

3. This rule does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

4. Pursuant to section 1762 of the Export Control Reform Act of 2018 (Title XVII, Subtitle B of Pub. L. 115–232), which was included in the John S. McCain National Defense Authorization Act for Fiscal Year 2019, this action is exempt from the Administrative Procedure Act (APA) (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation, and delay in effective date.

5. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by the APA or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C.

601, *et seq.*, are not applicable. Accordingly, no regulatory flexibility analysis is required and none has been prepared.

List of Subjects in 15 CFR Part 744

Exports, Reporting and recordkeeping requirements, Terrorism.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–774) is amended as follows:

PART 744—[AMENDED]

■ 1. The authority citation for 15 CFR part 744 continues to read as follows:

Authority: Pub. L. 115–232, Title XVII, Subtitle B. 50 U.S.C. 4601 *et seq.*; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; 22 U.S.C. 7201 *et seq.*; 22 U.S.C. 7210; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12938, 59 FR 59099, 3

CFR, 1994 Comp., p. 950; E.O. 12947, 60 FR 5079, 3 CFR, 1995 Comp., p. 356; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13099, 63 FR 45167, 3 CFR, 1998 Comp., p. 208; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13224, 66 FR 49079, 3 CFR, 2001 Comp., p. 786; Notice of September 18, 2017, 82 FR 43825 (September 19, 2017); Notice of November 6, 2017, 82 FR 51971 (November 8, 2017); Notice of January 17, 2018, 83 FR 2731 (January 18, 2018); Notice of August 8, 2018, 83 FR 39871 (August 13, 2018).

■ 2. Supplement No. 4 to part 744 is amended by adding in alphabetical order, under CHINA, PEOPLE’S REPUBLIC OF, one Chinese entity, “Fujian Jinhua Integrated Circuit Company, Ltd.” to read as follows:

Supplement No. 4 to Part 744—Entity List

* * * * *

Country	Entity	License requirement	License review policy	Federal Register citation
* * *	* * *	* * *	* * *	* * *
CHINA, PEOPLE’S REPUBLIC OF	Fujian Jinhua Integrated Circuit Company, Ltd., a.k.a., the following one alias: -JHICC. Sanchuang Park, Century Avenue, Jinjiang City, Fujian Province, China.	For all items subject to the EAR. (See § 744.11 of the EAR).	Presumption of denial.	83 FR [INSERT FR PAGE NUMBER] 10/30/2018.
* * *	* * *	* * *	* * *	* * *

Dated: October 25, 2018.
Richard E. Ashooh,
Assistant Secretary for Export Administration.
 [FR Doc. 2018–23693 Filed 10–29–18; 8:45 am]
BILLING CODE 3510–33–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 271 and 272

[EPA–R08–RCRA–2018–0084; FRL–9982–08–Region 8]

North Dakota: Authorization of State Hazardous Waste Management Program Revisions and Incorporation by Reference of Approved State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is granting final authorization to the hazardous waste program revisions submitted by North Dakota on September 20, 2016 and March 24, 2017. The EPA published a proposed rule on June 5, 2018, and provided for public comment. The comment period ended on July 5, 2018. No comments were received for this rulemaking. No further opportunity for comment will be provided. This final rule also codifies and incorporates by reference the authorized provisions of the North Dakota regulations in the Code of Federal Regulations.

DATES: This final rule is effective on October 30, 2018. The incorporation by reference of authorized provisions in the North Dakota regulations contained in this rule is approved by the Director of the Federal Register as of October 30, 2018, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: The EPA has established a docket for this action under Docket ID

No. EPA–R08–RCRA–2018–0084. All documents in the docket are listed on the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at: EPA Region 8, from 8:00 a.m. to 4:00 p.m., 1595 Wynkoop Street, Denver, Colorado 80202–1129, contact: Moye Lin, phone number (303) 312–6667, or the North Dakota Department of Health (NDDH) from 9:00 a.m. to 4:00 p.m., 918 East Divide Avenue, 3rd Floor, Bismarck, North Dakota 58501–1947, phone number (701) 328–5166. The public is advised to call in advance to verify business hours.

FOR FURTHER INFORMATION CONTACT:

Moye Lin, Resource Conservation and Recovery Program, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado 80202-1129; phone number (303) 312-6667; Email address: lin.moye@epa.gov.

SUPPLEMENTARY INFORMATION:**I. Authorization of Revisions to North Dakota's Hazardous Waste Program and Clarification**

North Dakota submitted a final complete program revision application on September 20, 2016, and March 24, 2017, seeking authorization of their changes in accordance with 40 CFR 271.21. We now make a final decision that North Dakota's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. For a list of rules that become effective with this final rule, please see the proposed rule published in the June 5, 2018 **Federal Register** at 83 FR 25986. The EPA is making one clarification to the proposed rule with respect to the impact of the vacatur of certain provisions of the Revisions to the Definition of Solid Waste (DSW) Rule published on January 13, 2015 (80 FR 1694), by the U.S. Court of Appeals for the District of Columbia Circuit, *Am. Petroleum Inst. v. EPA*, 862 F.3d 50 (D.C. Cir. 2017) and *Am. Petroleum Inst. v. EPA*, No. 09-1038 (D.C. Cir. Mar. 6, 2018). On May 30, 2018 (83 FR 24664; Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule), the EPA published a final which determined that for states such as North Dakota that had adopted the 2015 DSW rule, those state provisions will be considered broader in scope than the federal program as it pertains to the specific vacated provisions.

II. Incorporation by Reference

In the proposed rule published on June 5, 2018 (83 FR 25986), the EPA also proposed to codify the EPA's authorization of North Dakota's base hazardous waste management program and the state's revisions to that program. In this action, the EPA is amending 40 CFR 272.1751 to incorporate by reference North Dakota's authorized hazardous waste statutes and regulations. In accordance with the requirements of 1 CFR 51.5, the EPA is incorporating by reference North Dakota's authorized hazardous waste statutes and regulations as described in Section I, above. The EPA has made, and will continue to make, these materials generally available electronically through <http://www.regulations.gov> and in hard copy at the appropriate EPA office (see the

ADDRESSES section of this preamble for more information). Copies of the regulations that are incorporated by reference are also available from the North Dakota Department of Health (NDDH) from 9:00 a.m. to 4:00 p.m., 918 East Divide Avenue, 3rd Floor, Bismarck, North Dakota 58501-1947, phone number (701) 328-5166. The public is advised to call in advance to verify business hours.

Section 272.1751 also references material which is not being incorporated by reference, but which the EPA considered in determining the adequacy of North Dakota's program. Section 272.1751(c)(2) references the demonstration of adequate authority, including procedural and enforcement provisions, which provides the legal basis for the state's implementation of the hazardous waste management program. In addition, § 272.1751(c)(5), (c)(6), and (c)(7) reference the Memorandum of Agreement, the Attorney General's Statements, and the Program Description, respectively. These documents are evaluated as part of the approval process of the hazardous waste management program in accordance with subtitle C of RCRA but are not part of the material to be incorporated by reference. The public is reminded that some provisions of North Dakota's hazardous waste program are not part of the federally-authorized state program. These non-authorized provisions include:

1. Provisions that are not part of the RCRA subtitle C program because they are "broader in scope" than RCRA subtitle C (see 40 CFR 271.1(i));
2. Federal rules for which North Dakota is not authorized, but which have been incorporated into the state regulations because of the way the state adopted federal regulations by reference;
3. State procedural and enforcement authorities which are necessary to establish the ability of the state's program to enforce compliance, but which do not supplant the federal statutory enforcement and procedural authorities.
4. Federal rules which North Dakota adopted, but which were vacated by the U.S. Court of Appeals for the District of Columbia Circuit (D.C. Cir. No. 09-1038, rulings dated July 7, 2017, and March 6, 2018).

State provisions that are "broader in scope" than the federal program are not incorporated by reference in 40 CFR part 272. For reference and clarity, the EPA lists in 40 CFR 272.1751(c)(3) the North Dakota statutory provisions that are "broader in scope" than the federal program, and which are not part of the

authorized program being incorporated by reference. While "broader in scope" provisions are not part of the authorized program and cannot be enforced by the EPA, the state may enforce such provisions under state law.

North Dakota has adopted, but is not authorized for, the federal rules published in the **Federal Register** on April 12, 1996 (61 FR 16290); October 22, 1998 (63 FR 56710), and January 8, 2010 (75 FR 1235). Therefore, these federal amendments included in North Dakota's adoption by reference at section 33-24-06-16.5 of the North Dakota Administrative Code, are not part of the state's authorized program and are not part of the incorporation by reference. The June 5, 2018 proposed rule provides details about state provisions which are not part of this amendment to the CFR, as well as the effect of North Dakota's codification on enforcement and on federal requirements promulgated under the Hazardous and Solid Waste Amendments of 1984 (HSWA).

III. Administrative Requirements

The Office of Management and Budget (OMB) has exempted this action from the requirements of Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011). This action authorizes and codifies state requirements for the purpose of RCRA section 3006 and imposes no additional requirements beyond those imposed by state law. Therefore, this action is not subject to review by OMB. This action is not subject to Executive Order 13771 (82 FR 9339, February 3, 2017) because today's authorization and codification of North Dakota's revised hazardous waste program under RCRA is exempted under Executive Order 12866. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes and codifies pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538). For the same reason, this action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the states, on the relationship between the national

government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes and codifies state requirements as part of the state RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA.

This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant, and it does not make decisions based on environmental health or safety risks. This action is not subject to Executive Order 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), the EPA grants a state’s application for authorization as long as the state meets the criteria required by RCRA. It would thus be inconsistent with applicable law for the EPA, when it reviews a state authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this action, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the action in accordance with the “Attorney General’s Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). “Burden” is defined at 5 CFR 1320.3(b).

Executive Order 12898 (59 FR 7629, February 16, 1994) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high

and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States. Because this rule authorizes and codifies pre-existing state rules which are at least equivalent to, and no less stringent than existing federal requirements, and imposes no additional requirements beyond those imposed by state law, and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898.

The Congressional Review Act, 5 U.S.C. 801–808, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This action will be effective October 30, 2018.

List of Subjects

40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

40 CFR Part 272

Environmental protection, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Intergovernmental relations, Water pollution control, Water supply.

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

Dated: October 24, 2018

Douglas Benevento,

Regional Administrator, EPA Region 8.

For the reasons set forth in the preamble, under the authority at 42 U.S.C. 6912(a), 6926, and 6974(b), EPA is granting final authorization under part 271 to the State of North Dakota for revisions to its hazardous waste program under the Resource

Conservation and Recovery Act and is amending 40 CFR part 272 as follows:

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

■ 1. The authority citation for part 272 continues to read as follows:

Authority: Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

■ 2. Revise § 272.1751 to read as follows:

§ 272.1751 North Dakota State-administered program: Final authorization.

(a) *History of the State of North Dakota authorization.* Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), North Dakota has final authorization for the following elements as submitted to the EPA in North Dakota’s base program application for final authorization which was approved by the EPA effective on October 19, 1984. Subsequent program revision applications were approved effective on August 24, 1990, July 6, 1992, June 6, 1994, March 20, 2000, November 25, 2005, April 14, 2008, and October 30, 2018.

(b) *Enforcement authority.* The State of North Dakota has primary responsibility for enforcing its hazardous waste management program. However, the EPA retains the authority to exercise its inspection and enforcement authorities in accordance with sections 3007, 3008, 3013, 7003 of RCRA, 42 U.S.C. 6927, 6928, 6934, 6973, and any other applicable statutory and regulatory provisions, regardless of whether the state has taken its own actions, as well as in accordance with other statutory and regulatory provisions.

(c) *State Statutes and Regulations—*
(1) *Incorporation by reference.* The North Dakota statutes and regulations cited in paragraph (c)(1)(i) of this section are incorporated by reference as part of the hazardous waste management program under Subtitle C of RCRA, 42 U.S.C. 6921 *et seq.* This incorporation by reference is approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain copies of the North Dakota regulations that are incorporated by reference in this paragraph from the North Dakota Legislative Council, Second Floor, State Capitol, 600 E Boulevard Avenue, Bismarck, North Dakota 58505, phone (701) 328–2916. You may inspect a copy at EPA Region 8, 1595 Wynkoop Street,

Denver, Colorado, phone number (303) 312-6231, or at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741-6030, or go to: <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(i) The Binder entitled “EPA-Approved North Dakota Statutory and Regulatory Requirements Applicable to the Hazardous Waste Management Program,” dated April 2018.

(ii) [Reserved]

(2) *Legal basis.* The EPA considered the following statutes and regulations in evaluating the state program but is not incorporating them herein for enforcement purposes:

(i) North Dakota Century Code (NDCC), Volume 13A, 2012 Replacement, North Dakota Constitution, Article XI: Sections 5 and 6.

(ii) North Dakota Century Code, Volume 4A, 2012 Replacement. Chapter 23-01 “State Department of Health,” Section 23-01-04.1; Chapter 23-20.3 “Hazardous Waste Management,” Sections 23-20.3-01, 23-20.3-02 introductory paragraph, (2), (3) through (8), (10), (13) through (16), and (18); 23-20.3-03; 23-20.3-04; 23-20.3-05(3), (5), (6), and (8); 23-20.3-06 through 23-20.3-10; and Chapter 23-29 “Solid Waste Management and Land Protection,” Section 23-29-04.

(iii) North Dakota Century Code, Volume 4A, 2015 Pocket Supplement. Chapter 23-01 “State Department of Health,” Section 23-01-36.

(iv) North Dakota Century Code, Volume 5, 2012 Replacement. Chapter 28-32 “Administrative Agencies Practice Act,” Section 28-32-21.1 “Actions against administrative agencies—Attorney’s fees and costs.”

(v) North Dakota Century Code, Volume 6, 2012 Replacement. Chapter 32-40 “Environmental Law Enforcement,” Sections 32-40-03 through 32-40-11.

(vi) North Dakota Century Code, Volume 9A, 2012 Replacement, as amended by the 2015 Pocket Supplement. Chapter 44-04 “Duties, records and meetings,” Sections 44-04-18 through 19.1.

(vii) North Dakota Administrative Code (NDAC), Article 33-24, Hazardous Waste Management, as amended through January 1, 2016. Sections 33-24-01-15; 33-24-01-16; 33-24-06-05, except .2.c; 33-24-06-06.2; 33-24-06-09; 33-24-06-15.1.6 through .3.b; 33-24-07-03.4; 33-24-07-04 through 33-24-07-14; 33-24-07-25 through 33-24-07-27; and 33-24-07-40 through 33-24-07-54.

(3) *Related legal provisions.* The following statutory and regulatory provisions are broader in scope than the federal program, are not part of the authorized program, are not incorporated by reference, and are not federally enforceable:

(i) North Dakota Century Code, 2012 Replacement, Volume 4A, Chapter 23-01 “State Department of Health,” Section 23-01-04.1(6).

(ii) North Dakota Century Code, Volume 4A, 2012 Replacement. Chapter 23-20.3 “Hazardous Waste Management,” Sections 23-20.3-02(1); 23-20.3-05.1; 23-20.3-05.2; and 23-20.3-05.3.

(iii) North Dakota Administrative Code, Article 33-24, “Hazardous Waste Management,” as amended through January 1, 2016, Sections 33-24-01-09.4; 33-24-01-10.4; 33-24-01-19.1.d; 33-24-02-04.1.y; 33-24-03-03.4; 33-24-04-02.3; 33-24-05-02 second sentence; 33-24-06-14.3.a(4); and 33-24-06-21.

(iv) North Dakota’s hazardous waste regulations set forth additional transporter requirements including permit requirements at 33-24-04-02. The transporter permit requirements are broader in scope than the federal program.

(4) *Unauthorized State amendments and provisions.* (i) North Dakota has partially or fully adopted, but is not authorized to implement, the federal rule published in the **Federal Register** on October 22, 1998, titled Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities: Post-Closure Permit Requirement and Closure Process; Final Rule (HSWA/non-HSWA). The EPA will continue to implement the federal HSWA requirements for which North Dakota is not authorized until the state receives specific authorization for those requirements.

(ii) The following federal rules are not delegable to states. North Dakota has adopted these provisions and left the authority to the EPA for implementation and enforcement: Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision C(92)39 Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations, published April 12, 1996; and Revisions to the Requirements for: Transboundary Shipments of Hazardous Wastes Between OECD Member Countries, Export Shipments of Spent Lead-Acid Batteries, Submitting Exception Reports for Export Shipments of Hazardous Wastes, and Imports of Hazardous Wastes, published January 8, 2010.

(iii) North Dakota has adopted the following federal provisions from the *Revisions to the Definition of Solid Waste Rule*, published January 13, 2015, which have since been vacated by the U.S. Court of Appeals for the District of Columbia Circuit in *Am. Petroleum Inst. v. EPA*, 862 F.3d 50 (D.C. Cir. 2017) and *Am. Petroleum Inst. v. EPA*, No. 09-1038 (D.C. Cir. Mar. 6, 2018) (vacating both the Factor 4 Legitimacy Test and the Verified Recycler Exclusion aspects of the 2015 DSW Rule): One criterion in the determination of whether recycling is legitimate at 40 CFR 260.43(a)(4); the verified recycler exclusion, which allowed generators to send their hazardous secondary materials to certain reclaimers at 40 CFR 261.4(a)(24); and the associated provisions at 40 CFR 260.30(d) and 260.31(d), which address the criteria in the variance determination for exceptions to the classification of hazardous secondary materials as a solid waste. As a result, those state provisions will be considered broader in scope than the federal program, as it pertains to the specific vacated provisions, and are listed in § 272.1751(c)(3)(iii) with the rest of North Dakota’s broader in scope regulatory provisions).

(5) *Memorandum of Agreement.* The Memorandum of Agreement between the EPA Region 8 and the State of North Dakota, signed by the Environmental Health Section of the North Dakota Department of Health on July 18, 2016, although not incorporated by reference, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) *Statement of Legal Authority.* “Attorney General’s Statement: Hazardous Waste Management Program” signed by the Attorney General of North Dakota on June 8, 1984, and revisions, supplements, and addenda to that Statement dated February 22, 1989, February 11, 1984, October 13, 1999, April 23, 2004, August 19, 2004, and December 5, 2016, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) *Program Description.* The Program Description and any other materials submitted as supplements, although not incorporated by reference, are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

■ 3. Appendix A to part 272 is amended by revising the listing for “North Dakota” to read as follows:

Appendix A to Part 272—State Requirements

* * * * *

North Dakota

(a) The statutory provisions include: North Dakota Century Code (NDCC), Volume 4A, 2012 Replacement. Chapter 23–20.3 “Hazardous Waste Management,” Sections 23–20.3–05(1), (2), (4), (7), and (9). Copies of the North Dakota statutes that are incorporated by reference are available from Matthew Bender & Company Inc., 701 E Water Street, Charlottesville, VA 22902–5389, phone number: (800) 833–9844.

(b) The regulatory provisions include: North Dakota Administrative Code (NDAC), Article 33–24, as revised January 1, 2016, except reserved provisions.

Chapter 33–24–01—General provisions: Sections 33–24–01–01 through 33–24–01–04, 33–24–01–05, except .2.k and .7.a; 33–24–01–06 through 33–24–01–09; 33–24–01–10, except .4.f; 33–24–01–11 through 33–24–01–14; 33–24–01–17; 33–24–01–18; and 33–24–01–19, except .1.d.

Chapter 33–24–02—Identification and Listing of Hazardous Waste: Sections 33–24–02–01 through 33–24–02–03; 33–24–02–04, except .1.y; 33–24–02–05; 33–24–02–06, except .1.e; 33–24–02–07 through 33–24–02–10; 33–24–02–11, except the phrase “or a miniflash continuously closed cup tester, using the test method specified in American Society for Testing and Material D6450–99 (incorporated by reference in section 33–24–01–05)” in paragraph .1.a; 33–24–02–12 through 33–24–02–19; 33–24–02–25 through 33–24–02–27; 33–24–02–33 through 33–24–02–42; 33–24–02–50 through 33–24–02–70; 33–24–02–120 through 33–24–02–129; 33–24–02–170 through 33–24–02–175; 33–24–02–180 through 33–24–02–194; 33–24–02–200 through 33–24–02–209; and Appendices I, IV, and V.

Chapter 33–24–03—Standards for Generators: Sections 33–24–03–01, except .4; 33–24–03–02; 33–24–03–03.1 and .2; 33–24–03–03.3 except the phrase “and a transporter permit”; 33–24–03–04 through 33–24–03–24; 33–24–03–30; 33–24–03–40; 33–24–03–60 through 33–24–03–77; and Appendix I.

Chapter 33–24–04—Standards for Transporters: Sections 33–24–04–01, except .4 and Note following paragraph .3.b; 33–24–04–02.1, except the phrase “, a transporter permit, and a registration certificate”; 33–24–04–02.2, except the phrases “and a registration certificate, or a transporter permit,” in the first sentence, and “and issue a registration certificate” in the second sentence; and 33–24–04–03 through 33–24–04–08.

Chapter 33–24–05—Standards for Treatment, Storage, and Disposal Facilities and for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities: Sections 33–24–05–01; 33–24–05–02, except the second sentence; 33–24–05–03, except 33–24–05–03.1; 33–24–05–04 through 33–24–05–10; 33–24–05–15 through 33–24–05–20; 33–24–05–26 through 33–24–05–31; 33–24–05–37; 33–24–05–38, except .1.c and .4; 33–24–05–39 through 33–24–05–44; 33–24–05–47 through 33–24–05–69; 33–24–05–74 through 33–24–05–81; 33–24–05–89 through 33–24–05–98; 33–24–05–103 through 33–24–05–115; 33–24–05–118 through 33–24–05–128; 33–24–05–130 through 33–24–05–138; 33–24–05–144 through 33–24–05–151; 33–24–05–160 through 33–24–05–170; 33–24–05–176 through 33–24–05–188; 33–24–05–201 through 33–24–05–204; 33–24–05–230, except .2.c; 33–24–05–235, except .1/Table entries (6) and (7); 33–24–05–250 through 33–24–05–253; 33–24–05–256; 33–24–05–258; 33–24–05–265; 33–24–05–266; 33–24–05–270 through 33–24–05–281; 33–24–05–282, except .2; 33–24–05–283; 33–24–05–284.8 through .13; 33–24–05–285; 33–24–05–286; 33–24–05–288 through 33–24–05–290; 33–24–05–300 through 33–24–05–303; 33–24–05–400 through 33–24–05–406; 33–24–05–420 through 33–24–05–435; 33–24–05–450 through 33–24–05–460; 33–24–05–475 through 33–24–05–477; 33–24–05–501 through 33–24–05–506; 33–24–05–525 through 33–24–05–537; 33–24–05–550 through 33–24–05–555; 33–24–05–600; 33–24–05–610 through 33–24–05–612; 33–24–05–620 through 33–24–05–624; 33–24–05–630 through 33–24–05–632; 33–24–05–640 through 33–24–05–647; 33–24–05–650 through 33–24–05–667; 33–24–05–670 through 33–24–05–675; 33–24–05–680; 33–24–05–681; 33–24–05–701 through 33–24–05–705; 33–24–05–708 through 33–24–05–720; 33–24–05–730 through 33–24–05–740;

33–24–05–750 through 33–24–05–756; 33–24–05–760 through 33–24–05–762; 33–24–05–770, except .4; 33–24–05–780; 33–24–05–781; 33–24–05–800 through 33–24–05–802; 33–24–05–820 through 33–24–05–826; 33–24–05–850; 33–24–05–855 through 33–24–05–857; 33–24–05–860; 33–24–05–865; 33–24–05–866; 33–24–05–870; 33–24–05–875; 33–24–05–880; 33–24–05–885; 33–24–05–890; 33–24–05–895 through 33–24–05–900; 33–24–05–905; 33–24–05–910; 33–24–05–915; 33–24–05–916; 33–24–05–950; 33–24–05–951; 33–24–05–960; 33–24–05–961; 33–24–05–963 through 33–24–05–968; 33–24–05–980 through 33–24–05–986; 33–24–05–990 through 33–24–05–998; 33–24–05–1010 through 33–24–05–1016; 33–24–05–1020; 33–24–05–1031; 33–24–05–1040 through 33–24–05–1043; 33–24–05–1045 through 33–24–05–1047; 33–24–05–1060 through 33–24–05–1063; 33–24–05–1067; 33–24–05–1068; 33–24–05–1071; 33–24–05–1080 through 33–24–05–1087; 33–24–05–1100 through 33–24–05–1114; 33–24–05–1130 through 33–24–05–1138; and Appendices I through VIII, X through XIII, XV through XXIV, and XXVI through XXIX.

Chapter 33–24–06—Permits: Sections 33–24–06–01; 33–24–06–02, 33–24–06–03, except Note following paragraph .1.a.(2); 33–24–06–04; 33–24–06–05.2.c; 33–24–06–06.1; 33–24–06–07; 33–24–06–08; 33–24–06–10 through 33–24–06–13; 33–24–06–14, except .3.a.(4); 33–24–06–15 introductory paragraph through .1.a; 33–24–06–16.5 through .7; 33–24–06–17 through 33–24–06–20; 33–24–06–30 through 33–24–06–35; 33–24–06–45; 33–24–06–48; 33–24–06–52; 33–24–06–56; 33–24–06–57; 33–24–06–62; 33–24–06–65; 33–24–06–70; 33–24–06–73; 33–24–06–76; 33–24–06–80; 33–24–06–85; 33–24–06–100; and Appendix I to Section 33–24–06–14.

Chapter 33–24–07—Permitting Procedures: Sections 33–24–07–01; 33–24–07–02; and 33–24–07–03, except .4.

Copies of the North Dakota regulations that are incorporated by reference are available from North Dakota Legislative Counsel, Second Floor, State Capitol, 600 East Boulevard Avenue, Bismarck, North Dakota 58505, phone number: (701) 328–2916.

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