

PART 49—ANTITRUST CIVIL PROCESS ACT

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Authority: 15 U.S.C. 1313.

§ 49.1 Purpose.

The regulations in this part are issued in compliance with the requirements imposed by the provisions of section 4(c) of the Antitrust Civil Process Act, as amended (15 U.S.C. 1313(c)). The terms used in this part shall be deemed to have the same meaning as similar terms used in that Act.

§ 49.2 Duties of custodian.

(a) Upon taking physical possession of documentary material, answers to interrogatories, or transcripts of oral testimony delivered pursuant to a civil investigative demand issued under section 3(a) of the Act, the antitrust document custodian designated pursuant to section 4(a) of the Act (subject to the general supervision of the Assistant Attorney General in charge of the Antitrust division), shall unless otherwise directed by a court of competent jurisdiction, select, from time to time, from among such documentary material, answers to interrogatories or transcripts of oral testimony, the documentary material, answers to interrogatories or transcripts of oral testimony the copying of which the custodian deems necessary or appropriate for the official use of the Department of Justice, and shall determine, from time to time, the number of copies of any such documentary material, answers to interrogatories or transcripts of oral testimony that are to be reproduced pursuant to the Act.

(b) Copies of documentary material, answers to interrogatories, or transcripts of oral testimony in the physical possession of the custodian pursuant to a civil investigative demand may be reproduced by or under the authority of any officer, employee, or agent of the Department of Justice designated by the custodian. Documentary material for which a civil investigative demand has been issued but which is still in the physical possession of the person upon whom the demand has been served may, by agreement between such person and the custodian, be reproduced by such person, in which case the custodian may require that the copies so produced be duly certified as true copies of the original of the material involved.

§ 49.3 Examination of the material.

Documentary material, answers to interrogatories, or transcripts of oral testimony produced pursuant to the Act, while in the custody of the custodian, shall be for the official use of officers, employees, and agent of the Department of Justice in accordance with the Act. Upon reasonable notice to the custodian—

(a) Such documentary material or answers to interrogatories shall be made available for examination by the person who produced such documentary material or answers to interrogatories, or by any duly authorized representative of such person; and

(b) Such transcripts of oral testimony shall be made available for examination by the person who produced such testimony, or by such person's counsel, during regular office hours established for the Department of Justice. Examination of such documentary material, answers to interrogatories, or transcripts of oral testimony at other times may be authorized by the Assistant Attorney General or the custodian.

§ 49.4 Deputy custodians.

Deputy custodians may perform such of the duties assigned to the custodian as may be authorized or required by the Assistant Attorney General.

Dated: August 18, 1995.

Janet Reno,
Attorney General.
[FR Doc. 95-20984 Filed 8-24-95; 8:45 am]
BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Parts 356, 358, 372, and 393

Organizational Charter; Removal of Parts

AGENCY: Department of Defense.

ACTION: Final rule.

SUMMARY: This document removes Department of Defense's organizational charters on the Advanced Research Projects Agency (ARPA), Assistant Secretary of Defense for Policy and Plans (ASD(P&P)), Assistant Secretary of Defense for Democracy and Peacekeeping, and the American Forces Information Service (AFIS) codified in the CFR. The parts have served the purpose for which they were intended in the CFR and are no longer necessary.

EFFECTIVE DATE: August 25, 1995.

FOR FURTHER INFORMATION CONTACT:

L. Bynum or P. Toppings, 703-697-4111.

SUPPLEMENTARY INFORMATION: DoD Directive 5105.41 (32 CFR part 393) was canceled by DoD Directive 5134.10. DoD Directive 5111.6 (32 CFR part 358) was canceled by DoD Directive 5111.5. DoD Directive 5111.4 (32 CFR part 356) was canceled by DoD Directive 5111.10. DoD Directive 5122.10 (32 CFR part 372) exists in the DoD Directive system, however, the most recent version is dated March 22, 1995. All of the current documents may be obtained from the National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, VA 22161.

List of Subjects in 32 CFR Parts 356, 358, 372, and 393

Organization and functions.

PARTS 356, 358, 372, and 393— [REMOVED]

Accordingly, by the authority of 10 U.S.C. 301, 32 CFR parts 356, 358, 372, and 393 are removed.

Dated: August 22, 1995.

L.M. Bynum,
Alternate OSD Federal Register Liaison Officer, Department of Defense.
[FR Doc. 95-21191 Filed 8-24-95; 8:45 am]
BILLING CODE 5000-04-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OH87-1-7075a; FRL-5285-6]

Determination of Attainment of the Ozone Standard by the Cleveland, Toledo, Dayton and Cincinnati-Hamilton Interstate Ozone Nonattainment Areas and Determination Regarding Applicability of Certain Reasonable Further Progress and Attainment Demonstration Requirements; Ohio

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Final rule; removal.

SUMMARY: On June 29, 1995, the USEPA published a final rule, through the "direct final" procedure, determining that the Cleveland (which includes the Counties of Ashtabula, Cuyahoga, Geauga, Lake, Lorain, Medina, Portage and Summit); Toledo (which includes the Counties of Lucas and Wood); Dayton (which includes the Counties of Clark, Greene, Miami and Montgomery); and the Ohio portion of the Cincinnati-Hamilton Interstate (which includes the Counties of Butler, Clermont, Hamilton

and Warren) ozone nonattainment areas have attained the National Ambient Air Quality Standard (NAAQS) for ozone. See 60 FR 33742. The USEPA is removing this final rule due to adverse comments received on this action. In a subsequent final rule, USEPA will summarize and respond to the comments received on this determination.

EFFECTIVE DATE: August 25, 1995.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location:

United States Environmental Protection Agency, Region 5, Air and Radiation Division, Regulation Development Branch, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: William Jones, Environmental Scientist, Regulation Development Section, Regulation Development Branch (AR-18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604, (312) 353-5089.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Nitrogen oxides, Ozone, and Volatile organic compounds.

Dated: August 11, 1995.

Valdas V. Adamkus,
Regional Administrator.

Part 52, chapter 1, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q

Subpart KK—Ohio

2. Section 52.1885 is amended by removing paragraph (w).

[FR Doc. 95-21189 Filed 8-24-95; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 272

[FRL-5224-4]

Hazardous Waste Management Program: Incorporation by Reference of Approved State Hazardous Waste Program for Arizona

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Under the Resource Conservation and Recovery Act of 1976, as amended (RCRA), the U.S. Environmental Protection Agency (EPA) may grant final authorization to States to operate their hazardous waste management programs in lieu of the Federal program. EPA uses part 272 of Title 40 of the Code of Federal Regulations (CFR) to provide notice of the authorization status of State programs, and to incorporate by reference those provisions of the State statutes and regulations that EPA will enforce under RCRA section 3008. EPA intends to incorporate by reference the Arizona authorized State program in 40 CFR part 272. The purpose of this action is to incorporate by reference EPA's approval of recent revisions to Arizona's program.

DATES: This document is effective October 24, 1995 unless EPA publishes a prior **Federal Register** (FR) action withdrawing this immediate final rule. All comments on this action must be received by close of business September 25, 1995. The incorporation by reference of certain Arizona statutes and regulations was approved by the Director of the Federal Register as of October 24, 1995 in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: Written comments should be sent to April Katsura, U.S. EPA Region IX (H-4), 75 Hawthorne Street, San Francisco, California 94105, (415) 744-2030.

FOR FURTHER INFORMATION CONTACT: April Katsura, U.S. EPA Region IX (H-4), 75 Hawthorne Street, San Francisco, California 94105, (415) 744-2030.

SUPPLEMENTARY INFORMATION:

Background

Section 3006 of RCRA, 42 U.S.C. 6926, allows EPA to authorize State hazardous waste programs to operate in the State in lieu of the Federal hazardous waste program. The purpose of today's **Federal Register** notice is to incorporate by reference EPA's approval of Arizona's base hazardous waste management program and its revisions to that program.

Effective December 19, 1994 (see 59 FR 52918), EPA incorporated by reference Arizona's then authorized hazardous waste program. Effective June 12, 1995 (see 60 FR 18356), EPA granted authorization to Arizona for additional program revisions. In this document, EPA is incorporating the currently authorized Arizona hazardous waste program in subpart D of part 272.

EPA provides notice of its approval of State programs in 40 CFR part 272, and incorporates by reference therein the

State statutes and regulations that EPA will enforce under section 3008 of RCRA. This effort will provide clearer notice to the public of the authorized program in Arizona. Such notice is particularly important in light of the Hazardous and Solid Waste Act Amendments of 1984 (HSWA), Pub. L. 98-616. Revisions to State hazardous waste programs are necessary when Federal statutory or regulatory authority is modified. Because HSWA extensively amended RCRA, State programs must be modified to reflect those amendments. By incorporating by reference the authorized Arizona program and by amending the Code of Federal Regulations whenever a new or different set of requirements is authorized in Arizona, the status of Federally approved requirements of the Arizona program will be readily discernible.

The Agency will only enforce those provisions of the Arizona hazardous waste management program for which authorization approval has been granted by EPA. This document incorporates by reference provisions of State hazardous waste statutes and regulations and clarifies which of these provisions are included in the authorized and Federally enforceable program. Concerning HSWA, some State requirements may be similar to HSWA requirements that are in effect under Federal statutory authority in that State. However, a State's HSWA-type requirements are not authorized and will not be codified into the CFR until the Regional Administrator publishes her final decision to authorize the State for specific HSWA requirements. Until such time, EPA will enforce the HSWA requirements and not the State analogs.

Arizona Authorized Hazardous Waste Program

EPA is incorporating by reference the Arizona authorized hazardous waste program in subpart D to 40 CFR part 272. The State statutes and regulations are incorporated by reference at 40 CFR 272.151(b)(1); and the Memorandum of Agreement, the Attorney General's Statement and the Program Description are referenced at 40 CFR 272.151(b)(4), (5), and (6), respectively.

The Agency retains the authority under sections 3007, 3008, 3013 and 7003 of RCRA to undertake enforcement actions in authorized States. With respect to such enforcement actions, the Agency will rely on Federal sanctions, Federal inspection authorities, and the Federal Administrative Procedure Act rather than the State authorized analogs to these requirements. Therefore, the Agency does not intend to incorporate by reference for purposes of