

I conclude that the Maine application for Interim Authorization to operate the RCRA Phase II, Components A, B, and C program meets all of the statutory and regulatory requirements and as such I approve this authorization.

Authority

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

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provision of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. The authorization suspends the applicability of certain Federal regulations in favor of the State program, thereby eliminating duplicative requirements for handlers of hazardous wastes 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

Hazardous materials, Indians-lands, Reporting and recordkeeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

Dated: September 2, 1983.

Michael R. Deland,
Regional Administrator.

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40 CFR Parts 413 and 433

[WH-FRL 2440-6]

Electroplating and Metal Finishing Point Source Categories; Effluent Limitations Guidelines Pretreatment Standards, and New Source Performance Standards; Clarification and Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; interpretation and correction.

SUMMARY: This document responds to requests that EPA clarify the intent of 40 CFR 413.01, which was promulgated on July 15, 1983 (48 FR 32462, 32482-83). It

also corrects printing errors in that FR notice.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Kinch, Effluent Guidelines Division (WH-552), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, or by calling (202) 382-7159.

SUPPLEMENTARY INFORMATION: On July 15, 1983, EPA amended the pretreatment standards for existing source electroplaters (electroplating PSES), 40 CFR Part 413 (48 FR 32482, 32482). Several parties have asked that EPA clarify the meaning of § 413.01 of those standards. This notice explains EPA's original, and continuing, interpretation of that section, and of related sections in 40 CFR Part 433 (metal finishing PSES).

The final sentence of § 413.01 provides that, "These Part 413 standards shall not apply to a facility which must comply with all the pollutant limitations listed in § 433.15 (metal finishing PSES)". Some indirect dischargers have suggested that that sentence can be read to mean that "These part 413 standards shall not ever apply to a facility which eventually must comply with all the pollutant limitations listed in § 433.15 (metal finishing PSES)".

That suggested interpretation would distort the meaning of the regulation and would relieve thousands of electroplating facilities from their obligation to control releases of toxic metals and cyanide by the spring of 1984. That neither was, nor is, EPA's intent. It is also contrary to a careful reading of the regulation and of its accompanying preamble.

The final sentence of § 413.01 does exempt facilities that "must comply" with all § 433.15 standards from compliance with Part 413. However, the compliance date for all § 433.15 standards does not occur until February 15, 1986. 40 CFR 433.15(f), (48 FR 32487). Therefore, no facilities "must comply" with all the pollutant limitations listed in § 433.15 until February 15, 1986. Thus no facilities will be exempted from Part 413 before February 15, 1986. Until that time indirect-discharging electroplating facilities must comply with the applicable provisions of Part 413.

When Parts 413 and 433 are read together they create the pattern of phased compliance with EPA discussed in the July 15, 1983 preamble. It must be understood that electroplating is simply one form of metal finishing, and that the Part 433 metal finishing standards will apply only to plants which already practice electroplating. In general the Part 413 electroplating PSES are analogous to BPT-level criteria for direct dischargers in the electroplating/metal

finishing industry; the Part 433 metal finishing PSES are equivalent to BAT-level criteria for direct dischargers in the same industry.¹

All plants covered by the part 433 metal finishing PSES will *first* have been covered by the less stringent Part 413 electroplating standards. Almost all plants covered by the Part 413 electroplating standards must later meet the Part 433 metal finishing PSES; job shops and independent printed circuit board manufacturers are exempted from all Part 433 Metal Finishing PSES by § 433.10(c), pursuant to a March 7, 1980 Settlement Agreement among EPA, the National Association of Metal Finishers (NAMF), and the Institute for Interconnecting Packaging and Electronic Components (IIPC).

As EPA stated in the July 15 preamble, "For PSES, facilities generally fall within the applicability of both parts, although, for each pollutant, only one part will apply at a given time". 48 FR 32475. This compliance schedule is specified in the regulations and outlined in Table 4 of the July 15 preamble, 48 FR 32476 (reproduced below) The following narrative statement repeats, and is intended to clarify, those interpretations.

TABLE 4—COMPLIANCE DATES

Regulation	Compliance
Electroplating PSES for Metals and Cyanide (Part 413)	Apr 27, 1984 (for nonintegrated plants), June 30, 1984 (for integrated plants)
Electroplating PSES (Part 413) for TTO*	July 15, 1986.
Metal Finishing BPT (Part 433)	As soon as possible
Metal Finishing BAT ..	July 1, 1984
Metal Finishing PSES for TTO ¹	June 30, 1984 (except for plants covered by Part 420), July 10, 1985 (for plants covered by Part 420)
Metal Finishing PSES for Metals, Cyanide and TTO*	Feb. 15, 1986.
Metal Finishing NSPS and PSNS.	From commencement of discharge.

¹ For these facilities the first TTO limit is based on management practices only

² This TTO limit is based on management practices followed by precipitation/clarification

Indirect discharging electroplating facilities must first comply with the Part 413 standards for metals and cyanides (by April 27, 1984 if they are a nonintegrated facility, and by June 30, 1984 if they are an integrated facility). Then all indirect discharging electroplaters, except job shops and independent printed circuit board

¹ The Clean Water Act requires industries discharging wastes directly into navigable waters to first meet limits based on "the best practicable control technology currently available" (BPT) and then to meet standards based on "the best available technology currently available" (BAT)

manufacturers,* must meet the Part 433 management standard for Total Toxic Organics (by July 10, 1985 for plants also covered by the Part 420 iron and steel PSES, and by June 30, 1984 for all other facilities). Next, by February 15, 1986, all indirect discharging electroplaters, except job shops and independent printed circuit board manufacturers, must comply with all the pollutant limitations listed in § 433.15 (metal finishing PSES). At that time they will cease to be covered by the Part 413 electroplating PSES.

On July 15, 1986, existing source indirect discharging job shops and independent printed circuit board manufacturers—the only facilities which would still be covered by Part 413—must meet a TTO limit based on management practices followed by precipitation/clarification.

Finally, if an indirect discharging electroplater no longer "must comply" with Part 433 (for example, because the Part 433 PSES are revoked by the Agency or remanded by a Court), then the facility will no longer be exempt from Part 413 and will again have to comply with the Part 413 PSES for electroplaters. Those PSES are less stringent than, but entirely compatible with, the Part 433 metal finishing PSES EPA has determined that the pollution control technology relied upon in developing the Part 413 electroplating PSES can consistently comply with the Part 433 metal finishing PSES.

Corrections

EPA is also correcting the following printing errors which occurred in the original publication of the July 15, 1983 notice:

1. On page 32462, column three, item "VIII. C." is listed twice and is corrected by deleting one of the "C. BCT Effluent Limitations".
2. On page 32563, at the top of column three, "pubically" is corrected to read "publicly".
3. On page 32464, column two, Table 1 is corrected by deleting the " * * " appearing under the heading Nonintegrated.
4. On page 32464, column three, last paragraph, "materials" is corrected to read "materials".
5. On page 32465, column one, last line, "on the major wastewater discharges" is corrected to read "in the major wastewater discharges"

* Job shops and independent printed circuit board manufacturers are exempted from all Part 433 Metal Finishing PSES by § 433.10(c), pursuant to a March 7, 1980 Settlement Agreement among EPA, NAMF, and IIPEC

6. On page 32465, column three, the last complete sentence is corrected by deleting "therefore."
7. On page 32466, column two, second full paragraph, "significant toxic organics pollutants" is corrected to read "significant toxic organic pollutants".
8. On page 32466, column two, third full paragraph, "Throughout the industry, however the wastestreams are alike" is corrected to read "However throughout the industry, the wastestreams are alike".
9. On page 32466, column three, first full paragraph, "standard" is corrected to read "standards".
10. On page 32469 at the top of column three, "11.16.8" is corrected to read "16.8".
11. On page 32473, column two, paragraph one, "brought" is corrected to read "bought".
12. On page 32476, column one, Table 4, under the heading Regulation, "Electroplating PSES for * * *" is corrected to read "Electroplating PSES for"; "Metals and Cyanide (Part 413)." is corrected by moving up one line and indenting; and "percipitation" in footnote 2 is corrected to read "precipitation".
13. On page 32477, column two, third full paragraph "significant" is corrected to read "significant".
14. On page 32477, column three, last paragraph "sources are full controlled." is corrected to read "sources are fully controlled."
15. On page 32478, column two, third full paragraph, "applicable to captive electroplating when they must comply with the Metal Finishing PSES for metals and cyanide is reached" is corrected to read "applicable to captive electroplating facilities when they must comply with the Metal Finishing PSES for metals and cyanide".
16. On page 32479, column two, third paragraph, "installation of pollution/ equivalent" is corrected to read "installation of pollution control equivalent".
17. On page 32480, column one, third full paragraph, "the will occur" is corrected to read "they will occur".
18. On page 32480, column three, first full paragraph, "printed circuit boards" is corrected to read "printed circuit board manufacturers".
19. On page 32482, column one, under the term Development Document in Appendix A the following "EPA 440-1-80-091-A, June 1980" is corrected by deletion
20. On page 32482, column two, Appendix C, "1. @ Electroplating" is corrected to read "1. Electroplating".

§ 413.02 [Corrected]

21. On page 32483, column one, the listing of toxic organics in § 413.02(i) is corrected by moving each of the following: "(tetrachloromethane)", "(mixed)", "1,3-dichloropropene)", "(dichloromethane)", and "(chloromethane)" to the right of the term one line above.

22. On page 32483, column two, the listing of toxic organics in § 413.02(i) is corrected by indenting the following " (benzo(a)anthracene)", "(benzo(b)fluoranthene)", "(benzo(k)fluoranthene)", "(benzo(ghi)perylene)", "(dibenzo(a,h)anthracene)", "(2,3-phenylene pyrene)", "Alpha-BHC", "Beta-BHC", "Gamma-BHC", "Delta-BHC", "PCB-1242 (Arochlor 1242)", "PCB-1254 (Arochlor 1254)", "PCB-1221 (Arochlor 1221)", "PCB-1232 (Arochlor 1232)", "PCB-1248 (Arochlor 1248)", "PCB-1260 (Arochlor 1260)", and "PCB-1016 (Arochlor 1016)".

§ 413.03 [Corrected]

23. On page 32483 in § 413.03(a) at the top of column three, "implementing the solvent management plan" is corrected to read "implementing the toxic organic management plan".

24. On page 32483 in § 413.03(b), first full paragraph, "submit a solvent management plan" is corrected to read "submit a toxic organic management plan".

§§ 413.14, 413.24, 413.44, 413.54, 413.64, 413.74, and 413.84 [Corrected]

25. On pages 32483, 32484 and 32485 the pollutant limitations in § 413.14(f), § 413.24(f), § 413.44(f), § 413.54(f), § 413.64(f), § 413.74(f), and § 413.84(f) are as follows:

Pollutant or pollutant property	Maximum for any 1 day
TTO.	4.57

and are corrected to read as follows:

Pollutant or pollutant property	Maximum for any 1 day
TTO	4.57

26. On pages 32483, 32484, and 32485 the pollutant limitations in § 413.14(g), § 413.24(g), § 413.44(g), § 413.54(g), § 413.64(g), § 413.74(g), and § 413.84(g) are as follows:

Pollutant or pollutant property	Maximum for any 1 day
TTO	2 13

and are corrected to read as follows:

Pollutant or pollutant property	Maximum for any 1 day
TTO	2 13

§ 433.10 [Corrected]

27. On page 32485, in § 433.10(a) the bottom of column two is corrected by adding the following:

"Nonferrous forming (40 CFR Part 471)" and "Electrical and electronic components (40 CFR Part 469)".

§ 433.11 [Corrected]

28. On page 32485, in § 433.11 introductory text, third column, the second full paragraph, "set forth in 40 CFR" is corrected to read "set forth in 40 CFR-Part 401".

29. On page 32485, the third column, in § 433.11(b) "Chlorination" is corrected to read "chlorination".

30. On page 32485, the third column, in § 433.11(e) "(benzo(a)anthracene)" is corrected by indenting.

31. On page 32486, in § 433.11(e) the first column, "dibenzo(a,h)anthracene" is corrected to read "dibenzo(a,h)anthracene"; "chlorodibromomethane" is corrected to read "chlorodibromomethane"; the second listing of "N-nitrosodimethylamine" is corrected to read "N-nitrosodiphenylamine"; "Heptachlor epoxide (BHC-" is corrected to read "Heptachlor epoxide"; and "hexachlorocyclohexane" is corrected to read "(BHC-hexachlorocyclohexane)".

32. On page 32486, in § 433.11(e) column one, the listing of toxic organics is corrected by indenting the following: "Alpha-BHC", "Beta-BHC", "Gamma-BHC", "Delta-BHC", "PCB-1242 (Arochlor 1242)", "PCB-1254 (Arochlor 1254)", "PCB-1221 (Arochlor 1221)", "PCB-1232 (Arochlor 1232)", "PCB-1248 (Arochlor 1248)", "PCB-1260 (Arochlor 1260)", and "PCB-1016 (Arochlor 1016)".

33. On page 32486, in § 433.11(e) column one, the following list of organic compounds:

3,3-dichlorobenzidine
1,1-dichloroethylene
1,2-trans-dichloroethylene
2,4-dichlorophenol
1,2-dichloropropane (1,3-dichloropropene)
2,4-dimethylphenol
2,4-dinitrotoluene
2,6-dinitrotoluene

1,2-diphenylhydrazine
Ethylbenzene
Fluoranthene
4-chlorophenyl phenyl ether
4-bromophenyl phenyl ether
Bis(2-chloroisopropyl) ether
Bis(2-chloroethoxy) methane
Methylene chloride (dichloromethane)
Methyl chloride (chloromethane)
Methyl bromide (bromomethane)
Bromoform (tribromomethane)
Dichlorobromomethane
Chlorodibromomethane
Hexachlorobutadiene
Hexachlorocyclopentadiene
Isophorone
Naphthalene
Nitrobenzene
2-nitrophenol
4-nitrophenol
2,4-dinitrophenol
4,6-dinitro-o-cresol
N-nitrosodimethylamine
N-nitrosodiphenylamine

is corrected by moving the above from page 32486 to page 32485, column three, after the term "1, 4-dichlorobenzene".

§ 433.12 [Corrected]

34. On page 32486, in § 433.12(a), column two, the first full paragraph, "implementing the solvent management plan" is corrected to read "implementing the toxic organic management plan".

35. On page 32486, column two, in § 433.12(c) "and before dilution" is corrected to read "and before dilution".

§ 433.15 [Corrected]

36. On page 32487, column two, in § 433.15(d) "implement the solvent management plan" is corrected to read "implement the toxic organic management plan".

37. On page 32487, column two, in § 433.15(f) "paragraphs (a), (b), (c) and (d) of this section shall be achieved as soon as possible, but not later than February 15, 1986" is corrected to read "paragraphs (a) and (b) of this section shall be achieved as soon as possible, but not later than February 15, 1986".

§ 433.16 [Corrected]

38. On page 32487, column three, in § 433.16(c) "or otherwise dilute the wastewater" is corrected to read "or otherwise dilute the wastewater".

§ 433.17 [Corrected]

39. On page 32488, column one in § 433.17(d) "implement the solvent management plan" is corrected to read "implement the toxic organic management plan".

List of Subjects

40 CFR Part 413

Electroplating, Metals, Water pollution control. Waste treatment and disposal.

40 CFR Part 433

Electroplating, Metals, Water pollution control. Waste treatment and disposal.

Dated: September 15, 1983.

Steven Schatzow,

Acting Assistant Administrator for Water

[FR Doc. 83-26127 Filed 9-23-83; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 1

[FPR Temp. Reg. 73]

Withholding of Funds From Construction Contract Progress Payments

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This temporary regulation prescribes guidance regarding the retention or withholding of funds from progress payments made under Government construction contracts. The basis for this temporary regulation is Office of Federal Procurement Policy (OFPP) Policy Letter 83-1, dated May 6, 1983. The intended effect is to establish a uniform policy stating that contracting officers should not withhold funds from construction contract progress payments without cause and that determinations regarding the use of retainage and the specific levels to be withheld shall be made on a case-by-case basis based on contractor performance.

DATES:

Effective September 26, 1983.

Expiration date: July 30, 1985.

FOR FURTHER INFORMATION CONTACT: Mr. Frank T. Van Lierde, Office of Federal Acquisition and Regulatory Policy (VR), Office of Acquisition Policy, (202-523-4768).

SUPPLEMENTARY INFORMATION:

(Sec. 205(c), 63 Stat. 390; 40 USC 486(c))

In 41 CFR Chapter 1, the following temporary regulation is added to the appendix at the end of the chapter.

Federal Procurement Regulations—Temporary Regulation 73

September 15, 1983.

To: Heads of Federal agencies.

Subject: Withholding of funds from construction contract progress payments.

1. *Purpose.* This temporary regulation implements Office of Federal Procurement Policy (OFPP) Policy Letter 83-1, dated May 6, 1983.