

materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Parts 180, 185, and 186

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

Dated: March 31, 1995.

Susan Lewis,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, chapter I of title 40 of the Code of Federal Regulations is 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 paragraph (a) in the table therein by adding and alphabetically inserting the following commodities, to read as follows:

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

(a) * * *

Commodity	Parts per million
* * * *	*
Brassica vegetables crop group	3.5
* * * *	*
Fruiting vegetables crop group	1.0
* * * *	*
Grapes	1.0
* * * *	*
Lettuce, head and leaf	3.5

Commodity	Parts per million
* * * *	*

PART 185—[AMENDED]

2. In part 185:
a. The authority citation for part 185 continues to read as follows:
Authority: 21 U.S.C. 346a and 348.
b. In § 185.900, by designating the existing text as paragraph (a) and adding new paragraph (b), to read as follows:

§ 185.900 1-[(6-Chloro-3-pyridinyl) methyl]-N-nitro-2-imidazolidinimine; tolerances for residues.

* * * *
*
(b) A food additive regulation is established premitting residues of the insecticide 1-[(6-chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine in or on the following food commodities:

Food	Part per million
Grape, juice	1.5
Grape, raisin	1.5
Tomato, paste	6.0
Tomato, puree	3.0

PART 186—[AMENDED]

3. In part 186:
a. The authority citation for part 186 continues to read as follows:
Authority: 21 U.S.C. 348.

b. In § 186.900, by adding new paragraph (c), to read as follows:
§ 186.900 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2 imidazolidinimine; tolerances for residues.

* * * *
*
(c) A feed additive regulation is established premitting residues of the insecticide 1-[(6-chloro-3-pyridinyl)methyl]-N-2-imidazolidinimine in or on the following feed commodities resulting from application of the insecticide to tomato and grapes:

Feed	Part per million
Grape, pomace (wet or dried)	5.0
Grape, raisin waste	15.0
Tomato, pomace (wet or dried)	4.0

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40 CFR Part 271

[FRL-5185-3]

Idaho; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

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

DATES: Final authorization for Idaho shall be effective June 11, 1995 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Idaho's program revision application must be received by the close of business May 12, 1995.

ADDRESSES: Copies of Idaho's program revision application are available Monday through Friday, 8 a.m. to 5 p.m., at the following addresses for inspection and copying: Idaho Department of Health and Welfare, Division of Environmental Quality, Technical Services Bureau, 1410 N. Hilton, Boise, Idaho 83706-1290; phone: (208) 334-5898; USEPA Region 10, Record Center M/S HW-070, 1200 Sixth Avenue, Seattle, WA 98101; phone: (206) 553-4763. Written comments should be sent to Michael Le, USEPA, Region 10, 1200 Sixth Avenue, Mail Stop HW-107, Seattle, WA 98101; phone: (206) 553-1099.

FOR FURTHER INFORMATION CONTACT: Michael Le, USEPA, Region 10, 1200 Sixth Avenue, Mail Stop HW-107, Seattle, WA 98101; phone: (206) 553-1099.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal

hazardous waste program. In addition, as an interim measure, 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 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 260-266, 268, 124 and 270.

B. Idaho

Effective on April 9, 1990, Idaho received final authorization for the base program, non-HSWA and HSWA requirements promulgated as of July 1, 1987 and interim authorization for those HSWA corrective action provisions of section 3004(u), promulgated as of July 7, 1987 (see 55 FR 11015 dated March 26, 1990). Effective on June 5, 1992, Idaho received final authorization for those HSWA corrective action provisions of section 3004(u) promulgated as of July 7, 1987 (see 57 FR 11580 dated April 6, 1992). Effective on August 10, 1992, Idaho received final authorization for those HSWA and non-HSWA federal provisions promulgated during the period of July 1, 1987 to June 30, 1990 (see 57 FR 24757 dated June 11, 1992). On January 12, 1995, Idaho submitted its program revision application for all RCRA (non-HSWA and HSWA) federal provisions promulgated during the period of July 1, 1990 to June 30, 1993. Today, Idaho is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Idaho's application, and has made an immediate final decision that Idaho'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 Idaho. The public may submit written comments on EPA's immediate final decision up until May 12, 1995. Copies of Idaho's application for program revision are available for

inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of Idaho'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.

Idaho's revision application includes all those RCRA federal provisions promulgated during the period of July 1, 1990 through June 30, 1993. To insure state consistency with federal regulations, the Idaho Board of Health and Welfare's regulatory rule-making incorporated by reference those delegable Federal Regulations in 40 CFR parts 124, 260-266, 268, and 270 that were promulgated and codified in the Code of Federal Regulations, as of June 30, 1993. Thus, at this time, the State is not seeking authorization for any changes made to the Federal program after July 1, 1993. Therefore, the scope, structure, coverage and processes of the Idaho hazardous waste management program is virtually identical to the federal provisions through June 30, 1993.

The Idaho Department of Health and Welfare Rules, Title 1, Chapter 5, "Rules and Standards for Hazardous Waste" incorporate by reference all federal RCRA regulations required for final authorization through July 1, 1993. Accordingly, the State rules are equivalent to the federal regulations. Idaho Administrative Procedures Act, IDAPA 16.01.05.000 *et seq.* The more substantive changes included in this revision application are: Wood Preserving Listings, Land Disposal Restrictions for Newly Listed Waste and Hazardous Debris, Recycled Used Oil Management Standards, and Corrective Action Management Units and Temporary Units. These regulatory changes in this program revision became State regulations effective on February 11, 1994 and amended on June 1, 1994.

This program revision will not authorize the State to operate the RCRA program over any Indian lands; this authority remains with EPA.

C. Decision

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

Idaho 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. Idaho also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

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 Idaho'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.

List of Subjects in 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.

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: March 30, 1995.

Chuck Clarke,

Regional Administrator.

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