Dated: December 16, 1994.

#### Felicia Marcus,

Regional Administrator.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

## PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, et seq.

2. Appendix A to part 70 is amended by adding the entry for Nevada in alphabetical order to read as follows:

# Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

#### Nevada

(a) (Reserved)

(b) Washoe County District Health Department: submitted on November 18, 1993; interim approval effective on March 6, 1995; interim approval expires February 5, 1997.

[FR Doc. 95–253 Filed 1–4–95; 8:45 am] BILLING CODE 6560–50–P

40 CFR Part 261

[SW-FRL-5130-6]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste: Final Exclusion

**AGENCY:** Environmental Protection Agency.

ACTION: Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA or Agency) is granting a final exclusion from the lists of hazardous wastes contained in EPA regulations for certain solid wastes generated at Bethlehem Steel Corporation (BSC), Sparrows Point, Maryland. This action responds to a delisting petition submitted under § 260.20, which allows any person to petition the Administrator to modify or revoke any provision of Parts 260 through 265 and 268 of Title 40 of the Code of Federal Regulations, and under § 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific" basis from the

EFFECTIVE DATE: January 5, 1995.

ADDRESSES: The public docket for this final rule is located at the U.S.
Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, and is available for viewing (room

hazardous waste lists.

M2616) from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Call (202) 260–9327 for appointments. The reference number for this docket is "F–94–B8EF-FFFFF". The public may copy material from any regulatory docket at no cost for the first 100 pages, and at \$0.15 per page for additional copies.

FOR FURTHER INFORMATION, CONTACT: For general information, contact the RCRA Hotline, toll free at (800) 424–9346, or at (703) 412–9810. For technical information concerning this notice, contact Shen-yi Yang, Office of Solid Waste (5304), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 260–1436

#### SUPPLEMENTARY INFORMATION:

# I. Background

#### A. Authority

Under §§ 260.20 and 260.22, facilities may petition the Agency to remove their wastes from hazardous waste control by excluding them from the lists of hazardous wastes contained in §§ 261.31 and 261.32. Petitioners must provide sufficient information to EPA to allow the Agency to determine that:

(1) The waste to be excluded is not hazardous based upon the criteria for which it was listed, and

(2) No other hazardous constituents or factors that could cause the waste to be hazardous are present in the wastes at levels of regulatory concern.

## B. History of This Rulemaking

Bethlehem Steel Corporation, located in Sparrows Point, Maryland, petitioned the Agency to exclude from hazardous waste control its chemically stabilized wastewater treatment filter cake presently listed as EPA Hazardous Waste No. F006. After evaluating the petition, EPA proposed, on March 4, 1994, to exclude BSC's waste from the lists of hazardous wastes under §§ 261.31 and 261.32 (see 59 FR 10352). This rulemaking finalizes the proposed decision to grant BSC's petition.

### **II. Disposition of Delisting Petition**

Bethlehem Steel Corporation, Sparrows Point, Maryland.

# A. Proposed Exclusion

Bethlehem Steel Corporation (BSC), located in Sparrows Point, Maryland, is involved in the production of tin and chromium plated parts and steel strip. BSC petitioned the Agency to exclude, from hazardous waste control, its chemically stabilized wastewater treatment filter cake presently listed as EPA Hazardous Waste No. F006—

"Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum". The listed constituents of concern for EPA Hazardous Waste No. F006 waste are cadmium, hexavalent chromium, nickel, and cyanide (complexed) (see Part 261, Appendix VII)

In support of its petition, BSC submitted:

(1) Detailed descriptions of its manufacturing, waste treatment, and stabilization processes, including schematic diagrams;

(2) Material Safety Data Sheets (MSDSs) for all trade name products used in the manufacturing and waste

treatment processes;

- (3) Results from total constituent analyses for the eight Toxicity Characteristic (TC) metals listed in § 261.24, nickel, cyanide, zinc, and sulfide from representative samples of the dewatered (unstabilized) filter cake and the stabilized filter cake;
- (4) Results from the EP Toxicity Test and the Toxicity Characteristic Leaching Procedure (TCLP, SW–846 Method 1311) for the eight TC metals (except for barium and selenium) and nickel from representative samples of the dewatered (unstabilized) filter cake, uncured stabilized filter cake, and the cured stabilized filter cake:
- (5) Results from total oil and grease analyses from representative samples of the dewatered (unstabilized) filter cake and stabilized filter cake;
- (6) Results from the Multiple Extraction Procedure (MEP, SW-846 Method 1320) for the eight TC metals (except for barium and selenium) and nickel from representative samples of the stabilized filter cake;
- (7) Test results and information regarding the hazardous characteristics of ignitability, corrosivity, and reactivity;
- (8) Results from the TCLP analyses for the TC volatile and semivolatile organic compounds from representative samples of the dewatered (unstabilized) filter cake; and
- (9) Results from total constituent analyses for hexavalent chromium from representative samples of dewatered (unstabilized) filter cake.

The Agency evaluated the information and analytical data provided by BSC in support of its petition and determined that the hazardous constituents found in