

# List of Subjects in 40 CFR Parts 180 and 186

Environmental protection, Administrative practice and procedure, Agricultural commodities, Feed additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 15, 1996.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR parts 180 and 186 are amended as follows:

## PART 180—[AMENDED]

### 1. In part 180:

a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

b. In § 180.472, by amending the table in paragraph (a) by adding and alphabetically inserting the following new entries and by removing and reserving paragraph (b), to read as follows:

### § 180.472 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine; tolerances for residues.

(a) \* \* \*

Commodity	Parts per million
* * * * *	
Cotton, gin byproducts .....	4.0
Cottonseed .....	6.0
* * * * *	

(b) [Reserved]

\* \* \* \* \*

## PART 186—PESTICIDES IN ANIMAL FEED

### 2. In part 186:

a. By revising the heading of part 186 to read as set forth above.

b. The authority citation for part 186 is revised to read as follows:

Authority: 21 U.S.C. 342, 348, and 701.

c. In § 186.900, by revising paragraph (b), to read as follows:

### § 186.900 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolinimine; tolerances for residues.

\* \* \* \* \*

(b)(1) A maximum residue level regulation is established for residues of the insecticide 1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine in or on the

following feed resulting from application of the insecticide to cotton:

Feed	Parts per million
Cottonseed meal .....	8.0

(2) The regulation in paragraph (b)(1) of this section reflects the maximum level of residues in cottonseed meal consistent with use of 1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine on cotton in conformity with § 180.472 of this chapter and with the use of good manufacturing practices.

\* \* \* \* \*

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## 40 CFR Part 271

[FRL-5423-2]

### Washington; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

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

**DATES:** Final authorization for the State of Washington shall be effective April 29, 1996, unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on the State of Washington's program revision application must be received by the close of business April 1, 1996.

**ADDRESSES:** Copies of the State of Washington's program revision application are available during normal business hours at the following addresses for inspection and copying: U.S. Environmental Protection Agency, Region 10, Library, 1200 Sixth Avenue, Seattle WA 98101, contact: (206) 553-

1259; Washington Department of Ecology, 300 Desmond Drive, Lacey WA 98503, contact: Patricia Hervieux, (360) 407-6756; Washington Department of Ecology, Eastern Region, N. 4601 Monroe, Suite 100, Spokane WA 99205, contact: Jim Malm, (509) 456-2725. Written comments should be sent to Patricia Springer, U. S. Environmental Protection Agency, Region 10, HW-105, 1200 Sixth Avenue, Seattle WA 98101, Phone (206) 553-2858.

### FOR FURTHER INFORMATION CONTACT:

Patricia Springer, U. S. Environmental Protection Agency, Region 10, HW-105, 1200 Sixth Avenue, Seattle WA 98101, Phone (206) 553-2858.

### SUPPLEMENTARY INFORMATION:

#### 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. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when federal or state statutory or regulatory authority is modified or when certain other changes occur. Most commonly, state program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 124, 260-266, 268, 270 and 279.

#### State of Washington

The State of Washington initially received final authorization on January 31, 1986. Washington also received authorization for revisions to its program on November 23, 1987 (52 FR 35556, 9/22/87), October 16, 1990 (55 FR 33695, 8/17/90), and November 4, 1994 (59 FR 55322, 11/4/94). On November 9, 1995, Washington submitted a program revision application for additional program approvals. Today, Washington is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Washington's application, and has made an immediate final decision that the State's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Washington's hazardous waste program. The public may submit written comments on EPA's immediate final decision up until (insert date at least 30 calendar days after date of publication in Federal Register). Copies of the State of Washington's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of the State of Washington's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either (1) A withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

The State of Washington has requested authorization for the following federal rules:

**Non-HSWA Rules:**

Hazardous Waste Storage and Treatment Tank Systems, 51 FR 25422, 7/14/86 (CL 28);  
 Listing of Commercial Chemical Products and Appendix VIII Constituents—Correction, 51 FR 28296, 8/6/86 (CL 29);  
 Revised Manual SW-846, 52 FR 8072, 3/16/87 (CL 35);  
 Hazardous Waste Tank Systems—Correction, 51 FR 29430, 8/15/86 (CL 28);  
 Closure/Post-Closure Care for Interim Status Surface Impoundments, 52 FR 8704, 3/19/87 (CL 36);  
 Definition of Solid Waste—Technical Correction, 52 FR 21306, 6/5/87 (CL 37);  
 HW Constituents for Ground Water Monitoring (Phase I), 52 FR 25942, 7/9/87 (CL 40);  
 Listing of Hazardous Waste—Container/Inner Liner Correction, 52 FR 26012, 7/10/87 (CL 41);  
 Liability Requirements for HW Facilities—Corporate Guarantee, 52 FR 44314, 11/18/87 (CL 43);  
 Miscellaneous Units, 52 FR 46946, 12/10/87 (CL 45);  
 Technical Correction—Listing of Hazardous Waste, 53 FR 13382, 4/22/88 (CL 46);

Treatability Studies Sample Exemption, 53 FR 27290, 7/19/88 (CL 49);  
 Storage and Treatment Tank Systems, 53 FR 34079, 9/2/88 (CL 52);  
 Listing of Primary Metal Smelter Wastes—Spent Pot Liner, 53 FR 35412, 9/13/88 (CL 53);  
 Permit Modifications for HW Management Facilities, 53 FR 37912, 9/28/88 and 53 FR 41649, 10/24/88 (CL 54);  
 Statistical Methods for Evaluating Ground Water Monitoring Data, 53 FR 39720, 10/11/88 (CL 55);  
 Hazardous Waste Miscellaneous Units, 54 FR 615, 1/9/89 (CL 59);  
 Incinerator Permits, 54 FR 4286, 1/30/89 (CL 60);  
 Changes to Interim Status Facilities & Modifications to HW Management Permits; Procedures for Post-Closure Permitting, 54 FR 9596, 3/7/89 (CL 61).  
**HSWA Rules:**  
 Dioxin Waste Listings, 50 FR 1978, 1/14/85 (CL 14);  
 Paint Filter Test, 50 FR 18370, 4/30/85 (CL 16);  
 Research and Development Permits, 50 FR 28702, 7/15/85 (CL 17Q);  
 Used Oil and HW Burned as Fuels, 50 FR 49164, 11/29/85 and 52 FR 11819, 4/13/87 (CL 19);  
 Small Quantity Generator Requirements, 51 FR 10146, 3/24/86 (CL 23);  
 Codification Rule, Technical Correction, 51 FR 19176, 5/28/86 (CL 25);  
 Listing of EBDC, 51 FR 37725, 10/24/86 (CL 33);  
 Toxicity Characteristic Revisions, 55 FR 11798, 3/29/90 and 55 FR 26986, 6/29/90 (CL 74).

The CL numbers reference regulation-specific checklists in the application which identify the specific federal regulation citation and the state regulation analog.

Some portions of Washington's revised program are broader in scope than the federal program, and thus are not federally enforceable. This action does not authorize the identified broader in scope provisions. Some portions of Washington's revised program are more stringent than the federal program. This action makes these more stringent provisions a part of the federally authorized RCRA program. Both the broader in scope and more stringent provisions are identified in the Checklists and discussed in the Attorney General's Statement accompanying the application.

**Indian Lands**

Washington is not seeking authorization to operate on Indian lands.

**Decision**

I conclude that the State of Washington's program revision application meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Washington is granted final authorization to operate its hazardous waste program as revised. Washington 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. The State of Washington also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA, 42 U.S.C. 6927, and to take enforcement actions under Sections 3008, 3013 and 7003 of RCRA, 42 U.S.C. 6928, 6934, and 6973.

**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 Regulatory Flexibility Act**

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of the State of Washington's 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.

**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: February 8, 1996.

Chuck Clarke,

*Regional Administrator.*

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