

K. What Is Codification and Is EPA Codifying Delaware's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart I, for this authorization of Delaware's program revisions until a later date.

L. Statutory and Executive Order Reviews

This rule only authorizes hazardous waste requirements pursuant to RCRA section 3006 and imposes no requirements other than those imposed by State law (see Supplementary Information: section A. Why are Revisions to State Programs Necessary?). Therefore, this rule complies with applicable executive orders and statutory provisions as follows. 1. Executive Order 12866: Regulatory Planning Review—The Office of Management and Budget has exempted this rule from its review under Executive Order 12866. 2. Paperwork Reduction Act—This rule does not impose an information collection burden under the Paperwork Reduction Act. 3. Regulatory Flexibility Act—After considering the economic impacts of today's rule on small entities under the Regulatory Flexibility Act, I certify that this rule will not have a significant economic impact on a substantial number of small entities. 4. Unfunded Mandates Reform Act—Because this rule approves 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. 5. Executive Order 13132: Federalism—Executive Order 13132 does not apply to this rule because it will not have federalism implications (*i.e.*, 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). 6. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments—Executive Order 13175 does not apply to this rule because it will not have tribal implications (*i.e.*, substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and

Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes). 7. Executive Order 13045: Protection of Children From Environmental Health & Safety Risks—This rule is not subject to Executive Order 13045 because it is not economically significant and it is not based on health or safety risks. 8. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use—This rule is not subject to Executive Order 13211 because it is not a significant regulatory action as defined in Executive Order 12866. 9. National Technology Transfer and Advancement Act—EPA approves State programs as long as they meet criteria required by RCRA, so it would be inconsistent with applicable law for EPA, in its review of a State program, to require the use of any particular voluntary consensus standard in place of another standard that meets the requirements of RCRA. Thus, section 12(d) of the National Technology Transfer and Advancement Act does not apply to this rule. 10. Congressional Review Act—EPA will submit a report containing this rule and other information required by the Congressional Review Act (5 U.S.C. 801 *et seq.*) 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 on December 6, 2004.

List of Subjects in 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.

Authority: This action 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: September 17, 2004.

Thomas C. Voltaggio,

Acting Regional Administrator, EPA Region III.

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CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Parts 2551, 2552, and 2553

Senior Corps

AGENCY: Corporation for National and Community Service.

ACTION: Final rule; correction.

SUMMARY: The Corporation for National and Community Service (hereinafter the "Corporation"), hereby amends its regulations for three programs (Senior Companions, Foster Grandparents and RSVP). These amendments make technical corrections to the final rules issued on April 14, 2004, for the Foster Grandparent Program, and on April 19, 2004, for the Retired and Senior Volunteer Program. They also clarify the eligibility of and requirements for faith-based organizations to serve as Senior Corps sponsors and volunteer stations under all three programs.

DATES: Effective on October 7, 2004.

FOR FURTHER INFORMATION CONTACT: Mr. Peter Boynton at (202) 606-5000, ext. 499 or by e-mail: pboynton@cns.gov.

List of Subjects in 45 CFR Parts 2551, 2552, and 2553

Aged, Grant programs-social programs, Volunteers.

■ For the reasons set forth in the preamble, the Corporation for National and Community Service amends 45 CFR parts 2551, 2552, and 2553 as follows:

PART 2551—SENIOR COMPANION PROGRAM

■ 1. The authority citation for part 2551 continues to read as follows:

Authority: 42 U.S.C. 4950 *et seq.*

■ 2. In § 2551.12, revise paragraphs (r) and (w) to read as follows:

§ 2551.12 Definitions.

* * * * *

(r) Sponsor. A public agency or private non-profit organization, either secular or faith-based, that is responsible for the operation of a Senior Companion project.

* * * * *

(w) Volunteer station. A public agency, secular or faith-based private non-profit organization, or proprietary health care organization that accepts the responsibility for assignment and supervision of Senior Companions in health, education, social service or related settings such as multi-purpose centers, home health care agencies, or similar establishments. Each volunteer station must be licensed or otherwise

certified, when required, by the appropriate state or local government. Private homes are not volunteer stations.

■ 3. Revise § 2551.21 to read as follows:

§ 2551.21 Who is eligible to serve as a sponsor?

The Corporation awards grants to public agencies, including Indian tribes and non-profit private organizations, both secular and faith-based, in the United States that have the authority to accept and the capability to administer a Senior Companion project.

■ 4. In § 2551.23, revise paragraph (c)(1) to read as follows:

§ 2551.23 What are a sponsor's program responsibilities?

* * * * *

(c) * * *

(1) Ensuring that a volunteer station is a public or non-profit private organization, whether secular or faith-based, or an eligible proprietary health care agency, capable of serving as a volunteer station for the placement of Senior Companions;

* * * * *

■ 5. Amend § 2551.121 by redesignating paragraph (g) as paragraph (g)(1) and adding paragraph (g)(2) to read as follows:

§ 2551.121 What legal limitations apply to the operation of the Senior Companion Program and to the expenditure of grant funds?

* * * * *

(g) * * *

(2) A sponsor or volunteer station may retain its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use Corporation funds to support any inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under this part.

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PART 2552—FOSTER GRANDPARENT PROGRAM

■ 6. The authority citation for part 2552 continues to read as follows:

Authority: 42 U.S.C. 4950 *et seq.*

■ 7. In § 2552.12, revise paragraphs (u) and (z) to read as follows:

§ 2552.12 Definitions.

* * * * *

(u) *Sponsor.* A public agency or private non-profit organization, either secular or faith-based, that is responsible for the operation of a Foster Grandparent project.

* * * * *

(z) *Volunteer station.* A public agency, secular or faith-based private non-profit organization, or proprietary health care organization that accepts the responsibility for assignment and supervision of Foster Grandparents in health, education, social service or related settings such as multi-purpose centers, home health care agencies, or similar establishments. Each volunteer station must be licensed or otherwise certified, when required, by the appropriate state or local government. Private homes are not volunteer stations.

■ 8. Revise § 2552.21 to read as follows:

§ 2552.21 Who is eligible to serve as a sponsor?

The Corporation awards grants to public agencies, including Indian tribes and non-profit private organizations, both secular and faith-based, in the United States that have the authority to accept and the capability to administer a Foster Grandparent project.

■ 9. In § 2552.23, revise paragraph (c)(1) to read as follows:

§ 2552.23 What are a sponsor's program responsibilities?

* * * * *

(c) * * *

(1) Ensuring that a volunteer station is a public or non-profit private organization, whether secular or faith-based, or an eligible proprietary health care agency, capable of serving as a volunteer station for the placement of Foster Grandparents;

* * * * *

■ 10. Amend § 2552.121 by redesignating paragraph (g) as paragraph (g)(1) and adding a new paragraph (g)(2) to read as follows:

§ 2552.121 What legal limitations apply to the operation of the Foster Grandparent Program and to the expenditure of grant funds?

* * * * *

(g) * * *

(2) A sponsor or volunteer station may retain its independence and may continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use Corporation funds to support any inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs

or services funded. If an organization conducts such activities, the activities must be offered separately, in time or location, from the programs or services funded under this part.

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PART 2553—THE RETIRED AND SENIOR VOLUNTEER PROGRAM

■ 11. The authority citation for part 2553 continues to read as follows:

Authority: 42 U.S.C. 4950 *et seq.*

■ 12. In § 2553.12, revise paragraphs (o) and (r) to read as follows:

§ 2553.12 Definitions.

* * * * *

(o) *Sponsor.* A public agency or private non-profit organization, either secular or faith-based, that is responsible for the operation of an RSVP project.

* * * * *

(r) *Volunteer station.* A public agency, secular or faith-based private non-profit organization, or proprietary health care organization that accepts the responsibility for assignment and supervision of RSVP volunteers in health, education, social service or related settings such as multi-purpose centers, home health care agencies, or similar establishments. Each volunteer station must be licensed or otherwise certified, when required, by the appropriate state or local government. Private homes are not volunteer stations.

■ 13. Revise § 2553.21 to read as follows:

§ 2553.21 Who is eligible to serve as a sponsor?

The Corporation awards grants to public agencies, including Indian tribes and non-profit private organizations, both secular and faith-based, in the United States that have authority to accept and the capability to administer an RSVP project.

■ 14. In § 2553.23, revise paragraph (c)(1) to read as follows:

§ 2553.23 What are a sponsor's program responsibilities?

* * * * *

(c) * * *

(1) Ensuring that a volunteer station is a public or non-profit private organization, whether secular or faith-based, or an eligible proprietary health care agency, capable of serving as a volunteer station for the placement of RSVP volunteers to meet locally identified needs;

* * * * *

■ 15. Amend § 2553.91 by redesignating paragraph (g) as paragraph (g)(1) and

adding a new paragraph (g)(2) to read as follows:

§ 2553.91 What legal limitations apply to the operation of the RSVP Program and to the expenditure of grant funds?

* * * * *

(g) * * *

(2) A sponsor or volunteer station may retain its independence and may

continue to carry out its mission, including the definition, development, practice, and expression of its religious beliefs, provided that it does not use Corporation funds to support any inherently religious activities, such as worship, religious instruction, or proselytization, as part of the programs or services funded. If an organization conducts such activities, the activities

must be offered separately, in time or location, from the programs or services funded under this part.

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Dated: September 30, 2004.

Tess Scannell,
Director, Senior Corps.

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