) On the other hand, because the generic solvent listings now apply to mixtures of listed hazardous solvents (see 50 FR 53315, December 31, 1985), the wastes may contain more than one CERCLA hazardous substance. In these cases, the lowest RQ assigned to any one of the constituents present in the waste represents the RQ for the waste stream.

[2] Petitioners may use other test methods to analyze for these toxicants if they submit their quality control and quality assurance information along with their analytical data.

VII. State Authority

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program within the State. (See 40 CFR Part 271 for the standards and requirements for authorization.) Following authorization, EPA retains enforcement authority under sections 3008, 7003, and 3013 of RCRA, although authorized States have primary enforcement responsibility.

Prior to the Hazardous and Solid Waste Amendments of 1984 (HSWA) amending RCRA, a State with final authorization administered its hazardous waste program entirely in lieu of EPA administering the Federal program in that State. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities in the State which the State was authorized to permit. When new, more stringent Federal requirements were promulgated or enacted, the State was obligated to enact equivalent authority within specified time frames. New Federal requirements did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under newly enacted section 3006(g) of RCRA, 42 U.S.C. 6926(g), new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time that they take effect in nonauthorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of permits, until the State is granted authorization to do so. While States must still adopt HSWA-related provisions as State law to retain authorization, the HSWA applies in authorized States in the interim.

Today's rule is being added to Table 1 in § 271.1(j) which identifies the Federal program requirements that are promulgated pursuant to HSWA. The Agency believes that it is extremely important to clearly specify which regulations implement HSWA since these requirements are immediately effective in authorized States. States may apply for either interim or final authorization for the HSWA provisions identified in Table 1 as discussed in the following section of this preamble.

B. Effect on State Authorizations

Today's announcement promulgates regulations that are effective in all States since the requirements are imposed pursuant to section 222 of the Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. 6921(e)(2). Thus, EPA will implement the regulations in nonauthorized States, and in authorized States until they revise their programs to adopt these rules and the revision is approved by EPA.

A State may apply to receive either interim or final authorization under section 3006(g)(2) or 3006(b), respectively, on the basis of requirements that are substantially equivalent or equivalent to EPA's. The procedures and schedule for State revision under section 3006(b) are described in 40 CFR 271.21. The same procedures should be followed for section 3006(g)(2).

Applying § 271.21(e)(2), States that have final authorization must revise their programs within a year of promulgation of EPA's regulations if only regulatory changes are necessary, or within two years of promulgation if statutory changes are necessary. These deadlines can be extended in exceptional cases (40 CFR 271.21(e)(3)).

States with authorized RCRA programs may have requirements similar to those in today's rule. These State regulations have not been assessed against the Federal regulations being promulgated today to determine whether they meet the tests for authorization. Thus, a State is not authorized to implement these listings in lieu of EPA until the State program revision is approved. As a result, the regulations promulgated in today's rule apply in all States, including States with standards similar to those in today's rule. States with existing requirements may continue to administer and enforce their standards as a matter of State law. In implementing the Federal program, EPA will work with States under cooperative agreements to minimize duplication of efforts.

States that submit official applications for final authorization less than 12 months after promulgation of EPA's regulations may be approved without including standards equivalent to those promulgated. Once authorized, however, a State must revise its program to include standards substantially equivalent or equivalent to EPA's within the time period discussed above.

VIII. Regulatory Impact Analysis

Under Executive Order 12291, EPA must determine whether a regulation is "major" and, therefore, subject to the requirement of a Regulatory Impact Analysis. This rule is not a major rule because it is not expected to result in an effect on the economy of $100 million or more. The Agency's preliminary screening analysis of the potential impacts of today's rule indicates that the total impact will be less than $7.5 million.[3] This cost will be borne by approximately 1200 manufacturers of paint and coatings, inks, and organic chemicals. The analysis considered each of these industrial segments separately and found that today's rule will not result in either a significant increase in prices or a significant decrease in profits.

A worst-case scenario was used to provide a conservative cost estimate of the economic impact. The analysis included the costs associated with the following: Establishment of a manifest system, the maintenance of an on-site hazardous waste storage area, off-site incineration and transportation of the waste 250 miles to an incinerator, and initial costs of conducting chemical waste analysis and rewriting waste analysis plans.

The addition of the new hazardous constituents to Appendix VIII also will not result in any significant increased burden in groundwater monitoring or incineration monitoring requirements because the analytical techniques currently employed to test for the presence and concentration of other Appendix VIII hazardous constituents also would detect and quantify these additional compounds.

The cost of adding 2-ethoxyethanol to 40 CFR 261.33(f), the list of commercial chemical products which are hazardous wastes when discarded, also will be minimal because these commercial chemical products are rarely discarded, due to their inherent value. In addition, the Agency stated in the proposed rule that although some generators may be newly regulated, data from the RCRA notification data base indicate that many solvent generators also generate other RCRA hazardous wastes. Also, the Agency stated that it believes that many of the generators of the spent solvents in today's notice already manage these wastes in compliance with RCRA as three of the four solvents listed today's exhibit the characteristic of ignitability. Furthermore, the Agency stated that this rule will minimize the competitive advantage experienced by those facilities that presently are not managing these solvent wastes as hazardous. The Agency did not receive any comments regarding these statements or on the preliminary screening analysis of the impact associated with today's rule.

[3] A copy of the regulatory impact analysis is available in the public docket at the address cited above.

Finally, the Agency does not expect that there will be an adverse impact on the ability of the U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. This rule is not a major regulation; therefore, no regulatory Impact Analysis has been conducted.

IX. Regulatory Flexibility Act

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

Although some generators will be newly regulated and some will experience an increased regulatory burden, this amendment is not expected to have a significant economic impact on a substantial number of small entities. The Agency received no comments that small entities will dispose of these wastes in significant quantities. The largest costs are more likely to be borne by generators with large quantities of difficult-to-manage wastes (*i.e.*, wastes not suitable for land disposal or recycling). Accordingly, I hereby certify that this regulation would not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

X. Paperwork Reduction Act

This rule does not contain any information collection requirements subject to OMB review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects

40 CFR Part 261

Hazardous waste, Recycling.

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.

Dated February 12, 1985.

Lee M. Thomas,

Administrator.

References

Griffin, *et al.* 1978. Chronic inhalation toxicity of 2-nitropropane in rats. *Pharmacologist* 20(3): 145.

NIOSH. 1978. NIOSH Current Intelligence Bulletin 17. National Institute for Occupational Safety and Health, U.S. Dept. of Health and Human Services. Rockville, MD.

U.S. EPA. 1977. Chemical hazard information profile: 2-nitropropane. Washington, DC.

For the reasons set out in the preamble, Title 40 of the Code of Federal Regulations is to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6922).

2. In § 261.31, revise the following waste streams as shown in the subgroup 'Generic':

§ 261.31 [Amended]

* * * * *

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
Generic:		
*	* * * *	
F002	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1, 1, 1-trichloroethane, chlorobenzene, 1, 1, 2-trichloro-1, 2, 2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane, and 1, 1, 2-trichloroethane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above halogenated solvents or those listed in F001, F004, or F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(T)
*	* * * *	
F005	The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol, and 2-nitropropane; all spent solvent mixtures/blends containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.	(I,T)
Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
*	* * * *	

§ 261.33 [Amended]

3. In § 261.33(f), add the following compounds in alphabetical order:

* * * * *

Hazardous waste No.	Substance
*	* * * *
U359	2-Ethoxyethanol.
U359	Ethylene glycol monoethyl ether.
*	* * * *

4. In § 261.33(f) change both entries for Hazardous Waste No. U171 from "2-Nitropropane (I)" and "Propane, 2-nitro-(I)" to: "2-Nitropropane (I,T)" and "Propane, 2-nitro- (I,T)", respectively.

5. Add the following hazardous constituents in alphabetical order to Table 1 of Appendix III of Part 261:

Appendix III—[Amended]

* * * * *

Compound	Method Nos.
*	* * * *
2-Ethoxyethanol	8030, 8240
2-Nitropropane	8030, 8240
*	* * * *

6. Revise the following entries in Appendix VII of Part 261 to read as follows:

Appendix VII—[Amended]

* * * * *

EPA hazardous waste No.	Hazardous constituents for which listed
*	* * * *
F002	Tetrachloroethylene, methylene chloride, trichloroethylene, 1, 1, 1-trichloroethane, 1, 1, 2-trichloroethane, chlorobenzene, 1, 1, 2-trichloro-1, 2, 2-trichfluoroethane, ortho-dichlorobenzene, trichlorofluoromethane.
F005	Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane.
*	* * * *

7. Add the following hazardous constituents in alphabetical order to Appendix VIII of Part 261:

Appendix VIII—Hazardous Constituents

* * * * *

Ethylene glycol monoethyl ether (Ethanol, 2-ethoxy)

* * * * *

2-Nitropropane (Propane, 2-nitro)

* * * * *

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

8. The authority citation for Part 271 continues to read as follows:

Authority: Sec. 1006, 2002(a), and 3006 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6926).

§ 271.1 [Amended]

9. Section 271.1(j) is amended by adding the following entry to Table 1 in chronological order by date of publication:

Table 1—Regulations Implementing the Hazardous and Solid Waste Amendments of 1984

Date	Title or regulation
* * * * *	
February 25, 1986	Listing of four spent solvents and the still bottoms from their recovery.
* * * * *	

[FR Doc. 86-3940 Filed 2-24-86; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2800

[Circular No. 2575]

Principles and Procedures for Rights-of-Way Granted Prior to October 21, 1976

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking amends the existing regulations in 43 CFR Part 2800 to clarify that its procedures are applicable to rights-of-way granted prior to October 21, 1976, under statutory provisions repealed by the Federal Land Policy and Management Act of 1976. This amendment will resolve questions raised since the promulgation of the existing regulations in 43 CFR Part 2800 on the administration of rights-of-way issued under the repealed statutes.

EFFECTIVE DATE: March 27, 1986.

ADDRESS: Any suggestions or inquiries should be sent to: Director (330), Bureau of Land Management, Room 3660, Main Interior Bldg., 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Theodore G. Bingham, (202) 343-5441.

SUPPLEMENTARY INFORMATION: A proposed rulemaking amending the existing regulations in 43 CFR Part 2800—Rights-of-Way, Principles and Procedures—was published in the **Federal Register** on July 2, 1985 (50 FR 27322), with a 60-day comment period. During the comment period, comments were received from seven sources, four from industry, one from an industry association, one from a local governmental entity and one from a Federal governmental entity.

All of the comments raised the issue of the need for the regulatory change contained in the proposed rulemaking. The comments expressed concern that the proposed rulemaking would, if adopted as a final rulemaking, diminish or reduce the rights conferred upon a holder of a right-of-way granted prior to October 21, 1976, as stated in the preamble to the proposed rulemaking, the procedures set forth in the proposed rulemaking would not be applicable in those instances where they are inconsistent with the provisions of a specific right-of-way grant or the statute under which it was granted. It was not the intent of the proposed rulemaking, nor is it the intent of this final rulemaking, to diminish or reduce the rights conferred by a right-of-way granted prior to October 21, 1976. This is clearly stated in the new section 2801.4 that is added to 43 CFR Part 2800 by the proposed rulemaking. However, in an effort to further clarify this point, the final rulemaking has adopted a change to § 2801.4 using a combination of language from a couple of comments. The change adopted by the final rulemaking directly addresses the question of rights conferred by a right-of-way grant and should answer the objections raised in several of the comments. In addition, if questions should arise regarding the rights of a right-of-way grant holder under a grant or statute, the earlier editions of the Code of Federal Regulations on rights-of-way will remain availabe to assist in interpretation of the rights conferred by the grant or earlier statute.

One comment suggested that the Bureau of Land Management was in a better position than would be a holder of one or more of these right-of-way grants to identify each of the right-of-way grants and the statutes under which they were granted and describe the impact that the provisions promulgated by this final rulemaking might have on those grants. The comment suggested that this review should be made before the final rulemaking is issued. In order to comply with this suggestion, the Bureau would have to examine the files on several thousand right-of-way grants, comparing each with various statutory provisions. On the other hand, a holder of a right-of-way grant would only have to deal with one or a few grants that are familiar because of use to determine whether the actions of the Bureau are diminishing or reducing the rights conferred by their particular grant(s). This suggestion has not been adopted.

The management procedures contained in the existing regulations in part 2800 will be used by the Department of the Interior to properly manage existing right-of-way grants and to meet its statutory responsibility to protect the public lands and their resources. Many of the provisions in the existing regulations are a restatement of those contained in the regulations they replaced and are those needed to properly administer the right-of-way. In carrying out the Department's management responsibilities, the authorized officer will be careful to avoid any action that will diminish or reduce the rights conferred under a right-of-way grant issued prior to October 21, 1976. Further, it is obvious that the holder of a right-of-way grant issued prior to October 21, 1976, will be alert to any action that appears to diminish or reduce the rights conferred by the grant and will challenge any such action. Therefore, the final rulemaking has adopted the provisions of the proposed rulemaking with certain changes to clarify the rights of holders of right-of-way grants issued prior to October 21, 1976.

The principal author of this final Rulemaking is Sheldon Weil, Division of Rights-of-Way, Bureau of Land Management, assisted by the staff of the Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that the publication of this final rulemaking is not a major Federal action significantly affecting the quality of the human environment, and that a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is not required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601).

The final rulemaking will clarify the Bureau of Land Management's authority to manage rights-of-way granted on or before October 21, 1976, removing questions that have arisen about that authority. The final rulemaking will

affect equally all holders of rights-of-way granted on or before October 21, 1976.

There are no additional information collection requirements contained in this final rulemaking requiring the approval of the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 43 CFR Part 2800

Administrative practice and procedure, Communications, Electric power, Highways and roads, Pipelines, Public lands—rights-of-way.

Under the authority of section 310 and title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), Part 2800, Group 2800, Subchapter B, Chapter II of Title 43 of the Code of Federal Regulations is amended as set forth below.

February 2, 1986.

J. Steven Griles,

Assistant Secretary of the Interior.

PART 2800—[AMENDED]

1. The authority citation for 43 CFR Part 2800 continues to read:

Authority: 43 U.S.C. 1761–1771.

§ 2800.0–1 [Amended]

2. Section 2800.0–1 is amended by removing the period at the end thereof and adding the phrase "and for the administration, assignment, monitoring and termination of right-of-way grants issued on or before October 21, 1976, pursuant to then existing statutory authority."

3. Section 2800.0–3 is revised to read:

§ 2800.0–3 Authority.

The regulations in this part are issued under the authority of section 310 and title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1740, 1761–1771).

4. Section 2800.0–5(h) is revised to read:

§ 2800.0–5 Definitions.

* * * * *

(h) "Right-of-way grant" means an instrument issued pursuant to title V of the act, or issued on or before October 21, 1976, pursuant to then existing statutory authority, authorizing the use of a right-of-way over, upon, under or through public lands for construction, operation, maintenance and termination of a project.

* * * * *

5. A new § 2801.4 is added to read:

§ 2801.4 Right-of-way grants issued on or before October 21, 1976.

A right-of-way grant issued on or before October 21, 1976, pursuant to then existing statutory authority is covered by the provisions of this part unless administration under this part diminishes or reduces any rights conferred by the grant or the statute under which it was issued, in which event the provisions of the grant or the then existing statute shall apply.

[FR Doc. 86–4024 Filed 2–24–86; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 50950–5182]

Tanner Crab off Alaska; Season Closure

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of season closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the Tanner crab fishery in the North Mainland Section of the Kodiak District of Registration Area J must be closed in order to protect Tanner crab stocks. The Secretary of Commerce therefore issues this notice closing fishing for Tanner crab by vessels of the United States in the North Mainland Section. This action is intended as a management measure to conserve Tanner crab stocks.

DATE: This notice is effective at noon, Alaska Standard Time (AST), February 21, 1986. Public comments on this notice of closure are invited until March 10, 1986.

ADDRESSES: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. During the 15-day comment period, the data on which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m. AST, weekdays) at the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (Fishery Management Biologist, NMFS), 907–586–7230.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP), which governs this fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act), provides for inseason adjustments of season and area openings and closures. Implementing regulations at §671.27(b) specify that notices of these adjustments will be issued by the Secretary of Commerce under criteria set out in that section.

As of February 12, approximately 30 vessels have delivered 700,000 pounds of Tanner crabs from the North Mainland Section. Most of the catch reported to date has been concentrated in the traditionally less productive inshore fishing grounds that are protected from strong currents. In the offshore, normally more productive waters, unanticipated severe currents caused by high winds and extreme tides have pulled under many of the crab buoys that are used to mark the location of the pots to retrieve them. Therefore, a large amount of the gear that was set at the beginning of the fishing season has not been retrieved and many fishermen have chosen to fish inshore areas. Catch per unit of effort (CPUE), mostly from the inshore areas, on January 16 was about 40 crabs per pot. The CPUE fluctuated until the end of January, when it increased to over 60 crabs per pot. Since then, it has declined to approximately 20 crabs per pot on February 9. These unexpected wind and tide conditions, which forced an unanticipated increased fishing effort in the inshore areas, resulted in declining CPUE and will have a detrimental effect on the nearshore stocks unless the fishery is closed.

Based on the relative availability of inshore and offshore Tanner crab stocks to the fishery, it is highly likely that fishing pressure will be concentrated on the inshore stocks, thereby threatening harm to those stocks. Consequently, the Regional Director has determined that the condition of the Tanner crab stocks in the North Mainland Section of the Kodiak District is substantially different from the conditions anticipated on November 1, the beginning of the fishing year, and that this difference reasonably supports the need to protect the Tanner crab stocks. The North Mainland Section, as defined in §671.26(f)(l)(i), is closed by this notice until noon, Alaska Daylight Time, April 30, 1986, at which time the closure of this section prescribed in Table 1 of §671.21(a) will begin.

This closure will become effective after this notice is filed for public inspection with the Office of the Federal Register and the closure is publicized for 48 hours through procedures of the Alaska Department of Fish and Game. Public comments on this notice of closure may be submitted to the