

DELEGATION STATUS OF NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS—Continued

(NESHAPS) for Region VIII

Subpart	State					
	CO	MT	ND	SD	UT	WY
P Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.....		(*)			(*)	
V Equipment Leaks (Fugitive Emission Sources).....		(*)	(*)		(*)	(*)

(*) Indicates delegation.

Dilegation for asbestos demolition, renovation and spraying operations, and waste disposal for demolition, renovation and spraying operations only.

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BILLING CODE 6560-50-M

40 CFR Part 271

(FRL-3492-7)

Florida; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.**ACTION:** Final authorization on application of Florida for program revision.

SUMMARY: Florida has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Environmental Protection Agency (EPA) has reviewed Florida's application and has reached a decision that Florida's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is granting final authorization to Florida to operate its expanded program, subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984.

EFFECTIVE DATE: Final authorization for Florida shall be effective at 1:00 pm on January 3, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Otis Johnson, Jr., Chief, Waste Planning Section, RCRA Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365, Telephone: (404) 347-3016.

SUPPLEMENTARY INFORMATION:**A. Background**

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6929(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 (Pub. L. 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 in EPA's regulations in 40 CFR Parts 260 through 266 and 124 and 270.

B. Florida

Florida initially received final authorization of its hazardous waste program on February 12, 1985 (50 FR 3908, January 29, 1985). On February 27, 1987, Florida submitted a final revision application for non-HSWA requirements promulgated through June 30, 1985. Florida received final authorization for these revisions on March 1, 1988 (53 FR 127, January 5, 1988). Florida was placed on a schedule of compliance to obtain program modifications for section 3006(f), Availability of Information (AOI) of the HSWA (52 FR 26013, July 10, 1987). Today, Florida is seeking approval of its program revisions for the following authorities through June 30, 1986, in accordance with 40 CFR 271.21(b)(4).

Federal requirement	State authority
Closure, Post-Closure and Financial Responsibility Requirements; Settlement Agreement 51 FR 16443-16459, May 2, 1986.	F.S. 403.704(16). F.S. 403.722. F.A.C. 17-30.020(1). F.A.C. 17-30.180(1)(2) F.A.C. 17-30.290(1)(a) and (4).
Listing of Spent Pickle Liquor (K062) 50 FR 19320 as amended at 51 FR 33612, May 28, 1986 and September 22, 1986.	F.A.C. 17-30.300. F.S. 403.704(16). F.S. 403.721(1). F.A.C. 17-30.030(1).

Federal requirement	State authority
RCRA section 3006(f), Availability of Information 40 CFR Part 2, Subpart A, 5 U.S.C. 552.	F.S. 119.07. F.S. 119.011. F.S. 119.12. F.S. 120.68. F.A.C. 17-30.310.

EPA has reviewed Florida's application, and has made a final decision that Florida's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization.

EPA recognizes Florida's lack of a provision for waiver of fees for information in the public interest as specified at 40 CFR 2.120(d). A public hearing was scheduled for October 20, 1988. No requests to hold the hearing, or adverse public comments were received prior to the end of the public comment period on October 13, 1988. Therefore, the public hearing was cancelled by publishing legal notices in six major Florida newspapers prior to the scheduled date of the hearing. Two commenters expressed concern after the public hearing had been cancelled, that the wording of the Federal Register notice published September 15, 1988 (53 FR 35836) was not clear regarding the agency's option to cancel the hearing if no public interest was expressed. EPA apologizes to those inconvenienced, and will take steps to improve the wording of future public notices. One commenter expressed concern that Florida's fees for information, though minimal, could still prove to be an obstacle for some citizens or public interest groups; and that the Florida legislature should be aware of this possibility. However, the commenter did not express an objection to EPA's tentative determination to authorize Florida for the modifications in question. (For fuller discussion of Florida's information release provisions and fee structure, see 53 FR 35836 dated September 15, 1988). Consequently, EPA is hereby granting final authorization for the additional program modifications to Florida's Hazardous Waste Management Program.

Florida is not seeking authorization to operate on Indian lands.

C. Decision

I conclude that Florida's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Florida is granted final authorization to operate its hazardous waste program as revised. 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 limitation of its program revision application and previously approved authorities. 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 section 3008, 3013 and 7003 of RCRA.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 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: Secs. 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: November 9, 1988.

Lee A. DeHihns,
Acting Regional Administrator.

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DEPARTMENT OF THE INTERIOR**Bureau of Reclamation****43 CFR Part 426****Acreage Limitation Rules and Regulations**

September 12, 1988.

AGENCY: Bureau of Reclamation, Interior.

ACTION: Final rule.

SUMMARY: These rules revise the existing rules for administration of the Reclamation Reform Act of 1982 (RRA). The existing rules have been revised to incorporate several amendments to the RRA that are contained in the Omnibus Budget Reconciliation Act of 1987 (1987 Budget Act), which was enacted on December 22, 1987. The amendments address audits for compliance with Reclamation law, water rates for land owned under extended recordable contracts, underpayments for irrigation water deliveries to landholdings, and treatment of revocable trusts.

EFFECTIVE DATE: January 17, 1989.

FOR FURTHER INFORMATION CONTACT: Alonso Knapp; telephone (303) 236-4042.

SUPPLEMENTARY INFORMATION:**Background**

The RRA, Title II, Pub. L. 97-293 (96 Stat. 1263), was signed into law by President Reagan on October 12, 1982. The Act modernized Reclamation law. Final rules and regulations implementing the RRA were published in the Federal Register on December 6, 1983. Those rules were revised on April 13, 1987, primarily to add provisions for implementing section 203(b) of the Act. That section mandated that after April 12, 1987, parties remaining subject to prior law must pay the full-cost rate for irrigation water delivered to land leased in a landholding in excess of 160 acres. On October 26, 1987, the rules were again revised. The purpose of this revision was to eliminate "gifted land" as a type of land transaction subject to the involuntary acquisition provisions of the rules.

Reclamation is now revising the rules to incorporate provisions implementing the new RRA amendments contained in the 1987 Budget Act. Proposed rules were published in the Federal Register on June 10, 1988. During the week of June 20, 1988, public hearings were held in San Francisco, California; Denver, Colorado; and Washington, DC. Two persons presented testimony at these hearings. In addition to the two parties represented by witnesses at the hearings, we also received written

documents from seven other parties during the public comment period, which closed on July 11, 1988. All of the comments were reviewed and taken into consideration in preparing these final rules.

Summary of Revisions

Following is a summary of the RRA amendments in the 1987 Budget Act and changes that have been made to the rules:

Audits

The first amendment, section 224(g), mandates the Secretary of the Interior to conduct a thorough audit of compliance with Reclamation law by individuals and legal entities. The amendment requires the Secretary, at a minimum, to complete audits of landholdings and operations exceeding 960 acres within 3 years. The Secretary is also required to submit a report to Congress summarizing audit findings and actions that have been taken to correct instances of noncompliance.

Reclamation has initiated its audit efforts. However, since this amendment places no new requirements on landholders themselves, we have added no additional audit language to the rules. The existing provision, § 426.10(i), addresses audits and provides landholders with sufficient information regarding this topic. However, this section has been reworded to make it clear that the performance of audits is mandatory rather than discretionary on the part of Reclamation. In addition, in order to ensure that the Secretary has the information necessary to perform the required audits, § 426.10(a) has been revised to clarify that districts, prior law and new law recipients, and persons operating irrigation land under management arrangements or consulting agreements must provide information and records upon request by the Secretary.

Extended Recordable Contracts

The second amendment, section 224(h), clarifies that both prior law and new law recipients are required to pay the full-cost rate for water deliveries to land under an extended recordable contract. We have revised § 426.11(i)(4) of the rules accordingly. In addition, § 426.7(f) of the rules has been revised to reflect the fact that the full-cost interest rate applicable to prior law recipients for land under extended recordable contract is that set forth in section 202(3)(A) of the RRA and § 426.7(f)(1) of the April 13, 1987, rules. Consequently, the full-cost interest rate applying to prior law recipients with land under