

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 81-19631 Filed 7-6-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 11839; 812-4762]

University Patents Inc.; Application

June 30, 1981.

Notice is hereby given that University Patents, Inc. ("Applicant"), 537 Newtown Avenue, Norwalk, Connecticut 06852, a Delaware corporation, filed an application on November 4, 1980, and an amendment thereto on April 7, 1981, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order temporarily exempting Applicant from all provisions of the Act other than Sections 9, 17 (a)-(e) subject to certain specific exceptions, 36(a) and 37. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant states that it is a publicly held corporation with its shares traded over-the-counter. Applicant states that, since its inception in 1964, it has been engaged in the business of licensing and administering patents and patent applications for new technology. According to the application, its patent service activities include locating and identifying specific technology concepts, evaluating their economic and technical feasibility, prosecuting patent applications and licensing and administering patents. Applicant states that under its patent servicing agreements it shares in the revenues derived from the licensing of technologies or inventions. In addition, Applicant states that prior to March 28, 1980, it also engaged in the business of manufacturing and selling rugs through a wholly-owned subsidiary, Regal Rugs, Inc. Applicant represents that on that date it sold Regal Rugs, Inc., in part because that business was unrelated to its principal business. According to the application, Applicant had \$9,710,819 of marketable United States Government securities and total assets of \$10,848,913 as of July 31, 1980. Applicant represents that most of the securities it owns were purchased with the proceeds obtained in selling Regal Rugs, Inc. Applicant states that these securities are used to fund the costs of its patent service business, future expansion or entry into related businesses and as a reserve against future financial exigencies.

According to the application, Applicant intends to adopt deferred compensation plans ("plans") for the benefit of its key executives which would involve Applicant's ownership of significant amounts of preferred stock issued by public utilities. The application indicates that the plans would provide each key executive with a life insurance policy which would be owned solely by the executive, who would have all rights incident thereto. Applicant states that it filed the application because it deems it important to provide such a program for its key employees without inadvertently subjecting itself to the Act and the regulations thereunder.

According to the application, Applicant will borrow preferred stock of utility companies ("Stock") on a non-recourse basis from an insurance company for the period remaining before the employee's retirement. Applicant states that the Stock will be held by the insurance company as collateral for payment of the loan and that Applicant will have no liability for such loan, other than payment of current interest, in excess of the value of the Stock. Applicant states that it will take the dividends received on the Stock, deduct the corporate income taxes attributable thereto, and invest the remainder in additional preferred stock of one or more utility companies, which will be retained as collateral in a non-purpose margin account at a national brokerage firm. Annually, Applicant will borrow from the brokerage firm the amount of the annual premium on a life insurance policy purchased for the key employee, and the borrowing will be collateralized by the additional stock. Applicant states that the interest payable on the amount borrowed will be variable based on the current broker's call money rate and will be added to the principal of the loan. Applicant represents that the income earned by the securities funding the plans will not be utilized for distribution to Applicant's shareholders. Applicant maintains that the plans could be set up to utilize the 85% federal income tax deduction for dividends received from domestic corporations, thereby reducing the cost of the plans, and that this feature combined with other tax benefits anticipated under the plan will provide greater benefits to the participating employees with no after-tax cost to Applicant.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading

in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis". Applicant states that there is uncertainty as to whether it would be considered an investment company as defined under the Act.

Applicant represents that it holds itself out and is known as a company servicing and licensing patents and other commercial property. Applicant believes that its stock has been and is continually valued by the market on the basis of the potential of its operating business and not on the basis of its asset composition or any income expectation therefrom. Applicant maintains that its assets composition is not an indication of the nature of its business because it is a service business which requires minimum tangible capital. Applicant contends that its Government securities are held for the uses of its operating business and the securities to be held under the deferred compensation plan are solely for the benefit of its executives who are a crucial factor in its business. Applicant states that although the capitalized value of its present and potential income from licensing and servicing patents and other intangible properties is not treated as an asset in an accounting sense, those potential values are currently valued by the market in appraising Applicant's stock in excess of the value of the securities Applicant owns. The application states that no officer, director or employee spends any significant time on investment matters and that Applicant does not employ an investment adviser or manager.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision under the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(e) of the Act provides, in pertinent part, that if, in connection with any order under Section 6 exempting any investment company from Section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the Act

pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

Applicant states that it initially filed the application in order to establish a deferred compensation program for its executive employees and to eliminate any uncertainty regarding its status under the Act. Applicant therefore requests that an order be issued pursuant to Section 6(c) of the Act exempting Applicant for a period of two years from all provisions of the Act except Sections 9, 17 (a) through (e), 36(a), 37, all sections necessary to implement and enforce the provisions to which Applicant remains subject and all administrative, procedural and jurisdictional sections of the Act, with the following additional exceptions:

1. The recordkeeping provision of the Act (Section 31) and rules thereunder will apply only in respect to transactions which remain subject to Section 17 (a) through (e) after the exclusions set forth under (2) below.

2. Sections 17 (a) through (e), which prohibit certain affiliated person transactions, will not apply to prohibit:

(a) transactions in securities issued by any of Applicant's majority-owned subsidiaries or by partnerships or joint ventures of which Applicant or any of its majority-owned subsidiaries is a general partner or co-venturer;

(b) transactions in property other than securities;

(c) transactions in which the participation in or receipt of benefits related thereto, by any director, officer or employee of Applicant or of any of its majority-owned subsidiaries is incidental to the administration or execution of any retirement, welfare, stock option, stock purchase or bonus, or deferred compensation plan or agreement for the benefit of any such individual;

(d) loans to entities whose securities are owned by Applicant or to partnerships or joint ventures of which Applicant or any of its majority-owned subsidiaries is a general partner or co-venturer, except such entities that, to the knowledge of Applicant also directly or indirectly own, control or hold with power to vote 5 percent or more of Applicant's outstanding voting securities;

(e) loans by Applicant or any of its majority-owned subsidiaries to employees, officers or directors thereof to facilitate the receipt by such employees, officers or directors of

benefits pursuant to any stock option, stock purchase or stock bonus plan of Applicant or of any of its majority-owned subsidiaries, which loans are created by the payment of withholding taxes on behalf of such employees, officers or directors required in connection with their receipt of such benefits under any such plan;

(f) payment for legal services rendered in respect to litigation in which Applicant or any of its majority-owned subsidiaries is a plaintiff on the basis of a share of the recovery obtained by settlement or judgment; and

(g) participation in a partnership or joint venture of which Applicant or any of its majority-owned subsidiaries is a partner or co-venturer formed for the purpose of engaging in the business of licensing or obtaining commercial applications of ideas, inventions, patents or other intangible business properties so long as such partnership or joint venture is primarily and substantially engaged in such business.

Applicant states that the exceptions to the provisions of Sections 17 (a) through

(e) which have been requested are required by the nature of Applicant's business because an important element of its business is the ability to transfer intangible properties, including licensing and royalty rights, and to utilize numerous types of joint ventures.

Applicant submits that it is important that transactions involving the securities in and other properties of these entities not be prohibited and that the entities' securities, properties and cash be available for transfer and retransfer to accomplish Applicant's business purposes. As part of these types of arrangements, Applicant states that it must be free to provide capital in the form of loans and equity so that the financial structures of such ventures are not frozen into a particular form. Applicant submits that if it were unable to extend downstream loans, its ability to facilitate such ventures would be reduced.

Applicant states that its deferred compensation program was proposed to enhance Applicant's ability to engage and retain skilled executive personnel who are vital to the operation of Applicant's business. The exclusion of such plans is therefore alleged to be of significant value to Applicant's business. With respect to stock plans, Applicant believes it may be necessary to advance withholding taxes on behalf of plan participants to enable them to exercise rights under the plans and to obtain income tax deductions by the employer corporation.

Applicant maintains that because of the unique abilities of its personnel, it

would be adverse to the operation of its business to prohibit Applicant from using the creative ideas and inventive properties of Applicant's directors or stockholders. In this connection, Applicant states that it presently has a joint venture with one of its directors for the commercialization of certain entertainment properties of potentially significant value. According to the application, the rights to the property were contributed by the director and Applicant has contributed capital and will use its expertise in developing the properties' commercial value. Applicant submits that prohibiting joint ventures of this type would be adverse to its business.

Finally, the exclusion relating to payment for legal services involving litigation in which Applicant or any of its majority-owned subsidiaries is a plaintiff is asserted to be a question of business judgement. The Applicant indicates that such an exclusion would allow it to continue to employ in patent litigation legal counsel with which a director may be associated and to pay a share of the recovery for such services. The Applicant claims that the other members of its board of directors have determined that this method of payment in certain types of litigation is advantageous to the Applicant.

Applicant expressly consents to the imposition of the following conditions in any order granting the relief it requests:

(1) Records required to be maintained by Applicant will be subject to such reasonable examination by the Commission or its representatives as the Commission may prescribe.

(2) Applicant will not knowingly enter or knowingly cause any of its majority-owned subsidiaries to enter any of the transactions excepted from the provisions of Sections 17 (a) through (e) unless such transaction is approved by a majority of the directors of Applicant then in office who have no financial interest in such transaction other than through ownership of securities issued by Applicant or any of its majority-owned subsidiaries, or if there be no such directors, then by the stockholders of Applicant, on the basis that:

(a) the terms thereof, including the consideration to be paid or received, are reasonable and fair to Applicant or its majority-owned subsidiary, as the case may be, and do not involve overreaching of Applicant or its subsidiary on the part of any persons concerned;

(b) the proposed transaction is consistent with the interests of the stockholders and the business purpose of Applicant; and

(c) in the case of a transaction excepted by paragraph 2(a) or 2(g) of the exclusions listed above, any officer or director of Applicant who is a participant shall have furnished or agreed to furnish cash, services or property, tangible or intangible, justifying such participation.

Applicant further agrees that the minutes of the meetings of the board of directors or stockholders will record a description of each such transaction so approved, the findings of the board of directors or stockholders related thereto and the information and materials on which such findings are based.

(3) Applicant's directors will adopt, and periodically review and update as appropriate, procedures reasonably designed to ensure that reasonable inquiry is made, prior to the consummation of any transaction in which Applicant or any of its majority-owned subsidiaries proposes to participate, with respect to the possible involvement in the transaction of any affiliated person, as defined in Section 2(a)(3) of the Act.

On the basis of the foregoing, Applicant contends that the granting of a temporary exemptive order to the extent requested pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than July 24, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including

the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 81-19834 Filed 7-6-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1996]

Oklahoma; Declaration of Disaster Loan Area

Custer County and adjacent counties within the State of Oklahoma constitute a disaster area as a result of damage caused by tornadoes which occurred on May 22, 1981. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on August 27, 1981 and for economic injury until close of business on March 26, 1982 at Small Business Administration, District Office, 200 NW, 5th Street, Suite 670, Federal Building, Oklahoma City, Oklahoma 73102, or other locally announced locations.

For recent changes in disaster loan eligibility, see 46 FR 18526 (March 25, 1981).

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: June 26, 1981

Donald R. Templeman,
Administrator.

[FR Doc. 81-19720 Filed 7-6-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice No. 761]

International Pipeline Permit: Application for Steam Pipeline Between Edmunston, N.B., and Madawaska, Maine: Project Modifications

Corrections

In FR Doc. 81-18640 appearing on page 32722 in the issue of Wednesday, June 24, 1981, third column, the Public Notice Number in the heading was inadvertently omitted and should have appeared as set forth above.

BILLING CODE 1505-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-86]

Fish—Tariff-Rate Quota for the Calendar Year 1981; Correction

AGENCY: U.S. Customs Service,
Department of the Treasury.

SUMMARY: This document corrects a notice as T.D. 81-86 published in the **FEDERAL REGISTER** on April 15, 1981 [46 FR 22096].

FOR FURTHER INFORMATION CONTACT:
Daniel D. Sullivan, Acting Head, Quota
Section, U.S. Customs Service,
Washington, D.C. 20229 (202-566-8592).

On page 22097, the first full paragraph of the center column, in the last line, "1980" should read "1981".

Dated: June 30, 1981.

William D. Slyne,

Chief, Special Operations Branch.

[FR Doc. 81-19822 Filed 7-6-81; 8:45 am]

BILLING CODE 4810-22-M

Office of the Secretary

Debt Management Advisory Committee; Meeting

Notice is hereby given, pursuant to Section 10 of Pub. L. 92-463, that a meeting will be held at the U.S. Treasury Department in Washington, D.C. on July 28 and 29, 1981, of the following debt management advisory committee: Public Securities Association, U.S. Government and Federal Agencies Securities Committee.

The agenda for the Public Securities Association U.S. Government and Federal Agencies Securities Committee meeting provides for a working session on July 28 and the preparation of a written report to the Secretary of the Treasury on July 29, 1981.

Pursuant to the authority placed in Heads of Departments by section 10(d) of Pub. L. 92-463, and vested in me by Treasury Department Order 101-5 (January 7, 1981), I hereby determine that this meeting is concerned with information exempt from disclosure under section 552(b)(3)(4) and (9)(A) of Title 5 of the United States Code, and that the public interest requires that such meetings be closed to the public.

My reasons for this determination are as follows. The Treasury Department requires frank and full advice from representatives of the financial community prior to making its final decision on major financing operations. Historically, this advice has been offered by debt management advisory

committees established by the several major segments of the financial community, which committees have been utilized by this Department at meetings called by representatives of the Secretary. When so utilized, such a committee is recognized to be an advisory committee under Pub. L. 92-463. The advice provided consists of commercial and financial information given and received in confidence. As such debt management advisory committee activities concern matters which fall within the exemption covered by section 552b(c)(4) of Title 5 of the United States Code for matters which are "trade secrets and commercial or financial information obtained from a person and privileged or confidential."

Although the Treasury's final announcement of financing plans may or may not reflect the recommendations provided in reports of an advisory committee, premature disclosure of these reports would lead to significant financial speculation in the securities market. Thus, these meetings also fall within the exemption covered by 552b(c)(9)(A) of Title 5 of the United States Code.

The Assistant Secretary (Domestic Finance) shall be responsible for maintaining records of debt management advisory committee meetings and for providing annual reports setting forth a summary of committee activities and such other matters as may be informative to the public consistent with the policy of 5 U.S.C. 552b.

Dated: June 30, 1981.

Roger W. Mehle,

Assistant Secretary (Domestic Finance).

[FR Doc. 81-19785 Filed 7-6-81; 8:45 am]

BILLING CODE 4810-25-M

List of Countries Requiring Cooperation With an International Boycott

In order to comply with the mandate of section 999(a)(3) of the Internal Revenue Code of 1954, the Department of the Treasury is publishing a current list of countries which may require participation in, or cooperation with, an international boycott [within the meaning of section 999(b)(3) of the Internal Revenue Code of 1954]. The list is the same as the prior quarterly list published in the *Federal Register*.

On the basis of the best information currently available to the Department of the Treasury, the following countries may require participation in, or cooperation with, an international boycott [within the meaning of section

999(b)(3) of the Internal Revenue Code of 1954].

Bahrain
Iraq
Jordan
Kuwait
Lebanon
Libya
Oman
Qatar
Saudi Arabia
Syria
United Arab Emirates
Yemen, Arab Republic
Yemen, Peoples Democratic Republic of

John E. Chapoton,

Assistant Secretary for Tax Policy.

June 30, 1981.

[FR Doc. 81-19784 Filed 7-6-81; 8:45 am]

BILLING CODE 4820-25-M

VETERANS ADMINISTRATION

Advisory Committee on Health-Related Effects of Herbicides; Meeting

The Veterans Administration gives notice under the provisions of Pub. L. 92-463 that a meeting of the Advisory Committee on Health-Related Effects of Herbicides will be held in Room 119 of the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, on August 19, 1981, at 8:30 a.m. The purpose of the meeting will be to assemble and analyze information concerning toxicological issues which the Veterans Administration needs to formulate appropriate medical policy and procedures in the interest of veterans who may have encountered herbicidal chemicals used during the Vietnam Conflict.

The meeting will be open to the public up to the seating capacity of the room. Members of the public may direct questions, in writing only, to the Chairman, Barclay M. Shepard, M.D., and submit prepared statements for review by the Committee. Such members of the public may be asked to clarify submitted material prior to consideration by the Committee.

Transcripts of the proceedings and rosters of the Committee members may be obtained from Mr. Donald Rosenblum, Office of the Special Assistant to the Chief Medical Director for Environmental Medicine (102), Room 848, Department of Medicine and Surgery, Veterans Administration Central Office, Washington, DC 20420 (Telephone: (202) 389-5411).

Dated: June 28, 1981.

Donald L. Custis,

Acting Administrator.

[FR Doc. 81-19821 Filed 7-6-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 129

Tuesday, July 7, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Civil Aeronautics Board.....	1
Commodity Futures Trading Commission.....	2
Equal Employment Opportunity Commission.....	3, 4
Federal Energy Regulatory Commission.....	5
Federal Home Loan Bank Board.....	6, 7
International Trade Commission.....	8
National Credit Union Administration.....	9, 10

1

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the July 6, 1981, Board meeting [M-321, Amdt. 1: 7/1/81].

TIME AND DATE: 2:00 p.m., July 6, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 12a. Commuter Carrier Fitness Determination of Scheduled Skyways, Inc. (BDA).

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1048-81 Filed 7-2-81; 3:44 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11:00 a.m., Friday, July 17, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

TIME AND DATE: 4:15 p.m., Monday, July 6, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance briefing.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-1047-81 Filed 7-2-81; 8:40 pm]

BILLING CODE 6351-01-M

3

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: S-1022-81.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (Eastern Time), Tuesday, June 30, 1981.

CHANGE IN TIME OF MEETING: 3:00 p.m.

CONTACT PERSON FOR MORE

INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued June 30, 1981.

[S-1040-81 Filed 7-2-81; 11:07 am]

BILLING CODE 6570-06-M

4

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

DATE AND TIME: 9:30 a.m. (Eastern Time), Tuesday, July 7, 1981.

PLACE: Commission Conference Room No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Part will be open to the public and part will be closed to the public.

MATTERS TO BE CONSIDERED:

Open

1. Freedom of Information Act Appeal No. 81-4-FOIA-107, concerning a request for Sections III and IV of the Systemic Training Manual.

2. Freedom of Information Act Appeal No. 81-4-FOIA-125, concerning a request for copies of case summaries and ultimate dispositions in certain federal EEO complaints.

3. Freedom of Information Act Appeal Nos. 81-05-FOIA-028-MK and 81-05-FOIA-029-MK, concerning requests for access to certain enumerated documents under the fifth exemption to the FOIA.

4. Proposed Contract for Expert Services Needed in Connection With a Court Case.

5. Annual Report on Age Discrimination in Employment Report.

6. Proposed Revision of Policy Regarding Federal Agency Equal Employment Case Files Sent to EEOC.

7. A Report on Commission Operations by the Executive Director.

Closed to the Public

1. Litigation Authorization: General Counsel Recommendations.

Note.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE

INFORMATION: Treva I. McCall, Executive Officer, Executive Secretariat, at (202) 634-6748.

This notice issued June 30, 1981.

[S-1041-81 Filed 7-2-81; 11:09 am]

BILLING CODE 6570-06-M

5

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (46 FR 34756, July 2, 1981).

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: July 7 and 8, 1981, 9:00 a.m. to 12 noon.

CHANGE IN THE MEETING: The above meeting has been cancelled.

Kenneth F. Plumb, Secretary.

[S-1045-81 Filed 7-1-81; 2:31 pm]

BILLING CODE 6450-85-M

6

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Issue No. 124, Vol. No. 46, Page No. 33417, date published Monday, June 29, 1981.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., Thursday, July 2, 1981.

PLACE: 1700 G St. N.W., Board Room, 6th Floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the bank board meeting scheduled for Thursday, July 2, 1981: Merchandise Mart, Cleveland, Ohio.

No. 511, July 2, 1981.

[S-1039-81 Filed 7-2-81; 10:34 am]

BILLING CODE 6720-01-M

7

FEDERAL HOME LOAN BANK BOARD.**TIME AND DATE:** 10: a.m., Thursday, July 9, 1981.**PLACE:** 1700 G. St., N.W., Board Room, 6th Floor, Washington, D.C.**STATUS:** Closed meeting.**CONTACT PERSON FOR MORE****INFORMATION:** Mr. Marshall (202-377-6679).**MATTERS TO BE CONSIDERED:** The following items will be on the closed portion of the bank board meeting scheduled for Thursday, July 9, 1981: Request for Authority to Exercise, and Removal/Prohibition Order.

No. 512, July 2, 1981.

[S-1048-81 Filed 7-1-81; 3:06 pm]

BILLING CODE 6720-01-M

8

[USITC SE-81-19]**INTERNATIONAL TRADE COMMISSION.****TIME AND DATE:** 10:00 a.m., Tuesday, July 14, 1981.**PLACE:** Room 117, 701 E Street, N.W., Washington, D.C. 20436.**STATUS:** Open to the public.**MATTERS TO BE CONSIDERED:**

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 751-TA-4 (Synthetic L-Methionine from Japan)—briefing and vote.
6. Investigation 337-TA-88 (Certain Spring Assemblies)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE**INFORMATION:** Kenneth R. Mason, Secretary (202) 523-0161.

[S-1044-81 Filed 7-1-81; 2:10 pm]

BILLING CODE 7020-02-M

9

NATIONAL CREDIT UNION ADMINISTRATION.**TIME AND DATE:** 9:30 a.m., Thursday, July 9, 1981.**PLACE:** 1776 G Street N.W., Washington, D.C., 7th Floor Board Room.**STATUS:** Open.**MATTERS TO BE CONSIDERED:**

1. Review of Central Liquidity Facility Lending Rate.
2. Central Liquidity Facility FY 1981 Third Quarter Dividend.
3. Proposed amendment to Part 720 of the NCUA Rules and Regulations regarding description of offices, disclosure of official records, availability of information, promulgation of regulations.
4. Reports of actions taken under delegations of authority.
5. Applications for charters, amendments to charters, bylaw amendments, mergers as may be pending at that time.

RECESS: 10:15 a.m.**TIME AND DATE:** 10:30 a.m., Thursday, July 9, 1981.**PLACE:** 1776 G Street N.W., Washington, D.C., 7th Floor Board Room.**STATUS:** Closed.**MATTERS TO BE CONSIDERED:**

1. Administrative action under Sections 120 and 207 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).
2. Requests from Federally insured credit unions for special assistance under Section

208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

3. Requests for mergers with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

4. Administration of Central Liquidity Facility discount note program. Closed pursuant to exemption (2).

5. Personnel actions. Closed pursuant to exemptions (2) and (6).

FOR MORE INFORMATION CONTACT: Joan O'Neill, Program Assistant, telephone (202) 357-1100.

[S-1043-81 Filed 7-2-81; 12:19 pm]

BILLING CODE 7535-01-M

10

NATIONAL CREDIT UNION ADMINISTRATION.

Notice of previously held emergency meeting.

TIME AND DATE: 11:30 a.m., Monday June 29, 1981.**PLACE:** 1776 G Street N.W., Washington, D.C., 7th Floor Board Room.**STATUS:** Closed.**MATTERS CONSIDERED:**

1. Requests from Federally insured credit unions for special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

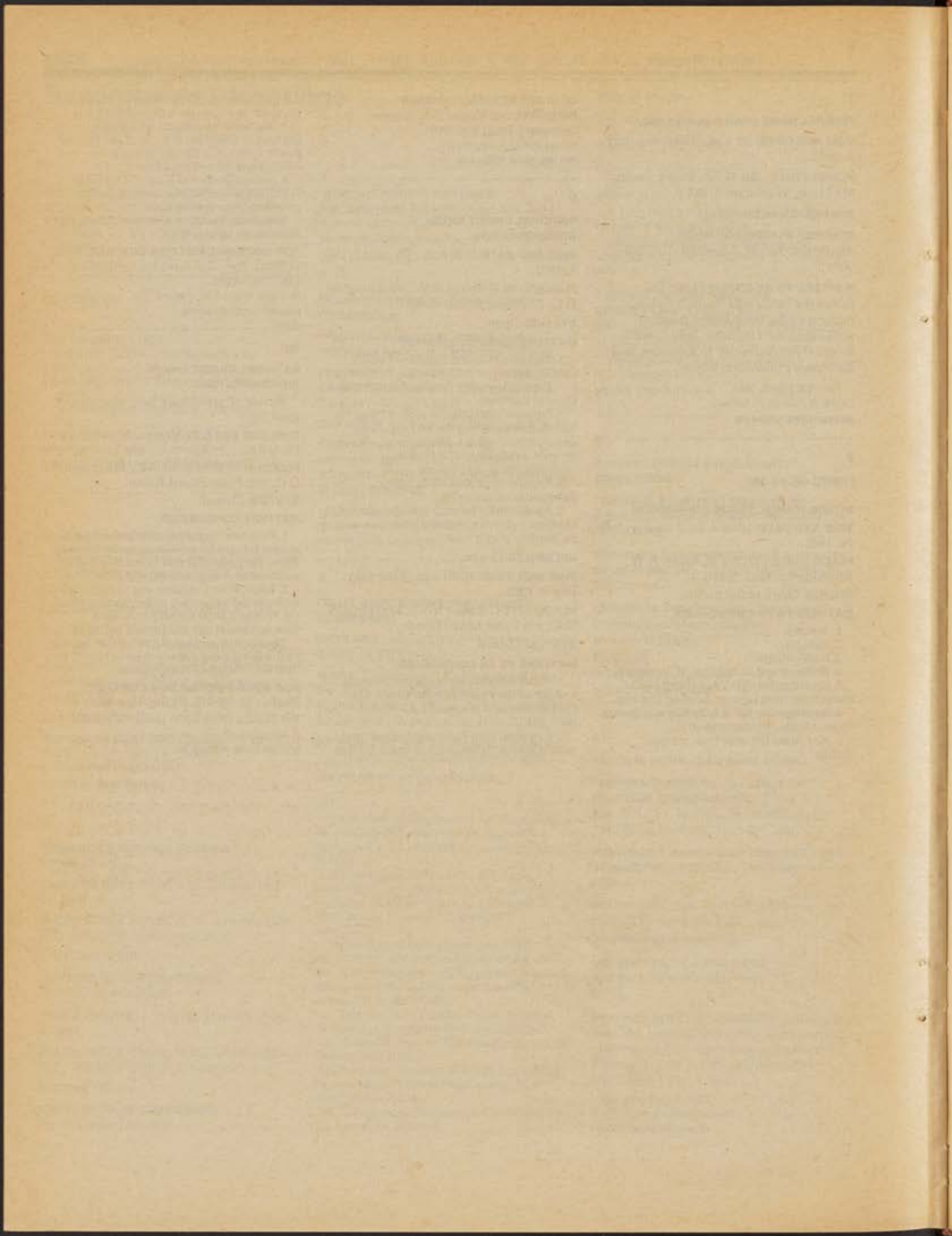
2. Request for purchase and assumption with special assistance under Section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

The Board unanimously voted that agency business required a meeting be held with less than seven days advance notice.

FOR MORE INFORMATION CONTACT: Beatrix D. Fields, Acting Secretary of the Board, telephone (202) 357-1100.

[S-1043-81 Filed 7-2-81; 6:45 am]

BILLING CODE 7535-01-M



Registered Federal Reporter

Tuesday
July 7, 1981

Part II

Environmental Protection Agency

Hazardous Waste Management System:
General Hazardous Waste Management
System; Identification and Listing of
Hazardous Waste; Standards Applicable
to Owners and Operators of Hazardous
Waste Treatment, Storage and Disposal
Facilities and EPA Administered Permit
Programs

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 261, 264, 265 and 122

[SWH-FRL 1874-8]

Hazardous Waste Management System: General Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities and EPA Administered Permit Programs

AGENCY: Environmental Protection Agency.

ACTION: Revision to interim final and final rules.

SUMMARY: The Environmental Protection Agency (EPA) is today making several technical amendments to its hazardous waste management regulations. First, EPA is revising those provisions which incorporate certain materials by reference to comply with the Federal Register's rules on incorporation by reference. Second, EPA is removing the advisory "comments" which appear in those provisions. The comments now either appear in a numbered paragraph as part of the regulations or have been deleted entirely. This action is also necessary to conform with Federal Register format. Third, EPA is updating the number of one of the ASTM test methods used to determine whether a waste is ignitable. This action is necessary because the method number now cited in EPA's regulations is no longer available from ASTM. Fourth, EPA is updating the publication date of "Flammable and Combustible Liquids Code" because a more recent edition is available.

Finally, EPA is revising the language of the Toxicity Test Procedure and Chemical Analysis Test Methods to make it clear that the procedures are mandatory. This change is necessary in order to incorporate the cited EPA manual by reference. All changes made today to the regulations only affect the format and do not change any substantive requirements.

EFFECTIVE DATE: This amendment is effective on July 7, 1981.

FOR FURTHER INFORMATION CONTACT: Alfred W. Lindsey, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460, (202) 755-9185.

SUPPLEMENTARY INFORMATION: Parts 261, 264, 265 and 122 of EPA's hazardous

waste management regulations incorporate certain publications—including testing and analytical methods—by reference. The Office of the Federal Register has advised EPA that the regulations containing these references (May 19, 1980 (45 FR 33063-33588), October 30, 1980 (45 FR 72024-72041), January 12, 1981 (46 FR 2802-2897) and January 23, 1981 (46 FR 7666-7690)), must be amended to fully comply with the Office's detailed rules for incorporating published materials in regulations by reference (1 CFR Part 51). Among other things, those rules require that each statement of incorporation by reference contain certain information and meet specific drafting standards (1 CFR 51.6-51.8). One purpose of this notice is to revise those provisions of Parts 261, 264, 265 and 122 that incorporate materials by reference to assure that they meet all applicable Part 51 requirements. These revisions do not make any substantive changes in the regulations.

Part 51 does not dictate precisely where in a regulation the information required to be provided in a statement of incorporation by reference must appear. In most cases, it will accompany the individual section or paragraph in which the reference appears. Because this format would make paragraphs containing multiple citations rather lengthy, EPA has chosen to list all references with the required information in two new sections—§§ 260.11 and 122.20—rather than repeating the

required information in each paragraph of the regulations where a citation occurs. The regulatory text of each of the affected sections has been amended to include a reference to § 260.11 or § 122.20 after each citation.

Several sections which are amended to conform with the requirements of the Office of the Federal Register for incorporation by reference have also been amended for other reasons by today's notice. First, the Agency has removed all advisory comments from the regulatory sections amended today. This is not a substantive change, but is an action which EPA plans to eventually take on all comments in its hazardous waste regulations in order to conform with Federal Register format. Some comments have been incorporated into the appropriate paragraph of the affected section; others have been deleted from the regulatory sections, and are printed below for the convenience of the reader. Because in the future advisory comments will appear only in the preambles to the regulations, and because preambles are not published in the *Code of Federal Regulations*, readers should save Federal Register issues in which the regulations are originally published to assure that they have a permanent record of these comments.

For the sections affected by today's actions where comments have been deleted, the original information contained in the comment remains advisory and is reprinted below for the reader's information.

Federal Register date	Section	Deleted comment
Jan. 12, 1981	264.191	Design standards for certain types of tanks are published by the American Petroleum Institute, Underwriter's Laboratories, the American Concrete Institute, and several other organizations.
Jan. 12, 1981	264.196	As required by § 264.13, the waste analysis plan must include analysis needed to comply with § 264.196. Section 264.17(a) contains additional requirements for ignitable and reactive wastes. Also, § 264.17(c) requires waste analysis, trial tests, or other documentation to ensure compliance with § 264.17(b). As required by § 264.73, the owner or operator must place results of each waste analysis and trial test, and any documented information, in the operating record of the facility.
May 19, 1980	265.198	See § 265.17(a) for additional requirements.

A second change which EPA has made in one of today's amended sections is to change the citation of "ASTM Standard Method of Test for Flash Point by Pensky-Martens Closed Tester" in 40 CFR 261.21(a)(1) from D-93-79 to either D-93-79 or D-93-80. EPA is taking this action because D-93-79 is no longer available from ASTM and because the changes made to the D-93-79 edition which are incorporated in the D-93-80 edition are non-substantive in nature. Either version of the standard may be used to comply with the regulations.

A third change which EPA has made in §§ 264.198 and 265.198 is to change the publication date of the National Fire Protection Association's "Flammable and Combustible Liquids Code" from 1977 to either 1977 or 1981, since a new edition is now available. The changes made to the 1977 edition do not affect Tables 2-1 through 2-6 which are the referenced portions of the Code in §§ 264.198 and 265.198. Either edition of the book may be used to comply with the regulations.

The last change which EPA has made to one of today's amended sections is to change the word "should" to the word

"shall" every place the word "should" appears in Part 261, Appendix II, and in the first paragraph of Appendix III. The use of the stronger word "shall" is necessary to make it clear that Appendices II and III are mandatory.

not merely advisory (Appendix I is advisory).

The specific sections of Parts 261, 264, 265 and 122 which are being amended today to include the changes described above are:

Federal Register date	Page	Part of section and paragraph
May 19, 1980	33121-22	§ 261.21(a)(1).
	33122	§ 261.22(a)(1) and (a)(2).
	33127-28	Part 261, Appendix II.
	33130	Part 261, Appendix III.
	33245	§ 265.198(b).
Oct. 30, 1980	72041	Part 261, Appendix II.
Jan. 12, 1981	2867	§ 264.191.
	2868	§ 264.198(b).
Jan. 23, 1981	7681	§ 122.25(b)(5)(ii)(A)(3) and (b)(5)(ii)(A)(4).
	7682	§ 122.27(b)(1)(ii)(C) and (b)(1)(ii)(D).

Regulatory Analysis

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. Because this amendment is non-substantive in nature and only changes the format of the previously approved final rule, EPA has determined that this amendment does not require a Regulatory Impact Analysis.

The Office of Management and Budget has advised EPA that this notice does not have to be submitted to them for review under Executive Order 12291.

Dated: June 30, 1981.

John W. Hernandez,
Acting Administrator.

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

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

1. The authority citation for Part 260 reads as follows:

Authority: Secs. 1006, 2002(a), 3001-3007 and 3010 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), 6921-6927 and 6930].

2. A new § 260.11 is added to read as follows:

§ 260.11 References.

(a) When used in Parts 260 through 265 of this chapter, the following publications are incorporated by reference:

"ASTM Standard Test Methods for Flash Point of Liquids by Setaflash Closed Tester," ASTM Standard D-3278-78, available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

"ASTM Standard Test Methods for Flash Point by Pensky-Martens Closed Tester," ASTM Standard D-93-79 or D-93-80, D-93-80 is available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

"Flammable and Combustible Liquids Code" (1977 or 1981), available from the National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210.

"Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (1980), EPA publication number SW-846, available from the U.S. Environmental Protection Agency, Solid Waste Information, 26 W. St. Clair Street, Cincinnati, Ohio 45268.

(b) The references listed in paragraph (a) of this section are also available for inspection at the Office of the Federal Register, 1100 L Street, NW, Washington, D.C. 20408. These incorporations by reference were approved by the Director of the Federal Register. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

3. The authority citation for Part 261 reads 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].

4. Section 261.21 is amended by removing footnote (1) and by revising paragraph (a)(1) to read as follows:

§ 261.21 Characteristic of ignitability.

(a) * * *

(1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume and has flash point less than 60°C (140°F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80 (incorporated by reference, see § 260.11), or a Setaflash Closed Cup

Tester, using the test method specified in ASTM Standard D-3278-78 (incorporated by reference, see § 260.11), or as determined by an equivalent test method approved by the Administrator under procedures set forth in §§ 260.20 and 260.21.

5. Section § 261.22 is amended by removing footnotes (2) and (3) and by revising paragraphs (a)(1) and (a)(2) to read as follows:

§ 261.22 Characteristic of corrosivity.

(a) * * *

(1) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using either an EPA test method or an equivalent test method approved by the Administrator under the procedures set forth in §§ 260.20 and 260.21. The EPA test method for pH is specified as Method 5.2 in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 260.11). (2) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 0.35 mm (0.250 inch) per year at a test temperature of 55°C (130°F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 260.11) or an equivalent test method approved by the Administrator under the procedures set forth in §§ 260.20 and 260.21.

6. Appendix II of Part 261 is revised to read as follows:

Appendix II—EP Toxicity Test Procedure

A. Extraction Procedure (EP)

1. A representative sample of the waste to be tested (minimum size 100 grams) shall be obtained using the methods specified in Appendix I or any other method capable of yielding a representative sample within the meaning of Part 260. [For detailed guidance on conducting the various aspects of the EP see "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 260.11).]

2. The sample shall be separated into its component liquid and solid phases using the method described in "Separation Procedure" below. If the solid residue¹ obtained using this method totals less than 0.5% of the

¹ 1. The percent solids is determined by drying the filter pad at 80°C until it reaches constant weight and then calculating the percent solids using the following equation:

$$100 - \% \text{ solids} = \frac{(\text{weight of pad} + \text{solid}) - (\text{tare weight of pad}) \times 100}{\text{initial weight of sample}}$$

original weight of the waste, the residue can be discarded and the operator shall treat the liquid phase as the extract and proceed immediately to Step 8.

3. The solid material obtained from the Separation Procedure shall be evaluated for its particle size. If the solid material has a surface area per gram of material equal to, or greater than, 3.1 cm^2 or passes through a 9.5 mm (0.375 inch) standard sieve, the operator shall proceed to Step 4. If the surface area is smaller or the particle size larger than specified above, the solid material shall be prepared for extraction by crushing, cutting or grinding the material so that it passes through a 9.5 mm (0.375 inch) sieve or, if the material is in a single piece, by subjecting the material to the "Structural Integrity Procedure" described below.

4. The solid material obtained in Step 3 shall be weighed and placed in an extractor with 16 times its weight of deionized water. Do not allow the material to dry prior to weighing. For purposes of this test, an acceptable extractor is one which will impart sufficient agitation to the mixture to not only prevent stratification of the sample and extraction fluid but also insure that all sample surfaces are continuously brought into contact with well mixed extraction fluid.

5. After the solid material and deionized water are placed in the extractor, the operator shall begin agitation and measure the pH of the solution in the extractor. If the pH is greater than 5.0, the pH of the solution shall be decreased to 5.0 ± 0.2 by adding 0.5 N acetic acid. If the pH is equal to or less than 5.0, no acetic acid should be added. The pH of the solution shall be monitored, as described below, during the course of the extraction and if the pH rises above 5.2, 0.5N acetic acid shall be added to bring the pH down to 5.0 ± 0.2 . However, in no event shall the aggregate amount of acid added to the solution exceed 4 ml of acid per gram of solid. The mixture shall be agitated for 24 hours and maintained at $20^\circ\text{--}40^\circ\text{C}$ ($68^\circ\text{--}104^\circ\text{F}$) during this time. It is recommended that the operator monitor and adjust the pH during the course of the extraction with a device such as the Type 45-A pH Controller manufactured by Chemtrix, Inc., Hillsboro, Oregon 97123 or its equivalent, in conjunction with a metering pump and reservoir of 0.5N acetic acid. If such a system is not available, the following manual procedure shall be employed:

(a) A pH meter shall be calibrated in accordance with the manufacturer's specifications.

(b) The pH of the solution shall be checked and, if necessary, 0.5N acetic acid shall be manually added to the extractor until the pH reaches 5.0 ± 0.2 . The pH of the solution shall be adjusted at 15, 30 and 60 minute intervals, moving to the next longer interval if the pH does not have to be adjusted more than 0.5N pH units.

(c) The adjustment procedure shall be continued for at least 6 hours.

(d) If at the end of the 24-hour extraction period, the pH of the solution is not below 5.2 and the maximum amount of acid (4 ml per gram of solids) has not been added, the pH

shall be adjusted to 5.0 ± 0.2 and the extraction continued for an additional four hours, during which the pH shall be adjusted at one hour intervals.

6. At the end of the 24 hour extraction period, deionized water shall be added to the extractor in an amount determined by the following equation:

$$V = (20)(W) - 16(W) - A$$

V = ml deionized water to be added

W = weight in grams of solid charged to extractor

A = ml of 0.5N acetic acid added during extraction

7. The material in the extractor shall be separated into its component liquid and solid phases as described under "Separation Procedure."

8. The liquids resulting from Steps 2 and 7 shall be combined. This combined liquid (or the waste itself if it has less than $\frac{1}{2}$ percent solids, as noted in step 2) is the extract and shall be analyzed for the presence of any of the contaminants specified in Table I of § 261.24 using the Analytical Procedures designated below.

Separation Procedure

Equipment: A filter holder, designed for filtration media having a nominal pore size of 0.45 micrometers and capable of applying a 5.3 kg/cm^2 (75 psi) hydrostatic pressure to the solution being filtered, shall be used. For mixtures containing nonabsorptive solids, where separation can be effected without imposing a 5.3 kg/cm^2 pressure differential, vacuum filters employing a 0.45 micrometers filter media can be used. (For further guidance on filtration equipment or procedures see "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" incorporated by reference, see § 260.11). Procedure:²

(i) Following manufacturer's directions, the filter unit shall be assembled with a filter bed consisting of a 0.45 micrometer filter membrane. For difficult or slow to filter mixtures a prefilter bed consisting of the following prefilters in increasing pore size (0.65 micrometer membrane, fine glass fiber prefilter, and coarse glass fiber prefilter) can be used.

(ii) The waste shall be poured into the filtration unit.

(iii) The reservoir shall be slowly pressurized until liquid begins to flow from the filtrate outlet at which point the pressure in the filter shall be immediately lowered to 10-15 psig. Filtration shall be continued until liquid flow ceases.

² This procedure is intended to result in separation of the "free" liquid portion of the waste from any solid matter having a particle size $> 0.45 \text{ }\mu\text{m}$. If the sample will not filter, various other separation techniques can be used to aid in the filtration. As described above, pressure filtration is employed to speed up the filtration process. This does not alter the nature of the separation. If liquid does not separate during filtration, the waste can be centrifuged. If separation occurs during centrifugation, the liquid portion (centrifugate) is filtered through the 0.45 μm filter prior to becoming mixed with the liquid portion of the waste obtained from the initial filtration. Any material that will not pass through the filter after centrifugation is considered a solid and is extracted.

(iv) The pressure shall be increased stepwise in 10 psi increments to 75 psig and filtration continued until flow ceases or the pressurizing gas begins to exit from the filtrate outlet.

(v) The filter unit shall be depressurized, the solid material removed and weighed and then transferred to the extraction apparatus, or, in the case of final filtration prior to analysis, discarded. Do not allow the material retained on the filter pad to dry prior to weighing.

(vi) The liquid phase shall be stored at 4°C for subsequent use in Step 8.

B. Structural Integrity Procedure

Equipment: A Structural Integrity Tester having a 3.18 cm (1.25 in.) diameter hammer weighing 0.33 kg (0.73 lbs.) and having a free fall of 15.24 cm (6 in.) shall be used. This device is available from Associated Design and Manufacturing Company, Alexandria, VA 22314, as Part No. 125, or it may be fabricated to meet the specifications shown in Figure 1.

Procedure

1. The sample holder shall be filled with the material to be tested. If the sample of waste is a large monolithic block, a portion shall be cut from the block having the dimensions of a 3.3 cm (1.3 in.) diameter x 7.1 cm (2.8 in.) cylinder. For a fixated waste, samples may be cast in the form of a 3.3 cm (1.3 in.) diameter x 7.1 cm (2.8 in.) cylinder for purposes of conducting this test. In such cases, the waste may be allowed to cure for 30 days prior to further testing.

2. The sample holder shall be placed into the Structural Integrity Tester, then the hammer shall be raised to its maximum height and dropped. This shall be repeated fifteen times.

3. The material shall be removed from the sample holder, weighed, and transferred to the extraction apparatus for extraction.

Analytical Procedures for Analyzing Extract Contaminants

The test methods for analyzing the extract are as follows:

1. For arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver, endrin, lindane, methoxychlor, toxaphene, 2,4-D[2,4-dichlorophenoxyacetic acid] or 2,4,5-TP [2,4,5-trichlorophenoxypropionic acid]: "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 260.11).

2. [Reserved]

For all analyses, the methods of standard addition shall be used for quantification of species concentration.

7. Appendix III of Part 261 is amended by revising the first sentence of the first paragraph to read as follows:

Appendix III—Chemical Analysis Test Methods

Tables 1, 2, and 3 specify the appropriate analytical procedures described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (incorporated

by reference, see § 260.11), which shall be used in determining whether the waste in question contains a given toxic constituent.

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE, TREATMENT, STORAGE AND DISPOSAL FACILITIES

8. The authority citation for Part 264 reads as follows:

Authority: Secs. 1006, 2002(a), 3001 through 3007, and 3010 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 6921 through 6927 and 6930).

§ 264.191 [Amended]

9. Section 264.191 is amended by removing the bracketed comment.

10. Section 264.198 is amended by removing the bracketed comment and revising paragraph (b) to read as follows:

§ 264.198 Special requirements for ignitable or reactive waste.

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981), (incorporated by reference, see § 260.11).

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

11. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), and 3004 of the Solid Waste Disposal Act, as amended by the Resources Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a) and 6924).

12. Section 265.198 is amended by removing the bracketed comment and revising paragraph (b) to read as follows:

§ 265.198 Special requirements for ignitable or reactive waste.

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must

comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code" (1977 or 1981), (incorporated by reference, see § 260.11).

PART 122—EPA ADMINISTERED PERMIT PROGRAMS: THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM; THE HAZARDOUS WASTE PERMIT PROGRAM AND THE UNDERGROUND INJECTION CONTROL PROGRAM

13. The authority citation for Part 122 reads as follows:

Authority: Resource Conservation and recovery Act, 42 U.S.C. 6901 *et seq.*; Safe Drinking Water Act, 42 U.S.C. 300(f) *et seq.*; and Clean Water Act, 33 U.S.C. 1251 *et seq.*

14. A new § 122.20 is added to read as follows:

§ 122.20 References.

(a) When used in Part 122 of this chapter, the following publications are incorporated by reference:

"Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (1980), EPA publication number SW-846, available from the U.S. Environmental Protection Agency, 26 W. St. Clair Street, Cincinnati, Ohio 45268.

(b) The references listed in paragraph (a) of this section are also available for inspection at the Office of the Federal Register, 1100 L Street, NW., Washington, D.C. 20408. These incorporations by reference were approved by the Director of the Federal Register. These materials are incorporated as they exist on the date of approval and a notice of any change in these materials will be published in the Federal Register.

15. Section 122.25 is amended by revising paragraphs (b)(5)(iii)(A) (3) and (4) as follows:

§ 122.25 Contents of Part B.

- (b) * * *
- (5) * * *
- (iii) * * *
- (A) * * *

(3) An identification of any hazardous organic constituents listed in Part 261, Appendix VIII of this Chapter, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Part

261, Appendix VIII, of this Chapter which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 122.20 and referenced in 40 CFR Part 261, Appendix III), or their equivalent.

(4) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 122.20).

16. Section 122.27 is amended by revising paragraphs (b)(1)(i) (C) and (D) as follows:

§ 122.27 Short term permits.

- (b) * * *
- (1) * * *
- (i) * * *

(C) An identification of any hazardous organic constituents listed in Part 261, Appendix VIII of this Chapter, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in Part 261, Appendix VIII, of this Chapter which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 122.20 and referenced in 40 CFR Part 261, Appendix III), or their equivalent.

(D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods" (incorporated by reference, see § 122.20).

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