

PART 3—ADJUDICATION**Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation**

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.262, paragraphs (m)(2) and (o)(2) are amended by adding new last sentences as follows:

§ 3.262 Evaluation of Income.

(m) * * *
(2) * * * The term "just debts" does not include any debt that is secured by real or personal property. * * *

(o) * * *
(2) * * * The term "just debts" does not include any debt that is secured by real or personal property. * * *

3. In § 3.272, paragraph (h)(1)(ii) is amended by adding a new last sentence as follows:

§ 3.272 Exclusions from Income.

(h) * * *
(1) * * *
(ii) * * * The term "just debts" does not include any debt that is secured by real or personal property. * * *

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 271**

[FRL-5010-1]

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, 1989, and June 30, 1990, otherwise known as Non-HSWA Cluster VI. These requirements are listed in Section B of this notice. 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 September 9, 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, August 10, 1994.

ADDRESSES: Written comments should be sent to A.R. Hanke, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. EPA, 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; U.S. EPA 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 260-268 and 124 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 August 10, 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 September 9, 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.

Checklist	Description	FR date and page	Florida rule
*64	Delay of Closure Period for Hazardous Waste Facilities	8/14/89; 54 FR 33376.	17-730.180(1) & (2) FAC 403.721(2) & (6) FS
65	Mining Waste Exclusion	9/1/89; 54 FR 36592.	17-730.030(1) FAC 403.72(1) FS
67	Testing and Monitoring Activities	9/29/89; 54 FR 40260.	17-730.021(1)(a) FAC 17-730.030(1) 403.704(15) FS 403.72(1)
70	Changes to Part 124	Various	17-730.184, 220&280 FAC 17-4.080&100 403.704(16), 722FS (1) (3)(5)(a)&(b)(10)(b) 403.061(14)
71	Mining Waste Exclusion II	1/23/90; 55 FR 2322.	17-730.020(1) FAC .030(1), 160(1) 403.704(15) FS 403.72(1)
72	Modification of F019 Listing	2/14/90; 55 FR 5340.	403.721(2)(3) 17-730.030, 021 403.72(1)
73	Testing and Monitoring Activities; Technical Corrections	3/9/90; 55 FR 8948.	403.704(15) 17-730.021(1)(a) FAC 17-730.030(1) FAC 403.704(15) F.S
76	Criteria for Listing Toxic Wastes; Technical Amendment	5/4/90; 55 FR 18726.	403.72(1) F.S 17-730.030(1) 403.72(1)
**78	Land Disposal Restrictions Third-Third Scheduled Wastes	6/1/90; 55 FR 22520.	17-730.030 403.72(1)

* Florida did not adopt 40 CFR 270.42 Appendix 1, "Permit Modifications for Hazardous Waste Management Facilities."

** Only the Non-HSWA portion of Checklist 78 is included here. The remainder of Checklist 78 will be included in HSWA Cluster II.

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 Notice. 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 12866

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

Environmental protection, 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. 6912(a), 6926, 6974(b)).

Dated: June 22, 1994.

John R. Barker,

Acting Regional Administrator.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7069

(CA-940-5440-10-ZBAF; CACA 30534)

Withdrawal of Public Land in Aid of the State of California To Study a Site for the Proposed Ward Valley Low-Level Radioactive Waste Facility, San Bernardino County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 1,000 acres of public land from agricultural entry and mining for a period of 3 years for the Bureau of Land Management to allow the State of California sufficient time to fully study its proposal to site a low-level radioactive waste facility on the land. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: July 11, 1994.

FOR FURTHER INFORMATION CONTACT: Douglas Romoli, BLM California Desert District Office, 6221 Box Springs Blvd., Riverside, California 92507, (909) 697-5237.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and