

List of Approved RCRA Waste Codes for Injection—Continued

D010	F009	K024	K094	K156	P041	P093	P202	U041	U085	U129	U171	U218	U381
D011	F010	K025	K095	K157	P042	P094	P203	U042	U086	U130	U172	U219	U382
D012	F011	K026	K096	K158	P043	P095	P204	U043	U087	U131	U173	U220	U383
D013	F012	K027	K097	K159	P044	P096	P205	U044	U088	U132	U174	U221	U384
D014	F019	K028	K098	K160	P045	P097	U001	U045	U089	U133	U176	U222	U385
D015	F020	K029	K099	K161	P046	P098	U002	U046	U090	U134	U177	U223	U386
D016	F021	K030	K100	P001	P047	P099	U003	U047	U091	U135	U178	U225	U387
D017	F022	K031	K101	P002	P048	P101	U004	U048	U092	U136	U179	U226	U389
D018	F023	K032	K102	P003	P049	P102	U005	U049	U093	U137	U180	U227	U390
D019	F024	K033	K103	P004	P050	P103	U006	U050	U094	U138	U181	U228	U391
D020	F025	K034	K104	P005	P051	P104	U007	U051	U095	U139	U182	U234	U392
D021	F026	K035	K105	P006	P054	P105	U008	U052	U096	U140	U183	U235	U393
D022	F027	K036	K106	P007	P056	P106	U009	U053	U097	U141	U184	U236	U394
D023	F028	K037	K107	P008	P057	P108	U010	U055	U098	U142	U185	U237	U395
D024	F032	K038	K108	P009	P058	P109	U011	U056	U099	U143	U186	U238	U396
D025	F034	K039	K109	P010	P059	P110	U012	U057	U101	U144	U187	U239	U400
D026	F035	K040	K110	P011	P060	P111	U014	U058	U102	U145	U188	U240	U401
D027	F037	K041	K111	P012	P062	P112	U015	U059	U103	U146	U189	U243	U402
D028	F038	K042	K112	P013	P063	P113	U016	U060	U105	U147	U190	U244	U403
D029	F039	K043	K113	P014	P064	P114	U017	U061	U106	U148	U191	U246	U404
D030	K001	K044	K114	P015	P065	P115	U018	U062	U107	U149	U192	U247	U407
D031	K002	K045	K115	P016	P066	P116	U019	U063	U108	U150	U193	U248	U408
D032	K003	K046	K116	P017	P067	P118	U020	U064	U109	U151	U194	U249	U409
D033	K004	K047	K117	P018	P068	P119	U021	U066	U110	U152	U196	U271	U410
D034	K005	K048	K118	P020	P069	P120	U022	U067	U111	U153	U197	U277	U411
D035	K006	K049	K123	P021	P070	P121	U023	U068	U112	U154	U200	U278	
D036	K007	K050	K124	P022	P071	P122	U024	U069	U113	U155	U201	U279	
D037	K008	K051	K125	P023	P072	P123	U025	U070	U114	U156	U202	U280	
D038	K009	K052	K126	P024	P073	P127	U026	U071	U115	U157	U203	U328	
D039	K010	K060	K131	P026	P074	P128	U027	U072	U116	U158	U204	U353	
D040	K011	K561	K132	P027	P075	P185	U028	U073	U117	U159	U205	U359	
D041	K013	K062	K136	P028	P076	P188	U029	U074	U118	U160	U206	U364	
D042	K014	K069	K141	P029	P077	P189	U030	U075	U119	U161	U207	U365	

Conditions

General conditions of this exemption are found at 40 CFR part 148. The exemption granted to CWM on August 7, 1990, included a number of specific conditions. Conditions numbered (1), (2), (3), (4), and (9) remain in force. Monitoring under condition 5, which called for construction and operation of a deep monitoring well, will continue through the life of the facility. Conditions numbered (5), (6), (7), and (8) have been satisfied. The results of the work carried out under these conditions confirms that the model used to simulate fluid movement within the injection zone for the next 10,000 years is valid and results of the simulation bound the region of the injection zone within which the waste will be contained.

Rebecca L. Harvey,

Acting Director, Water Division.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-5870-8]

New York: Final Authorization of State Hazardous Waste Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of New York has applied for final authorization of certain revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), as amended. The Environmental Protection Agency (EPA) has reviewed New York's application and has made a decision, subject to EPA's receipt and evaluation of public comment, that New York's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve New York's hazardous waste program revisions, which are described later in this notice. New York's application for program revision is available for public review and comment.

DATES: Final authorization for New York shall be effective October 14, 1997 unless EPA publishes a prior **Federal Register** action withdrawing this

immediate final rule. All comments on New York's program revision application must be received by the close of business September 11, 1997.

ADDRESSES: Copies of New York's program revision application are available during the business hours of 9 a.m. to 4:30 p.m. at the following addresses for inspection and copying: New York State Department of Environmental Conservation, 50 Wolf Road, Room 204, Albany, New York 12233-7253, (518) 457-3273; U.S. EPA Library (M2904), 401 M Street, S.W., Washington, DC 20460, 202/260-5922. U.S. EPA Region II Library, 16th Floor, 290 Broadway, New York, New York 10007-1866, Phone (212) 637-3185. Written comments should be sent to: Ms. Kathleen Callahan, Director, Division of Environmental Planning and Protection, U.S. EPA, Region II, 290 Broadway, New York, New York 10007-1866, (212) 637-3726.

FOR FURTHER INFORMATION CONTACT: Steven Venezia, (212) 637-4218.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6926(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, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter HSWA) allows States to revise their programs to become equivalent to RCRA requirements promulgated under HSWA authority. 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 260-266, 268, 124, 270 and 279.

B. New York

New York initially received final authorization for the base program on May 29, 1986. New York received authorization for revisions to its program on July 3, 1989, May 7, 1990, October 29, 1991, May 22, 1992, and July 29, 1994. In September 1996, New York submitted a program revision

application for additional program approvals. Today, EPA is proposing approval of New York's program revision in accordance with 40 CFR 271.21(b)(3).

In order to obtain Final Authorization, the State of New York has demonstrated and certified that its authority to regulate the following is equivalent to the Federal RCRA authority, including the requirements promulgated under HSWA authority:

Provision	Federal authority*	State authority*
Toxicity Characteristic Revisions (55 FR 11798; 03/29/90) (55 FR 26986: 06/29/90).	RCRA § 1006, 2002(a), 3001, 3002, 3004, 3005, & 3006; 40 CFR Parts 261, 264, 265, & 268.	ECL § 27-0703, 0900, 0911, 0912 & 0913; 6NYCRR 371.1, 371.3, 371.4, 373-2, 373-3, & Appendix 35.
Criteria for Listing Toxic Wastes; Technical Amendment (55 FR 18726 05/04/90).	RCRA § 3001(a); 40 CFR 261.11(a)(3)	ECL § 27-0903; 6NYCRR 371.2(b)(1)(iii).
Hazardous Waste Treatment, Storage, and Disposal Facilities—Organic Air Emission Standards for Process Vents and Equipment Leaks (55 FR 25454; 06/21/90).	RCRA § 1006, 2002, 3001-3007, 3010, 3014 & 7004; 40 CFR 260.11(a), Parts 261, 264, 265, & 270.	ECL § 27-0703, 0900, 0903, 0907, 0909, 0911, 0913, & 0915; 6NYCRR 370.1(e)(1), 371.1(g), 373-2.2 (e)(2) & (g)(2), 373-2.5 (c)(2) & (g)(3), 373-3.2 (d)(2) & (f)(2), 373-3.5 (c)(2) & (g)(4), 373-2.27, 373-3.28, & 373-1.5 (a)(2), (k) & (1).
Toxicity Characteristic; Hydrocarbon Recovery Operations (HSWA) (55 FR 40834; 10/05/90) (56 FR 3978; 02/01/91) (56 FR 13406; 04/02/91).	5 USC § 553 & 705; RCRA § 3001; 40 CFR 261.4(b)(11).	ECL § 27-0903, 6NYCRR 371.1(e)(2).
Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038) (55 FR 46354; 11/02/90) (55 FR 51707; 12/17/90).	RCRA § 3001; 40 CFR 261.31(b) & Part 261 Appendix VII.	ECL § 27-0903, 6NYCRR 371.4(b) & Appendix 22.
Wood Preserving Listings (HSWA and Non-HSWA) (55 FR 50450; 12/06/90).	RCRA § 2002(a), & 3001; 40 CFR 261.4(a)(9), 261.31, 261.35, 263.34(a)(2), Parts 264 & 265, 270.26, Part 261 Appendices III, VII, & VIII.	ECL § 27-0703, 0903, & 0913; 6NYCRR 371.1(e)(1), 373-1.5(m), 371.4 (b) & (f), 373-1.1(d)(1), 373-2.10(a), 373-2.23 (a)-(f), 373-3.10(a), 373-3.23 (a)-(f), & Appendices 21, 22, & 23.
Land Disposal Restrictions for Third Third Scheduled Waste; Technical Amendment (55 FR 3978; 02/01/91).	RCRA § 3001(b), & 3004(d)-(k) & (m), 40 CFR Parts 261, 262, 264, 265, 268, & 270, & Part 261 Appendix VII & Part 268 Appendices IV, & V.	ECL § 27-0903, 0911, & 0912; 6NYCRR 371.1, 371.3, 371.4, 372.2, 373-2.2, 373-3.2, 376.1, 376.3(c), & 376.4 (a)-(d), & Appendices 22, 38, & 39.
Toxicity Characteristic; Chlorofluoro-carbon Refrigerants (HSWA) (56 FR 5910; 02/13/91).	RCRA § 3001; 40 CFR 261.4(b)(12)	ECL § 27-0903; 6NYCRR 371.1(e)(2)(iii).
Burning of Hazardous Waste in Boilers & Industrial Furnaces (HSWA/Non-HSWA) (56 FR 7134; 02/21/91).	RCRA § 1006, 2002, 3001-3007, 3010, & 7004; 40 CFR 260.10, 260.11, 260.20, 261.2(d)(2) & (e)(2), 261.4(a)(10), 261.4(b) (4), (7), & (8), 261.6, 264.1, 264.112, 264.340, 265.112, 265.113, 265.340, 265.370, Part 266 Subpart H, & Appendices I-X, 270.22, 270.42(g), 270.42 Appendix I, 270.66, 270.72 (a)(6), & (b)(7), 270.73 (f), & (g).	ECL § 27-0703, 0705, 0900, 0903, 0907, 0909, 0911, 0913, & 0915; 6NYCRR 370.1, 370.2(b), 370.3, 371.1 (c), (d), (e), & (g), 373-1.3 (g) & (h), 373-1.5(i), 373-1.7 (c), (d), & (g), 373-1.9(d), 373-2.1(a), 373-2.7(c), 373-2.15, 373-3.1(a), 373-3.7 (c) & (d), 373-3.15, 373.16, 374-1.8, & Appendices 41-50.
Removal of Strontium Sulfide from the List of Hazardous Waste; Technical Amendment (Non-HSWA) (56 FR 7567; 02/25/91).	RCRA § 3001(b); 40 CFR 261.33(e), & Appendix VIII.	ECL § 27-0903; 6NYCRR 371.4(d), Appendix 23.
Organic Air Emission Standards for Process Vents & Equipment Leaks; Technical Amendment (HSWA) (56 FR 19290; 04/26/91).	RCRA § 1006, 2002, 3001-3007, 3010, 3014 & 7004; 40 CFR Parts 261, 264, 265 & 270.	ECL § 27-0703, 0900, 0907, 0909, 0911, 0913, & 0915; 6NYCRR 371.1(g), 373-2.2 (e)(2) & (g)(2), 373-2.5 (c)(2) & (g)(3), 373-2.27, 373-2.28, 373-3.2 (d)(2) & (f)(2), 373-3.5 (c)(2) & (g)(4), 373-3.27, 373-3.28, & 373-1.5(a)(2), (k) & (1)
Administrative Stay for K069 Listing (Non-HSWA) (56 FR 19951; 05/01/91)..	RCRA § 3001(b); 40 CFR 261.32	ECL § 27-0903; 6NYCRR 371.4(c).
Revision to F037 & F038 Listings (HSWA) (56 FR 21955; 05/13/91).	RCRA § 3001(b); 40 CFR 261.31	ECL § 27-0903; 6NYCRR 371.4(b).
Mining Exclusion III (Non-HSWA) (56 FR 27300; 06/13/91).	RCRA § 3001(b)(3); 40 CFR 260.10, & 261.4(b)(7).	ECL § 27-0903; 6NYCRR 370.2(b), & 371.1(e)(2)(vi).
Administrative Stay for F032, F034, & F035 Listings (HSWA/Non-HSWA) (56 FR 27332; 06/13/91).	5 USC 705; RCRA § 2002(a), & 3001(b) & (e)(1); 40 CFR 261.31, 264.572(a)(4), & 265.443(a)(4).	ECL § 27-0703, & 0903; 6NYCRR 371.4(b), 373-2.23(c)(1), & 373-3.23(d)(1).

Provision	Federal authority*	State authority*
Wood Preserving Listings (HWSA and Non-HWSA) (56 FR 30192; 07/01/91).	RCRA §2002(a), & 3001; 40 CFR 261.4(a)(9), 261.35, 263.34(a)(2), Parts 264 & 265, & 270.26.	ECL §27-0703 0903, & 0913; 6NYCRR 371.1(e)(1), 373-1.5(m), 371.4(f), 373-1.1(d)(1), 373-2.10(a), 373-2.23 (a)-(f), 373-3.10(a), & 373-3.23 (a)-(f).
Burning of Hazardous Waste in Boilers & Industrial Furnaces; Corrections & Technical Amendments I (HWSA/Non-HWSA) (56 FR 32688; 07/17/91).	RCRA §1006, 2002, 3001-3007, 3010, & 7004; 40 CFR 260.10, 260.11, 260.20, 261.2 (d)(2) & (e)(2), & (8), 261.6, 264.1, 264.112, 264.340, 265.1, 265.112, 265.113, 265.340, 265.370, Part 266 Subpart H, & Appendices I-X, 270.22, 270.42(g), 270.42 Appendix I, 270.66, 270.72 (a)(6), & (b)(7), & 270.73 (f), & (g).	ECL §27-0703, 0705, 0900, 0903, 0907, 0909, 0911, 0913, & 0915; 6NYCRR 370.1, 370.2(b), 370.3, 371.1 (c), (d), & (g), 373-1.3 (g) & (h), 373-1.5(i), 373-1.7 (c), (d), & (g), 373-1.9(d), 373-2.1(a), 373-2.7(c), 373-2.15, 373-3.1(a), 373-3.7 (c) & (d), 373-3.15, 373-16, 374-1.8, & Appendices 41-50.
Land Disposal Restrictions for Electric Arc Furnace Dust (K061) (HWSA) (56 FR 41164; 08/19/91).	RCRA §3001, 3004 (d)-(k), & (m); 40 CFR 261.3(c)(2)(ii)(C), 261.4(a)(11), 268.41, & 268.42.	ECL §27-0903, 0911, 0912; 6NYCRR 371.1(d)(3)(ii), 371.1(e)(1)(xi), 376.4 (b), & (c).
Burning of Hazardous Waste in Boilers & Industrial Furnaces; Technical Amendments II (HWSA/Non-HWSA) (56 FR 42504; 08/27/91).	RCRA §1006, 2002, 3001-3007, 3010, & 7004; 40 CFR 260.10, 260.11, 260.20, 261.2 (d)(2) & (e)(2)(iv), 261.3, 261.6, 264.1, 264.112, 264.340, 265.1, 265.112, 265.113, 265.340, 265.370 Part 266 Subpart H, & Appendices I-X.	ECL §27-0703, 0705, 0900, 0903, 0907, 0909, 0911, 0913, & 0915; 6NYCRR 370.1, 370.2(b), 370.3, 371.1 (c)(5)(ii), & (c)(6)(ii), 371.1 (d), & (g), 373-2.1(a), 373-2.7(c), 373-2.15, 373-3.1(a), 373-3.7 (c) & (d), 373-3.15, 373-3.16, 374-1.8, & Appendices 41-50.
Exports of Hazardous Waste; Technical Correction (HWSA) (56 FR 43704; 09/04/91).	RCRA §3017; 40 CFR 262.53(b), & 262.56(b)	ECL §27-0907; 6NYCRR 372.5 (c)(2) & (f)(2).
Coke Ovens Administrative Stay (HWSA) (56 FR 43874; 09/05/91).	5 USC 705; RCRA §2002(a), & 3001(b), & (e)(1); 40 CFR 266.100(a).	ECL §27-0703, & 0903; 6NYCRR 374-1.8(a)(1).
Amendments to Interim Status Standards for Downgradient Groundwater Monitoring Well Locations (Non-HWSA) (56 FR 66365; 12/23/91).	RCRA §1006, 2002(a), 3001, 3004, 3005, & 3015; 40 CFR 260.10, & 265.91(a)(3).	ECL §27-0703, 0707, 0903, 0911, & 0913; 6NYCRR 370.2(b), & 373-3.6(b)(1)(iii).
Liners & Leak Detection Systems for Hazardous Waste Land Disposal Units (HWSA/Non-HWSA) (57 FR 3462; 01/29/92).	RCRA §3004, 3005, 3006, & 3015; 40 CFR Parts 264 & 265, 270.4(a), 270.17(b), & (c), 270.18 (c), & (d), & 270.21 (b), & (c).	ECL §27-0707, 0900, 0911, & 0913; 6NYCRR 373-1.5 (d), (e), & (h), 373-2.2(k), 373-2.11, 373-2.12, 373-2.14, 373-3.2(j), 373-3.11, 373-3.12, & 373-3.14
Administrative Stay for the Requirement that Existing Drip Pads be Impermeable (HWSA/Non-HWSA) (57 FR 5859; 02/18/92).	5 USC 705; RCRA §2002(a), & 3001 (b) & (e)(1), 40 CFR 264.573(a)(4), & 265.443(a)(4).	ECL §27-0703, & 0903; 6NYCRR 373-2.23(d)(1), & 373-3.23(d)(1).
Second Correction to the Third Third Land Disposal Restrictions (HWSA) (57 FR 8086; 03/06/92).	RCRA §3001, & 3004 (d)-(k) & (m); 40 CFR Parts 261, 262, 264, 265, 268, & 270.	ECL §27-0903, 0911, & 0912; 6NYCRR 371.1, 371.3, 371.4, 372.2, 373-2.2, 373-3.2, 376.1, 376.3(c), & 376.4 (a)-(d).
Hazardous Debris Case-by-Case Capacity Variance (HWSA) (57 FR 20766; 05/15/92).	RCRA §3004(h)(3); 40 CFR 268.35 (c)-(e)	ECL §27-0911, & 0912; 6NYCRR 376.2, & 376.3 (c), & (d).
Oil Filter Exclusion (HWSA) (57 FR 21524; 05/15/92).	RCRA §1004, 1006, 2002, 3001, & 3014; 40 CFR 261.4(b)(15).	ECL §3-0301, 27-0703, 0901, 0903, 0922; 6NYCRR 371.1(e)(2)(xi).
Recycled Coke By-Product Exclusion (HWSA) (57 FR 27880; 06/22/92).	5 USC 705; RCRA §2002(a), 3001 (b), (e) (1) & (2), & (h); 40 CFR 261.4(a)(10), 266.100(a).	ECL §27-0703, & 0903; 6NYCRR 371.1(e)(1)(x), 374-1.8(a)(1).
Lead-Bearing Hazardous Materials Case-by-Case Variance (HWSA) (57 FR 28628; 06/26/92).	RCRA §3004(h)(3); 40 CFR 268.35 (c), & (k)	ECL §27-0911, & 0912; 6NYCRR 376.3(c)(2), 376.3(d)(1)
Used Oil Filter Exclusion Corrections (HWSA) (57 FR 29220; 07/01/92).	RCRA §1004, 1006, 2002, 3001, & 3014; 40 CFR 261.4(b)(15).	ECL §3-0301, 27-0703, 0901, 0903, 0922; 6NYCRR 371.1(e)(2)(xi)
Toxicity Characteristic Revisions (HWSA) (57 FR 30657; 07/10/92).	RCRA §1006, 2002(a), 3001, 3002, 3004, 3005, & 3006; 40 CFR Parts 261, 264, 265, 268.	ECL §27-0703, 0900, 0911, & 0913; 6NYCRR 371.1, 371.3, 371.4, 373-2, 373-3, & Appendix 35
Land Disposal Restrictions for Newly Listed Waste and Hazardous Debris (HWSA) (57 FR 37194; 08/18/92).	RCRA §3004 (d)-(k), & (m); 40 CFR 260.10, 261.3 (a)-(c), & (f), 262.34, Parts 264, 265, & 268, 270.13, 270.14, 270.42, 270.72.	ECL §27-0911, & 0912; 6NYCRR 370.2(b), 371.1(d)(1), (3), & (5), 373-1.1(d)(1), 373-1.3(g), 373-1.5(a), 373-1.7 (c)&(d), 373-2.7 (a)-(c), 373-2.8, 373-2.30, 373-3.7 (a)-(c), 373-3.8 (a)&(c), 373-3.11(i), 373.30, Subpart 376
Coke-by-Products Listings (HWSA) (57 FR 37284; 08/18/92).	RCRA §3001 (b), (e)(2), & (h); 40 CFR 261.4(a)(10), 261.32, & Appendix VII.	ECL §27-0903; 371.1(e)(1)(x), 371.4(c), & Appendix 2.
Burning of Hazardous Waste in Boilers & Industrial Furnaces; Technical Amendments III (HWSA/Non-HWSA) (57 FR 38558; 08/25/92).	RCRA §1006, 2002, 3001-3007, 3010, & 7004; 40 CFR 260.10, 260.11, 260.20, 261.2 (d)(2) & (e)(2)(iv), 261.3, 261.6, 264.1, 264.112, 264.340, 265.1, 265.112, 265.113, 265.340, 265.370 Part 266, Subpart H, & Appendices I-X.	ECL §27-0703, 0705, 0900, 0903, 0907, 0909, 0911, 0913, & 0915; 6NYCRR 370.1, 370.2(b), 370.3, 371.1 (c)(5)(ii), & (c)(6)(ii), 371.1(d), & (g), 373-2.1(a), 373-2.7(c), 373-2.15, 373-3.1(a), 373-3.7 (c), & (d), 373-3.15, 373-3.16, 374-1.8, & Appendices 41-50.

Provision	Federal authority*	State authority*
Consolidated Liability Requirements: Financial Responsibility for Third-Party Liability, Closure, & Post-Closure (Non-HSWA) (57 FR 42832; 09/16/92) (53 FR 33938; 09/01/88) (56 FR 30200; 07/01/91).	RCRA §2002(a), 3004, & 3005; 40 CFR 264.141, 264.147, 264.151, 265.141, 265.147.	ECL §27-0703, 0911, 0913, 0917; 6NYCRR 373-2.8 (b), (h), & (j), 373-3.8 (b) & (h).
Boilers & Industrial Furnaces; Technical Amendments IV (HSWA/Non-HSWA) (57 FR 44999; 09/30/92).	RCRA §1006, 2002, 3001-3007, 3010, & 7004; 40 CFR 260.10, 260.11, 260.20, 261.3, 261.6, 264.1, 264.112, 264.340, 265.1, 265.112, 265.113, 265.340, 265.370, Part 266 Subpart H, & Part 266, Appendices I-X.	ECL §27-0703, 0705, 0900, 0903, 0907, 0909, 0911, 0913, & 0915; 6NYCRR 370.1, 370.2(b), 370.3, 371.1 (d), & (g), 373-2.1(a), 373-2.7(c), 373-2.15, 373-3.1(a), 373-3.7 (c) & (d), 373-3.15, 373-3.16, 374-1.8, & Appendices 41-50.
Chlorinated Toluenes Production Waste Listing (HSWA) (57 FR 47376; 10/15/92).	RCRA §3001(b); 40 CFR 261.32, & Part 261 Appendix VII.	ECL §27-0903; 6 NYCRR 371.4(c), & Appendix 22.
Hazardous Soil Case-by-Case Capacity Variance (HSWA) (57 FR 47772; 10/20/92).	RCRA §3004(h)(3); 40 CFR 268.35 (c)-(e)	ECL §27-0911, 0912; 6NYCRR 376.2, & 376.3 (c) & (d).
Reissuance of the "Mixture" & "Derived-From" Rules (HSWA/Non-HSWA) (57 FR 7628; 03/03/92) (57 FR 23062; 06/01/92) (57 FR 49278; 10/20/92).	RCRA §1006, 2002(a), 3001-3005; 40 CFR 261.3.	ECL §3-0301, 27-0703, 0903, 0907, 0909, 0911, & 0913; 6NYCRR 371.1(d) (1), (2), (3), & (4).
Toxicity Characteristic Amendment (HSWA) (57 FR 23062; 06/01/92).	RCRA §1006, 2002(a), 3001, 3002, 3004, 3005, & 3006; 40 CFR Parts 261, 264, 265, & 268.	ECL §27-0703, 0900, 0911, & 0913; 6NYCRR 371.1, 371.3, 371.4, 373-2, 373-3, & Appendix 35.
Liquids in Landfills II (HSWA) (57 FR 54452; 11/18/92).	RCRA §3004(c); 40 CFR 260.10, 264.13, 264.314, 264.316, 265.13, 265.314, & 265.316.	ECL §27-0911; 6NYCRR 370.2(b), 373-2.2(e), 373-2.14(j) & (l), 373-3.2(d), & 373-3.14(g) & (i).
Toxicity Characteristic Revision; TCLP Correction (HSWA) (57 FR 55114; 11/24/92) (58 FR 6854; 02/02/93).	RCRA §1006, 2002, 3001, 3002, & 3006; 40 CFR 261 Appendix II.	ECL §27-0703, 0900, 0903, & 0907; 6NYCRR Appendix 35.
Wood Preserving; Amendments to Listings & Technical Requirements (HSWA/Non-HSWA) (57 FR 61492; 12/24/92).	5 USC 705; RCRA §2002(a), 3001 (b), & (e)(1); 40 CFR 261.31, 262.34(a)(2), & Parts 264 & 265.	ECL §27-0703, & 0903; 6NYCRR 371.4(b), 373-1.1(d)(1), 373-2.10(a), 373-2.23 (a)-(f), 373-3.10(a), 373-3.23 (a)-(f).
Corrective Action Management Units & Temporary Units (HSWA) (58 FR 8658; 02/16/93).	RCRA §1006, 2002(a), 3004 (u), & (v), 3005(c), 3007, & 3008(h); 40 CFR 260.10, 264.3, 264.101(b), 264.552, 264.553, 265.1(b), 268.2(c), 270.2, & 270.42 Appendix I.	ECL §27-0703, 0911, 0913, 0915, & 0916; 6NYCRR 370.2(b), 373-2.1(b), 373-2.6 (1) & (2), 373-2.19 (a) & (b), 373-3.19(a)(2), 376.1(b) (1), 373-1.1(i), & 373-1.7 (c)(15), & (d)(13).
Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-by-Case Capacity Variance (HSWA) (58 FR 28506; 05/14/93).	RCRA §3004(h)(3); 40 CFR 268.35 (c)-(e)	ECL §27-0911, 0912; 6NYCRR 376.2, & 376.3 (c) & (d).

*The regulatory citations appearing in the "Federal Authority" and the "State Authority" columns are included to provide general information on where the regulations being authorized can be located.

EPA has reviewed New York's application and has made an immediate final decision that New York'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 New York. The public may submit written comments on EPA's immediate

final decision up until September 11, 1997. Copies of New York's application for program revision are available for inspection and copying at the locations indicated in the ADDRESSES section of this notice.

Approval of New York's program revision shall become effective 60 days after the date of publication of this notice unless an adverse comment pertaining to the State's revision

discussed in this notice is received during 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. New York is applying for final authorization of the following Federal hazardous waste requirements:

	HSWA/FR reference	Promulgation or HSWA date
RCRA Checklist, Non-HSWA Cluster VI: Criteria for Listing Toxic Wastes; Technical Amendment	55 FR 18726	05/04/90
HSWA Cluster II:		
Toxicity Characteristic Revisions	55 FR 11798	03/29/90
Hazardous Waste Treatment, Storage, and Disposal Facilities—Organic Air Emission Standards for Process Vents and Equipment Leaks.	55 FR 25454	06/21/90
Toxicity Characteristic Revisions; Correction	55 FR 26986	06/29/90
RCRA Cluster I:		
Toxicity Characteristic; Hydrocarbon Recovery Operations (HSWA)	55 FR 40834	10/05/90
Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038) ...	55 FR 46354	11/02/90
Wood Preserving Listings (HSWA/Non-HSWA)	55 FR 50450	12/06/90
Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings; Correction	55 FR 51707	12/17/90
Land Disposal Restrictions for Third Scheduled Wastes; Technical Amendment	56 FR 3864	01/31/91
Toxicity Characteristic; Hydrocarbon Recovery Operations	56 FR 3978	02/01/91

	HSWA/FR reference	Promulgation or HSWA date
Toxicity Characteristic; Chlorofluorocarbon Refrigerants (HSWA)	56 FR 5910	02/13/91
Burning of Hazardous Waste in Boilers and Industrial Furnaces (HSWA/Non-HSWA)	56 FR 7134	02/21/91
Removal of Strontium Sulfide from the List of Hazardous Waste; Technical Amendment (Non-HSWA)	56 FR 7567	02/25/91
Toxicity Characteristic; Hydrocarbon Recovery Operations	56 FR 13406	04/02/91
Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment (HSWA) ..	56 FR 19290	04/26/91
Administrative Stay for K069 Listing (Non-HSWA)	56 FR 19951	05/01/91
Revision to F037 and F038 Listings (HSWA)	56 FR 21955	05/13/91
Mining Waste Exclusion III (Non-HSWA)	56 FR 27300	06/13/91
Administrative Stay for F032, F034, and F035 Listings (HSWA/Non-HSWA)	56 FR 27332	06/13/91
RCRA Cluster II:		
Wood Preserving Listings; Technical Correction	56 FR 30192	07/01/91
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments I (HSWA/Non-HSWA).	56 FR 32688	07/17/91
Land Disposal Restrictions for Electric Arc Furnace Dust (K061) (HSWA)	56 FR 41164	08/19/91
Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II (HSWA/Non-HSWA).	56 FR 42504	08/27/91
Exports of Hazardous Waste; Technical Correction (HSWA)	56 FR 43704	09/04/91
Coke Ovens Administrative Stay (HSWA)	56 FR 43874	09/05/91
Amendments to Interim Status Standards for Downgradient GroundWater Monitoring Well Locations (Non-HSWA).	56 FR 66365	12/23/91
Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units (HSWA/Non-HSWA)	57 FR 3462	01/29/92
Administrative Stay for the Requirement that Existing Drip Pads be Impermeable (HSWA/Non-HSWA)	57 FR 5859	02/18/92
Second Correction to the Third Third Land Disposal Restrictions (HSWA)	57 FR 8086	03/06/92
Hazardous Debris Case-by-Case Capacity Variance (HSWA)	57 FR 20766	05/15/92
Used Oil Filter Exclusion (HSWA)	57 FR 21524	05/20/92
Recycled Coke By-Product Exclusion (HSWA)	57 FR 27880	06/22/92
Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance (HSWA)	57 FR 28628	06/26/92
RCRA Cluster III:		
Used Oil Filter Exclusion Corrections (HSWA)	57 FR 29220	07/01/92
Toxicity Characteristic Revisions: Technical Corrections (HSWA)	57 FR 30657	07/10/92
Land Disposal Restrictions for New Waste and Hazardous Debris (HSWA)	57 FR 37194	08/18/92
Coke-By-Products Listings (HSWA)	57 FR 37284	08/18/92
Boilers and Industrial Furnaces; Technical Amendment III (HSWA/Non-HSWA)	57 FR 38558	08/25/92
Consolidated Liability Requirements: Financial Responsibility for Third-Party Liability, Closure, and Post-Closure (Non-HSWA).	57 FR 42832	09/16/92
Liability Coverage (Non-HSWA) (formerly withheld Revision Checklist 51)	53 FR 33938	09/01/88
Liability Requirements; Technical Amendment (Non-HSWA) (formerly withheld Revision Checklist 93)	56 FR 30200	07/01/91
Boilers and Industrial Furnaces; Technical Amendment IV (HSWA)	57 FR 44999	09/30/92
Chlorinated Toluenes Production Waste Listing (HSWA)	57 FR 47376	10/15/92
Hazardous Soil Case-by-Case Capacity Variance (HSWA)	57 FR 47772	10/20/92
Reissuance of the "Mixture" and "Derived-From" Rules (HSWA/Non-HSWA)		
"Mixture" and "Derived-From" Rules; Response to Court Remand	57 FR 7628	03/03/92
"Mixture" and "Derived-From" Rules; Technical Correction	57 FR 23062	06/01/92
"Mixture" and "Derived-From" Rules; Final Rule	57 FR 49278	10/30/92
Toxicity Characteristic Amendment (HSWA)	57 FR 23062	06/01/92
Liquids in Landfills II (HSWA)	57 FR 54452	11/18/92
Toxicity Characteristic Revision; TCLP Correction (HSWA)	57 FR 55114	11/24/92
Wood Preserving; Amendments to Listings and Technical Requirements (HSWA/Non-HSWA)	57 FR 61492	12/24/92
Toxicity Characteristic Revision; TCLP Correction	58 FR 6854	02/02/93
Corrective Action Management Units and Temporary Units (HSWA)	58 FR 8658	02/16/93
Land Disposal Restrictions; Renewal of Hazardous Waste Debris Case-by-Case Capacity Variance (HSWA)	58 FR 28506	05/14/93

New York has only applied for authorization for the above listed requirements as part of this particular Federal Register approval process. This list does not include some federal requirements, including, but not limited to, rules such as the rules establishing organic air emission standards for tanks, surface impoundments, and containers.

It should be noted that this program modification authorization is granted based on the information submitted to EPA by the State of New York in September of 1996 and supplements subsequently received. Should the program approvability status of New York program change in the future for

any reasons, including changes in State laws, regulations or procedures which limit the New York State Department of Conservation's enforcement authority or program administration and enforcement, EPA will revisit this approval and exercise its authority as provided in 40 CFR 271.22 to afford New York an opportunity to correct any program deficiencies or withdraw program approval. Furthermore, the authorization of this program modification shall not be deemed in any way as a waiver by EPA of any of its statutory rights under RCRA including but not limited to sections 3007, 3008, 3013 and 7003.

The public should be aware that EPA is not authorizing the following New York regulations that appear at 6 NYCRR Part 376 (Land Disposal Restrictions): §§ 376.1(e) and (f), 376.4(c)(2) and 376.4(e). These regulations adopt language from EPA regulations at 40 CFR 268.5, 268.6, 268.42 and 268.44. Presently, EPA deems these federal regulations to be non-delegable to the states. Furthermore, EPA is not authorizing at this time the program modifications that appear at 6 NYCRR Part 376: §§ 376.1(a)(3)(i), 376.4(a)(3)(ii), and 376.4(a)(2). These New York regulations cross-reference, without any mention of

the federal regulations, three of the non-authorized state regulations mentioned above.

C. Decision

The EPA concludes, subject to receipt and evaluation of public comment, that New York's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, New York is granted final authorization to operate its hazardous waste program as revised.

The version of the regulations being authorized by EPA at this time are the regulations which were in effect as of January, 1995. The regulations so authorized are available at the repositories noted above and appear in the revised version of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York that the New York Secretary of State has already published.

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.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), P.L. 104-4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. The section 202 and 205 requirements do not apply to today's action because it is not a "Federal Mandate" and because it does not impose annual costs of \$100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because the requirements of the New York program are already imposed by the State and subject to State law. Second, the Act also generally excludes from the definition of a "Federal Mandate" duties that arise from participation in a voluntary Federal program. New York participation in an

authorized hazardous waste program is voluntary.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the New York program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of State programs generally may reduce, not increase, compliance costs for the private sector.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, section 203 of the UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. Although small governments may be hazardous waste generators, transporters, or own and/or operate TSDFs, they are already subject to the regulatory requirements under existing State law which are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

Certification Under the Regulatory Flexibility Act

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which are hazardous waste generators, transporters, or which own and/or operate TSDF's are already subject to the regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization approves regulatory requirements under existing State law to which small entities are already subject.

It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Authority: This Notice is issued under the authority of Sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 16, 1997.

Jeanne M. Fox,

Regional Administrator.

[FR Doc. 97-20970 Filed 8-11-97; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15, and 97

[ET Docket No. 97-124; FCC 97-153]

Use of Radio Frequencies Above 40 GHz for New Radio Applications

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission adopts a *Second Report and Order* designating the frequency spectrum band between 47.2 and 48.2 GHz for commercial use on a licensed basis. The Commission decides to permit fixed, fixed-satellite, and mobile uses consistent with the Table of Frequency Allocations governing the band. The Commission also decides to define service rules in a future rulemaking, based on the dominant use of the spectrum, and finds that the most likely dominant use will be fixed, point-to-multipoint services delivered through the deployment of fixed platforms located in the stratosphere. The Commission adopts the proposal to license operations on an area-wide basis and determines to divide the spectrum into five pairs of license blocks of 200 megahertz each pair, with each pair separated by 500 megahertz of spectrum. These actions are taken to promote the commercial availability of millimeter wave