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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-4135-5]

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

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Florida has applied for final authorization for revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Florida's revisions consist of the Toxicity Characteristic provisions of HSWA Cluster II promulgated on March 29, 1990 and the correction promulgated on June 29, 1990. The requirements contained in this revision application are in Supplementary Information, 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 Florida's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Florida's application for program revisions. Florida's application for program revisions is available for public review and comment.

DATES: Final Authorization for Florida shall be effective July 20, 1992 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 June 19, 1992.

ADDRESSES: Copies of Florida's program revision application are available during

8 a.m.-4 p.m. at the following addresses for inspection and copying: Florida Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32300; 904-488-3400; U.S. EPA Region IV, Library, 345 Courtland Street NE., Atlanta, Georgia 30365; (404) 347-4216. Written comments should be sent to Narindar Kumar at the address listed below.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, 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, (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 to EPA's regulations in 40 CFR parts 260-268, 124, and 270.

B. State of Florida

Florida initially received final authorization for its base RCRA program on February 12, 1985 (50 FR 3908, January 29, 1985). Florida has

received authorization for revisions to its program through Non-HSWA Cluster II. Florida received authorization for Radioactive Mixed Waste on February 12, 1991. On April 7, 1992, Florida received final authorization for Non-HSWA Cluster III, IV and V. Today Florida is seeking approval of its program revision 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 revision satisfies 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 until June 19, 1992. Copies of Florida's application for program revisions are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of Florida's program revision shall become effective July 19, 1992, 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 Toxicity Characteristic (TC) Provisions of HSWA Cluster II promulgated on March 29, 1990, and June 29, 1990.

Federal requirement	FR reference	Federal promulgation date	State authority
Toxicity.....	55 FR 11798.....	3/29/90	403.704(15).
Characteristic Revisions.....	55 FR 26986.....	6/29/90	403.72(1), 403.721 (2) and (6), 403.722(5)(e), 17-730.030(1), 17-730.180(1)/(2), 17-730.183.

During EPA's review of Florida's application, a concern arose pertaining to the difference in the effective date of Florida's rule (9/10/91) and the effective date of the Federal rule (9/25/90), and its impact on the regulated community. EPA was concerned that Florida's later effective date could potentially allow facilities which do not qualify for interim status under the Federal rules to apply and obtain interim status under state rule once authorization is obtained. EPA considered it important that the State preserve the Federal date under State law. Due to the fact that TC is the first new waste under HSWA which requires a different procedure from past new waste codes, this problem may recur with any new waste codes promulgated under HSWA. EPA contacted the State and suggested language be inserted into their regulations to address this concern. The State has agreed to amend their rules at the next rulemaking to include the clarifying language. EPA is proceeding to authorize Florida because no facilities to date have applied for interim status since the federal effective date of the TC Rule. In addition, EPA prefers to authorize the State rather than continue the dual regulatory scheme that presently exists.

Florida is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Florida's application for program revisions 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 limitations 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 5 U.S.C. 604(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, 7004(b) of the Solid Waste Disposal Act as amended (42 U.S.C. 6912(a), 6926, 697(b)).

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 92-11804 Filed 5-19-92; 8:45am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 92-29; RM-7774]

Radio Broadcasting Services; Washington, LA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Dee Broadcasting Corporation, licensee of Station KNEK-FM, Channel 284A, Washington, Louisiana, substitutes Channel 284C3 for Channel 284A at Washington, Louisiana, and modifies KNEK-FM's license to

specify operation on the higher powered channel. See 57 FR 07704, March 4, 1992. Channel 284C3 can be allotted to Washington in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.0 kilometers (13.0 miles) southwest to accommodate Dee's desired site. The coordinates for Channel 284C3 are 30-26-45 and 92-09-24. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 29, 1992.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92-29, adopted May 6, 1992, and released May 15, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center, (202) 452-1422, 1714 21st Street, NW, Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 284A and adding Channel 284C3 at Washington.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-11841 Filed 5-19-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-19; RM-7882]

Radio Broadcasting Services; Memphis, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.