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To	JOHN RUDDELL Co. Div of WASTE MGMT. FL Dept of Envir. REG
From	TOM KENNEDY
Co.	ASTSWMO
Phone #	202/624-5828
Fax #	202/624-7895
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

(FRL-5052-8)

Florida; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection
Agency.

ACTION: Immediate final rule.

SUMMARY: Florida has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Florida's revisions consist of the provisions contained in the rules promulgated between July 1, 1990, and June 30, 1992, otherwise known as RCRA Cluster I & II. These requirements are listed in section B of this document. The Environmental Protection Agency (EPA) has reviewed Florida's application and has made a decision, subject to public review and comment, that the Florida hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Florida's hazardous waste program revisions. Florida's application

for program revisions is available for public review and comment.

DATES: Final authorization for Florida's program revisions shall be effective October 17, 1994 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Florida's program revision application must be received by the close of business, September 15, 1994.

ADDRESSES: Written comments should be sent to A.R. Hanke, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, USEPA, 345 Courtland Street NE., Atlanta, Georgia 30365. Copies of Florida's program revision application are available during normal business hours at the following addresses for inspection and copying: Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, phone (904) 488-0300; USEPA Region IV, Library, 345 Courtland Street NE., Atlanta, Georgia 30365; (404) 347-4216.

FOR FURTHER INFORMATION CONTACT: Al Hanke, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365; (404) 347-2234.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is

modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 124, 260 through 268 and 270.

B. Florida

Florida initially received final authorization for its base RCRA program effective on February 12, 1985; (50 FR 3908, January 29, 1985). Florida received authorization for revisions to its program on April 6, 1992, for Non-HSWA III, IV, and V, and on January 10, 1994 for HSWA I without Corrective Action. Today, Florida is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Florida's application and has made an immediate final decision that Florida's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Florida. The public may submit written comments on EPA's immediate final decision up until October 17, 1994. Copies of Florida's application for these program revisions are available for inspection and copying at the locations indicated in the ADDRESSES section of this notice.

Approval of Florida's program revisions shall become effective October 17, 1994. Unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received EPA will publish either: (1) A withdrawal of the immediate final decision; or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Florida is today seeking authority to administer the following Federal requirements.

41980 Federal Register / Vol. 59, No. 157 / Tuesday, August 16, 1994 / Rules and Regulations

Checklist	Description	FR date and page	Florida rule
80	Toxicity Characteristic; Hydrocarbon Recovery Operations	10/5/80, 55 FR 40834; 2/1/91, 56 FR 3978; 4/2/91, 56 FR 13406	17-730.030(1) F.A.C. 403.72(1) F.S.
81	Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listing (FO37 and FO38).	11/2/90, 55 FR 46354; 12/17/90, 55 FR 51707	17-730.030(1), F.A.C. 403.72(1) F.S.
82	Wood Preserving Listings	12/6/90, 55 FR 50450	17-730.020, 030, 160, 180, & 220 F.A.C. 403.704, 721, & 722 F.S.
83	Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendments	1/31/91, 56 FR 3864	17-730.030, 180, & 183 F.A.C. 403.72, & 721, F.S.
84	Toxicity Characteristic; Chlorofluorocarbon Refrigerants	2/13/91, 56 FR 5910	17-730.030(1) F.A.C. 403.72(1), F.S.
86	Removal of Strontium Sulfide from the List of Hazardous Wastes; Technical Amendment	2/25/91, 56 FR 7567	17-730.030(1) F.A.C. 403.72(1), F.S.
87	Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment	4/26/91, 56 FR 19290	17-730.180, & 220 F.A.C. 403.087, 721, & 722 F.S.
88	Administrative Stay for Portions of the KO69 Listing	5/1/91, 56 FR 19951	17-730.030 F.A.C. 403.71(1) F.S.
89	Revision to the Petroleum Refining Primary and Secondary Oil/Water/Solids Separation Sludge Listings (FO37 and FO38).	5/13/91, 56 FR 21955	17-730.030(1) F.A.C. 403.72(1) F.S.
90	Mining Waste Exclusion III	6/13/91, 56 FR 27300	17-730.030(1), F.A.C. 403.72(1), F.S.
91	Administrative Stay for FO32, FO34, and FO35 Listings	6/13/91, 56 FR 27332	17-730.030, 180, F.A.C. 403.72, & 721 F.S.
92	Wood Preserving Listings: Technical Corrections	7/1/91, 56 FR 30192	17-730.030, 160, 180, & 220 F.A.C. 403.72, 721, 704, & 722, F.S.
96	Land Disposal Restrictions for Electric Arc Furnace Dust (KO61)	8/19/91, 56 FR 41164	17-730.030, & 183 F.A.C. 403.72, & 721 F.S.
97	Exports of Hazardous Waste; Technical Correction	9/4/91, 56 FR 43704	17-730.180 F.A.C. 403.721(3), F.S.
99	Amendments to Interim Status Standards for Downgradient Ground Water Monitoring Well Locations.	12/23/91, 56 FR 68365	17-730.020, & 180, F.A.C. 403.704, & 721, F.S.
100	Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units.	1/29/92, 57 FR 3462	17-730.020, 180, & 220, F.A.C. 403.721, & 722, F.S.
101	Administrative Stay for the Requirement that Existing Drip Pads Be Impermeable.	2/18/92, 57 FR 5859	17-730.180 (1) F.A.C. 403.721 F.S.
102	Second Correction to the Third Third Land Disposal Restrictions	3/6/92, 57 FR 8086	17-730.180, & 183, F.A.C. 403.721, F.S.
103	Hazardous Debris Case-by-Case Capacity Variance	5/15/92, 57 FR 20766	17-730.83, F.A.C. 403.721, F.S.
106	Lead-bearing Hazardous Materials Case-by-Case Capacity Variance	6/26/92, 57 FR 28628	17-730.183, F.A.C. 403.721, F.S.
108	Toxicity Characteristics Revisions: Technical Corrections	7/10/92, 57 FR 30657	17-730.030, & 180, F.A.C. 403.72, & 721 F.S.
117B	Toxicity Characteristic Amendment	6/1/92, 57 FR 23062	17-730.030, F.A.C. 403.72(1), F.S.
120	Wood Preserving; Amendments to Listings and Technical Requirements.	12/24/92, 57 FR 61492	17-730.030, & 180 F.A.C. 403.72, & 721, F.S.

Note: The January 31, 1991, and the July 8, 1987, optional amendments to 40 CFR 270.42 are not adopted by Florida. Rule 17-730.290(1)(d), F.A.C., states that the Department may require permit modifications for the causes set forth in 40 CFR 270.42.

C. Decision

I conclude that Florida's application for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Florida is granted final authorization to operate its hazardous waste program as revised, except where otherwise noted.

Florida now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application, its previously approved authorities and where otherwise noted in this document. Florida also has primary

enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12066

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions 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. This authorization effectively suspends the applicability of certain Federal regulations in favor of Florida's program, thereby eliminating duplicative requirements for handlers of hazardous waste 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

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping

requirements, Water pollution control, Water supply.

Authority: This notice 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. 8912(a), 6926, 6974(b)).

Dated: August 8, 1994.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 94-20040 Filed 8-15-94; 8:45 am]

BILLING CODE 5540-50-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

RIN 1018-AC31

Changes in List of Species in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES or the Convention) regulates international trade in certain animals and plants. Species for which trade is controlled are listed in Appendices I, II, and III to the Convention. The countries participating in this treaty, including the United States, have adopted species amendments to Appendices I and II. The United States did not enter a reservation on any of these listing amendments approved at the eighth meeting of the Conference of the Parties. This document incorporates these amendments into the U.S. Fish and Wildlife Service's regulations implementing the Convention.

DATES: The amendments set forth in this rule entered into effect and became enforceable on June 11, 1992, under the terms of the Convention. Therefore, this rule is effective August 16, 1994.

ADDRESSES: Please send correspondence concerning this document to Chief, Office of Scientific Authority; Mail stop: Room 725, Arlington Square Building; U.S. Fish and Wildlife Service; 1849 C St., NW.; Washington, DC 20240; fax number 703-358-2276. Express and messenger deliveries should be addressed to the Office of Scientific Authority; 4401 North Fairfax Drive, room 750; Arlington, Virginia 22203. Materials received will be available for public inspection by appointment, from 8:00 a.m. to 4:00 p.m. Monday through

Friday at the above address in Arlington, Virginia (room 750).

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority, U.S. Fish and Wildlife Service, at telephone 703-358-1708.

SUPPLEMENTARY INFORMATION:

Background

The Convention regulates import, export, re-export, and introduction from the sea of certain animal and plant species. Species for which trade is controlled are included in three appendices. Their inclusion in Appendix I or II is by agreement of CITES Party countries. Appendix I include species threatened with extinction that are or may be affected by trade. Appendix II includes species that although not necessarily now threatened with extinction may become so unless trade in them is strictly controlled. It also lists species that must be subject to regulation in order that trade in other currently or potentially threatened species may be brought under effective control (e.g., because of difficulty in distinguishing specimens of the currently or potentially threatened species from the specimens of other species). Appendix III includes species that any Party country unilaterally designates as being subject to regulation within its jurisdiction for purposes of restricting or preventing exploitation, and for which cooperation of other Parties is needed to control trade.

Any CITES Party may propose amendments to Appendices I and II for consideration at meetings of the Conference of the Parties. The text of proposals must be communicated to the CITES Secretariat at least 150 days before a meeting. The Secretariat must then consult the other Parties and appropriate intergovernmental agencies, and communicate responses to all Parties no later than 30 days before the meeting. Amendments are adopted by consensus or a two-thirds majority of the Parties present and voting.

Actions of the Parties

The eighth meeting of the Conference of the Parties to CITES was held on March 2-13, 1992, in Kyoto, Japan. At the meeting (COP8), the Parties considered 81 different proposals to amend the appendices for animals and 27 different proposals for plants. The 108 proposals were described in earlier Federal Register notice; and addressed in the Federal Register on March 4, 1992, for proposals submitted by the United States (57 FR 7719) and by other Parties (57 FR 7713). The proposals that

were approved by this Conference of the Parties were announced in a May 13, 1993, Federal Register notice (57 FR 20443); note this clarifying correction to 57 FR 20445, that the *Anthracoeros* spp. (hornbills) also were proposed for addition to Appendix II by the Netherlands (and approved). As also announced in that May 13, 1992, notice, some proposals were withdrawn by their proponents or rejected by the Parties.

That notice (57 FR 20443) requested comments from the public on whether the U.S. Fish and Wildlife Service (Service) should recommend that the United States enter reservations on any of the listing amendments. The effect of a reservation would be to exempt this country from completely implementing the Convention for the particular species. More comprehensive discussions of any practical effects of entering a reservation and reasons for or against entering reservations are contained in November 22, 1985, and December 15, 1989, Federal Register notices (50 FR 48212 and 54 FR 51432, respectively). Changes to the CITES appendices as a result of the eighth meeting of the Conference of the Parties that are incorporated into the U.S. Code of Federal Regulations are printed as the conclusion of this notice.

Related Considerations

Namibia and Zimbabwe proposed to transfer the cheetah (*Acinonyx jubatus*) populations of Botswana, Malawi, Namibia, Zambia, and Zimbabwe from Appendix I to Appendix II, with export quotas. In the March 4, 1992, Federal Register (57 FR 7713), the United States opposed this amendment, since the Service had not received the proponents' supporting statement from the CITES Secretariat prior to COP8. The proposal was redrafted at COP8 as a resolution [see Doc. 8.22 (Rev.)] retaining the species in Appendix I and establishing the following quotas (for trophies and skins: 2 per person): Botswana, 5; Namibia, 100; and Zimbabwe, 50. However, such a resolution was deemed to be unnecessary, and the quotas have been reflected in the Secretariat's annotations to the appendices.

The original proposal to transfer the sub-Saharan population of leopards (*Panthera pardus*) from Appendix I to appendix II, with export quotas, was redrafted as a revision of resolution Conf. 7.7, with the quotas (for trophies and skins: 2 per person) increased for Malawi (50) and South Africa (75), and initiated (new quota) for Namibia (100). The Service supports the continuation of this quota system for leopard trophies