2. Section 17.5 is amended by revising the sixth sentence to read as follows:

§ 17.5 Bids.

* * * Bids must be accompanied by certified checks, post office money orders, bank drafts, or cashier's checks made payable to the United States of America for 2 percent of the amount of the fair market value or $2,500, whichever is greater, in the case of a freehold interest or for the amount of the first year's rent in the case of a leasehold interest. * * *

3. Section 17.6 is amended by adding two sentences to the end of the section, to read as follows:

§ 17.6 Action at close of bidding.

* * * In the case of a freehold interest, the high bidder must submit the balance of the bid within 45 days of the bid award in the form of a certified check, post office money order, bank draft, or cashier's check, made payable to the United States of America. Failure to submit the full balance within 45 days will result in the forfeiture of $1,000 of bid deposit, unless the bidder has been released from the bid or an extension has been granted by the authorized officer, and the property will be awarded to the next highest bidder upon fulfillment of the requirements of this section.

Date: May 19, 1996.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96–14104 Filed 6–4–96; 8:45 am]

BILLING CODE 4310–70–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 264, 265, 270, and 271

[FRL–5509–4]

RIN 2060–AB94

Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amendment of final rule to postpone requirements.

SUMMARY: This document amends the EPA standards to postpone the effective date of the requirements in the December 6, 1994 final rule entitled, ''Hazardous Waste Treatment, Storage, and Disposal Facilities and Hazardous Waste Generators; Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers'' until October 6, 1996.

DATES: These amendments are effective June 5, 1996.

ADDRESSES: Docket. The supporting information used for the final rule is available for public inspection and copying in the RCRA docket. The RCRA docket numbers pertaining to the final rule are F–91–CESP–FFFFF, F–92–CESA–FFFFF, F–94–CESF–FFFFF, F–94–CE2A–FFFFF, F–95–CE3A–FFFFF, and F–96–CE4A–FFFFF. The RCRA docket is located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. Review of docket materials is conducted at the Virginia address; an appointment is required to review docket materials. Appointments can be scheduled by calling the Docket Office at (703) 603–9230. The mailing address for the RCRA Docket Office is RCRA Information Center (5305W), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: For information about this postponement contact the RCRA Hotline at (800) 424–9346 toll-free, or (703) 920–9810.

SUPPLEMENTARY INFORMATION:

1. Postponement of Effective Date for Rule Requirements

The effective date of the requirements in the final rule, originally published December 6, 1994 (59 FR 62896) and postponed November 13, 1995 (60 FR 56952), are further postponed until October 6, 1996. The requirements of these final standards were originally scheduled to become effective as of June 5, 1995. The EPA specified in the final rule a schedule that established the compliance dates by which different requirements of the final rule must be met. These compliance dates and requirements are explained further in the final rule (59 FR 62896, December 6, 1994) under **SUPPLEMENTARY INFORMATION.** Today's amendment changes only the effective date of the requirements contained in the final standards. The effective date will be October 6, 1996 for all provisions of the standards, including the applicability of 40 CFR part 265 subparts AA, BB, and CC to 90-day accumulation units at hazardous waste generators, the applicability of 40 CFR part 265 subparts AA, BB, and CC to RCRA permitted units, and the applicability of the final standards to tanks in which waste stabilization activities are performed. All other compliance dates for the final rule remain as published in the final rule (59 FR 62896.)

The EPA initially extended the effective date of the requirements in the final rule for six months to allow time to clarify certain provisions of the final rule and develop other compliance options (see 60 FR 26828, May 19, 1995). On August 14, 1995 the EPA published a Federal Register notice, ''Proposed rule; data availability'' (60 FR 41870) and opened RCRA docket F–95–CE3A–FFFFF to accept comments on revisions that the EPA is considering for the final standards. The provisions of the final rule that these revisions would affect are the waste determination procedures, the standards for containers, and the applicability of the final standards to units that operate air emission controls in accordance with certain Clean Air Act standards. In addition, these revisions would reduce the monitoring, record keeping, and reporting requirements for affected tanks, surface impoundments, and containers.

The EPA accepted public comments on the appropriateness of these revisions through October 13, 1995, and is now in the process of finalizing amendments to the final rule to incorporate the described revisions, based on the information the EPA noticed and the comments EPA received. As anticipated, the amendments will provide certain compliance options for waste determination procedures and for container standards that are not currently available in the published final rule. On November 13, 1995 (60 FR 56952) the EPA again postponed the effective date of the rule requirements until June 6, 1996 to allow time for the EPA to publish amendments to the December 6, 1994 final standards. The EPA expects to publish these amendments in the near future. Given that the EPA is in the process of amending the rule in ways that would increase compliance flexibility and possibly reduce certain regulatory requirements, the EPA considers it appropriate to delay the June 6, 1996 effective date of the rule requirements for four months. (See 5 U.S.C. 705, ''when an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review.'') In particular, the EPA is not sure that it will have adequate time to promulgate the amendments before June 6, 1996 to allow facilities to avoid compliance expenditures based on the December 6, 1994 final rule, expenditures which may prove unnecessary in light of the projected amendments. This postponement will thus allow time for the EPA to publish

the amendments. The EPA anticipates that by October 6, 1996 affected sources will have had ample time to make any necessary alterations to their compliance plans in response to the amendments. Affected sources have been on notice of the final regulations since they were published in December of 1994. The EPA expects that by early 1995, most facilities had begun preparing their implementation strategies and planning for any necessary equipment modifications, in anticipation of the originally scheduled implementation date of June 6, 1995. Thus, the EPA considers today's four month extension to be sufficient time for affected facilities to become familiar with the revised requirements contained in the amended standards, and to make any necessary revisions to their implementation strategies.

The EPA has received a request to stay the rule from parties that brought judicial challenges to the December 6, 1994 published rule. In taking this action to postpone the effective date of the rule requirements, the EPA is not concurring that the criteria for a stay (such as likelihood of irreparable harm or likelihood that these parties will ultimately prevail should the rule be litigated) are met. Rather, as a prudential matter, the EPA believes that a four month delay is appropriate for the reasons explained above.

2. Retention of Final Compliance Date of December 8, 1997

The December 6, 1994 published rule set a final compliance date of December 8, 1997, by which time all required air emission control equipment must be operating (59 FR 62897). The EPA does not believe that postponing the effective date of the rule requirements necessitates any postponement of the December 8, 1997 compliance date. The final compliance date was chosen to allow time for facility modifications that may be involved in the compliance approach of certain facilities. The EPA believes that, for many air emission control applications, the required control devices can be installed and in operation within several months. However, the EPA agrees that under some circumstances, the owner's or operator's approach to complying with the air emission control requirements under the subpart CC standards may involve a major design and construction project which requires a longer time to complete. In recognition of these cases, the EPA decided that it is reasonable to allow up to December 8, 1997 for affected facilities to install and begin operation of air emission controls required by the supbart CC standards. (Hazardous Waste TSDF Background Information Document for Promulgated Organic Air Emission Standards, EPA–453/R–94–076b, page 9–7.)

The final rule requirements that may necessitate a major modification, as described above, for tanks are paragraphs (b) through (d) of 40 CFR parts 264.1084 and 265.1085. These paragraphs specify air emission control equipment that must be operated on tanks receiving affected hazardous waste. Similarly, the requirements that may necessitate such a major modification for surface impoundments are paragraphs (b) through (e) of 40 CFR parts 264.1085 and 265.1086. These paragraphs specify air emission control equipment that must be operated on surface impoundments receiving affected hazardous waste. To comply with these requirements for tanks and surface impoundments, facilities may choose to construct new hazardous waste management units to replace existing units, or may choose to modify existing hazardous waste management units. Examples of facility equipment modifications that could require an extended period of compliance would be replacing a large open surface impoundment with a series of covered tanks, or fitting an existing open tank with a fixed roof vented to a control device. The EPA recognizes that such major modifications or new construction can require several months or more, and therefore allows until December 8, 1997 for facilities to comply with the air emission control requirements of the final subpart CC standards.

In addition, certain States may require that a facility obtain a permit modification prior to performing a major modification such as those described above. The EPA recognizes that such permit modifications can be a lengthy process, and therefore felt it was appropriate to afford an extended compliance period to allow such modifications to be obtained (59 FR 62919). The EPA does not expect that such a lengthy period of implementation would be required in circumstances other than those described above, although § 264.1082(c) allows that such a period is available if necessary.

The final rule provisions that justified a compliance date of December 8, 1997 are not among those that are potentially affected by the revisions currently under EPA's consideration. Specifically, the EPA is not considering changes to the requirements for covers and air emission controls on tanks and surface impoundments. All affected facilities have been on notice of the final rule air emission control requirements for these units since the final rule publication on December 6, 1994. Therefore, the EPA does not consider it appropriate to postpone the compliance date of December 8, 1997, by which all required air emission control equipment must be operating.

3. Conclusion

The EPA is amending the final rule such that the final rule requirements are not effective until October 6, 1996. The final rule text affected by this postponement is amended as follows.

List of Subjects

40 CFR Parts 264 and 265

Air pollution control, Container, Control device, Hazardous waste, Incorporation by reference, Inspection, Miscellaneous unit, Monitoring, Reporting and recordkeeping requirements, Standards, Surface impoundment, Tank, TSDF, Waste determination.

40 CFR Part 271

Administrative practice and procedure, Air pollution control, Confidential business information, Hazardous waste, Reporting and recordkeeping requirements.

Dated: May 16, 1996.

Mary D. Nichols,

Assistant Administrator for Air and Radiation.

For the reasons set out in the preamble, title 40, chapter I, parts 264, 265, and 271 of the Code of Federal Regulations are amended as follows:

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

1. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924 and 6925.

Subpart CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers

2. Section 264.1080 is amended by revising paragraphs (b)(1) and (c) to read as follows:

§ 264.1080 Applicability.

* * * * *

(b) * * *

(1) A waste management unit that holds hazardous waste placed in the unit before October 6, 1996, and in

which no hazardous waste is added to the unit on or after this date.

* * * * *

(c) For the owner and operator of a facility subject to this subpart and who received a final permit under RCRA section 3005 prior to October 6, 1996, the requirements of this subpart shall be incorporated into the permit when the permit is reissued in accordance with the requirements of 40 CFR 124.15 of this chapter or reviewed in accordance with the requirements of 40 CFR 270.50(d) of this chapter. Until such date when the owner and operator receives a final permit incorporating the requirements of this subpart, the owner and operator is subject to the requirements of 40 CFR Part 265 subpart CC.

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

3. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

Subpart CC—Air Emission Standards for Tanks, Surface Impoundments, and Containers

4. Section 265.1080 is amended by revising paragraph (b)(1) and paragraph (c) introductory text to read as follows:

§ 265.1080 Applicability.

* * * * *

(b) * * *

(1) A waste management unit that holds hazardous waste placed in the unit before October 6, 1996, and in which no hazardous waste is added to the unit on or after this date.

* * * * *

(c) For the owner and operator of a facility subject to this subpart who has received a final permit under RCRA section 3005 prior to October 6, 1996, the following requirements apply:

* * * * *

5. Section 265.1082 is amended by revising paragraphs (a) introductory text, paragraph (a)(1), (a)(2) introductory text, (a)(2)(iii), and (a)(2)(iv) to read as follows:

§ 265.1082 Schedule for implementation of air emission standards.

(a) Owners or operators of facilities existing on October 6, 1996, and subject to subparts I, J, and K of this part shall meet the following requirements:

(1) Install and begin operation of all control equipment required by this subpart by October 6, 1995, except as provided for in paragraph (a)(2) of this section.

(2) When control equipment required by this subpart cannot be installed and in operation by October 6, 1996, the owner or operator shall:

* * * * *

(iii) For facilities subject to the recordkeeping requirements of § 265.73 of this part, the owner or operator shall enter the implementation schedule specified in paragraph (a)(2)(ii) of this section in the operating record no later than October 6, 1996.

(iv) For facilities not subject to § 265.73 of this part, the owner or operator shall enter the implementation schedule specified in paragraph (a)(2)(ii) of this section in a permanent, readily available file located at the facility no later than October 6, 1996.

* * * * *

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

6. The authority citation for part 271 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), and 6926.

Subpart A—Requirements for Final Authorization

7. Section 271.1(j) is amended by revising the effective date of the following entry in Table 1 to read as follows:

§ 271.1 Purpose and Scope.

* * * * *

(j) * * *

TABLE 1.—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Promulgation date	Title of regulation	**Federal Register** reference	Effective date
* *	* *	* *	* *
December 6, 1994	Air Emission Standards for Tanks, Surface Impoundments, and Containers.	59 FR 62896–62953	October 6, 1996.

8. Section 271.1(j) is amended by revising the effective date of the following entry in Table 2 to read as follows:

§ 271.1 Purpose and Scope.

* * * * *

(j) * * *

TABLE 2.—SELF-IMPLEMENTING PROVISIONS OF THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Effective date	Self-implementing provision	RCRA citation	**Federal Register** reference
* *	* *	* *	* *
October 6, 1996	Air Emission Standards for Tanks, Surface Impoundments, and Containers.	3004(n)	December 6, 1994, 59 FR 62896–62953.

[FR Doc. 96–14106 Filed 6–4–96; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 300

[FRL–5511–9]

Substances Contingency Plan: National Priorities List Update

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of deletion of the Waste Disposal Engineering Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Waste Disposal Engineering Inc. Site in Minnesota from the National Priorities List (NPL). The NPL is Appendix B of 40 CFR part 300 which is National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. This action is being taken by EPA and the State of Minnesota, because it has been determined that Responsible Parties have implemented all appropriate response actions required. Moreover, EPA and the State of Minnesota have determined that remedial actions conducted at the site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: June 5, 1996.

FOR FURTHER INFORMATION CONTACT: Larry Schmitt at (312) 353–6565 (SR–6J), Remedial Project Manager or Gladys Beard at (312) 886–7253, Associate Remedial Project Manager, Superfund Division, U.S. EPA—Region V, 77 West Jackson Blvd., Chicago, IL 60604. Information on the site is available at the local information repository located at: The Anoka County Community Health and Environmental Service, Anoka County Government Center, RM. 360, 2100 3rd Ave., Anoka, MN 55303 and Andover City Hall, 1685 Crosstown Blvd., Andover, MN 55304. Requests for comprehensive copies of documents should be directed formally to the Regional Docket Office. The contact for the Regional Docket Office is Jan Pfundheller (H–7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Waste Disposal Engineering Inc. Site located in Andover, Minnesota. A Notice of Intent to Delete for this site was published March 26, 1996 (61 FR 13131). The closing date for comments on the Notice of intent to Delete was April 26, 1996. EPA received no comments and therefore no Responsiveness Summary was prepared.

The EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund (Fund-) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL in the unlikely event that conditions at the site warrant such action. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Air pollution control, Chemicals, Hazardous substances, Hazardous Waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows:

Authority: 42 U.S.C. 9601–9657; 33 U.S.C. 1321(c)(2); E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp; p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.; p. 193.

Appendix B to Part 300 [Amended]

2. Table 1 of Appendix B to part 300 is amended by removing the Site ''Waste Disposal Engineering Inc. Site, Andover, Minnesota''.

Dated: May 14, 1996.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region V.

[FR Doc. 96–13985 Filed 6–4–96; 8:45 am]
BILLING CODE 6560–50–M