

Dated: January 28, 1997.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 97-8181 Filed 3-31-97; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

[FRL-5802-9]

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

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Florida has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). 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 management program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Florida's hazardous waste management program revision. Florida's application for program revision is available for public review and comment.

DATES: Final authorization for Florida will be effective June 2, 1997 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 May 1, 1997.

ADDRESSES: Copies of Florida's program revision applications are available during the regular business hours of 8:00 a.m. to 4:30 p.m. at the following addresses for inspection and copying: Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399. U.S. EPA Region IV, Library, Atlanta Federal Center, 100 Alabama Street, S.W., Atlanta, Georgia 30303-3104. Written comments should be sent to Narindar Kumar, Chief, RCRA Branch, U.S. EPA,

Atlanta Federal Center, 100 Alabama Street, S.W., Atlanta, Georgia 30303-3104. Telephone (Florida State Coordinator) 404-562-8469.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, (404) 562-8448.

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. 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 to EPA's regulations in 40 CFR Parts 124, 260 through 266, 268, 270 and 279.

B. Florida

Florida initially received final authorization on February 12, 1985. Florida received authorization for revisions to its program on January 30, 1988; January 3, 1989; February 12, 1991; April 6, 1992; July 20, 1992; April 7, 1992; April 6, 1992, and September 9, 1994. HSWA Cluster I, without corrective action, was authorized on January 10, 1994, and HSWA II was authorized on December 27, 1994. RCRA I and II were authorized on October 17, 1994. Today, Florida is seeking approval of its program revision for RCRA Cluster III, RCRA Cluster IV, and the Universal Waste Rule from

RCRA Cluster V in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Florida's applications, and has made an immediate final decision that Florida's hazardous waste program revisions 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. Florida has also made conforming changes to make its regulations internally consistent relative to the revisions made for the above listed authorizations. EPA has reviewed these changes and has made an immediate final decision, in accordance with 40 CFR 271.21(b)(3), that Florida's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. The public may submit written comments on EPA's immediate final decision up until May 1, 1997. Copies of Florida's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of Florida's program revision will become effective in 60 days unless an adverse comment pertaining to the State's revision 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 affirms that either the immediate final decision takes effect or reverses the decision.

Florida is seeking approval for its rule revision for the RCRA Cluster III, RCRA Cluster IV and the Universal Waste Rule in RCRA Cluster V. Florida adopts the federal rules by reference and the authority is found in Florida Statute (FS) 403.704(15) (1993). The Florida Administrative Code (FAC) Chapter 62-730, effective 1/5/95, and the FAC effective 9/7/95, document the adoption of the federal rules and extends the description of the rules which apply in Florida. The following chart is a listing of the Federal requirements and Florida's analogous rule and supporting statutes.

Checklist	Federal provision	State provision
109 HSWA, 57 FR 37194 8/18/92, Land Disposal Restrictions for Newly Listed Wastes and Debris	40 CFR Parts 260.10, 261.3, 262.34, 264.110, 264.111, 264.112, 264.140,	62-730.020(1) F.A.C. 403.704(15) F.S., 62-730.030(1), 403.72, 62-730.160(1), 403.721, 62-730.180 (1) & (2), 403.721 (2) & (6), 403.724.

Checklist	Federal provision	State provision
	264.142, 264.1111, 254.1101, 264.1102, 264.1103, 264.1110, 265.110–112, 265.140, 265.142, 265.221, 265.1100, 265.1101, 265.1102, 265.1103 265.1110, 268.2, 268.7, 268.9, 268.14, 258.36, 268.40, 268.41, 268.42 (b) & (d) and table 2, 268.43/Table CCW, 268.45 (a– d)/Table 1, 268.46/Table 1, 268.50, Appendix II 270.13, 270.14, 270.72	62–730.180(2), 403.721 (2) & (6). 62–730.183, 403.721 (2), (3) & (6). 62–730.220(3), 403.087(2), 403.721(2), 403.722 (3), (4) & (7).
110 HSWA 57 FR 37284 8/18/92 Coke By-Product Listings 113 Non-HSWA 53 FR 33938 9/1/88 56 FR 30200 7/1/91 57 FR 42832 9/16/92 Consolidated Liability Requirements 115 HSWA 57 FR 47376 10/15/92 Chlorinated Toluene Production Waste Listing 116 HSWA 57 FR 47772 10/20/92 Hazardous Soil Case-By-Case Capacity Variance 117A HSWA 57 FR 7628, 3/3/92 57 FR 23062, 6/1/92 57 FR 49278, 10/30/92, Reissuance of the Mixture and Derived-From Rules 118 HSWA 57 FR 54452, 11/18/92, Liquids in Landfills II	40 CFR Part 270.42 (optional requirements) are not adopted by Florida. 40 CFR 261.4, 261.32, 261, Appendix VII 264.147	62–730.030(1) F.A.C. 403.72(1). 62–730.180(1) & (2) F.A.C. (Amended 1/5/95) and 403.721.(2) & (6)(f) F.S. 403.724 F.S. Florida adopted none of the optional require- ments in this consolidated checklist
	261.32 Appendix VII	62–730.030(1) F.A.C. & 403.72 F.S.
	268.35	62–730.183 F.A.C., 403.721(2), (3) & (6) F.S.
	261.3	62–730.030(1) F.A.C., 403.72 (1) F.S.
	260.10 264.13, 264.314, 264.316, 265.13, 265.314, 265.316	62–730.020(1) F.A.C., 403.704(15), F.S. 62–730.180(1), 403.721(2), (3) & (6) 62–730.180(2), 403.721(2), (3) & (6)
	261, Appendix II, 8.2–8.5	62–730.030(1) F.A.C., 403.72, F.S.
	268.35	62–730.183 F.A.C., 403.721(2), (3) & (6) F.S.
119 HSWA 57 FR 55114, 11/24/92, Amended 58 FR 6854, 2/2/93 Toxicity Characteristic Revision, TCLP Correction 123 HSWA 58 FR 28506, 5/14/93, LDR; Renewal of Haz. Waste Debris Case-by-Case Capacity Variance 124 HSWA 58 FR 29860, 5/24/93, LDR for Ignitable and Corrosive Characteristic Wastes	264.1, 265.1 268.1, 268.2, 268.7, 268.9, 268.37, 268.40, 268.41, Table CCWE, 268.42, Table 2, 268.43. Table CCW	62–730.180(1), F.A.C. 403.721 (2) F.S. 62–730.180(2), 403.721(2) 62–730.183, 403.721 (2), (3) & (6)

Checklist	Federal provision	State provision
126 HSWA/Non-HSWA—58 FR 46040, 8/31/93, 59 FR 47980, 9/19/94 Testing and Monitoring Activities	The optional July 8, 1987 amendments to 40 CFR 270.42 are not adopted by Florida. Rule 62–730.290(1)(d), F.A.C., describes the permit modification process and states that the Department may require permit modifications for the causes set forth in 40 CFR 270.42. Rule 62–730.290(4), F.A.C., describes under what conditions the Department will consider a permittee's request for a permit modification. 260.11 261.22, 261.24, App. II, III & X 264.190, 264.314 265.190, 265.314 268.7, 268.40, 268.41, App. I & IX 270.6 270.19, 270.62, 270.66 CL 126 cited 40 CFR 260.22(d)(1)(I). This citation describes how to petition EPA to exclude a waste at a particular generation facility from the lists in 40 CFR Part 261 Subpart D. Florida does not adopt the federal regulations concerning delisting petitions.	62–730.021(1)(a), F.A.C., 403.704(15), F.S. 62–730.030(1), 403.72(1) 62–730.180(1), 403.721 (2) & (6) 62–730.180(2), 403.721 (2) & (6) 62–730.183, 403.721 (2), (3) & (6) 62–730.021(2), 403.721(2), 403.8055 62–730.220(3), 403.087, 403.721(2), 403.722 (3), (4) & (7)
128 Non-HSWA 59 FR 458, 1/4/94, Wastes from the Use of Chlorophenolic Formulations in Wood Surface Protection	260.11 261, Appendix VIII	62–730.021(1)(a), F.A.C., 403.704(15), F.S. 62–730.030(1), 403.72
129 Non-HSWA 59 FR 8366, 2/18/94 Revision of Conditional Exemption for Small Scale Treatability Studies	261.4	62–730.030(1), F.A.C., 403.72, 403.8055, F.S.
131 Non-HSWA 59 FR 13891, 3/24/94, Record keeping instructions; Technical Amendment	264, Appendix 1, Tables 1 & 2 265, Appendix I, Tables 1 & 2 260.11(a)	62–730.180(1), F.A.C. 403.721 (2) & (6), F.S. 62–730.180(2), 403.721 (2) & (6) F.S. 62–730.021(1), F.A.C. 403.704(15), F.S.
132 Non-HSWA 59 FR 28484 6/2/94, Wood Surface Protection; Correction	264.151	62–730.180(1), F.A.C., 403.721 (2) & (6)(f), 403.724, F.S.
133 Non-HSWA 59 FR 29958, 6/10/94, Letter of Credit Revision	261.33, Appendix VIII	62–730.030(1), F.A.C., 403.72(1), F.S.
134 Non-HSWA 59 FR 31551, 6/20/94, Correction of Beryllium Powder (PO15) Listing	268.42 (a)/Table 2	62–730.183, 403.721(2)
142 A–E Non HSWA 60 FR 25492, 5/11/95 Universal Waste Rule A—General Provisions; B—Battery Provisions; C—Pesticides Provisions; D—Thermostats Provisions; E—Petition Provisions	40 CFR Part 260.10 Definitions	62–730.020(1) F.A.C., 403.704(15) F.S.
A—General Provisions	260.23	62–730.021(3) F.A.C., 403.704 (15) F.S.
B—Battery Provisions	261.5	62–730.030(1) F.A.C., 403.72(1) F.S.
C—Pesticides Provisions	261.9	
D—Thermostats Provisions	261.6	
A—General Provisions	262.10, 262.11	62–730.160(1) F.A.C., 403.721 (1) & (2) F.S.
A—General Provisions	264.1	62–730.180(1) F.A.C. & 403.721(2) F.S.
B—Battery Provisions		
C—Pesticides Provisions		
D—Thermostats Provisions		
A—General Provisions	265.1	62–730.180(8) F.A.C. & 403.721 (2) F.S.
B—Battery Provisions		
A—General Provisions	266.80	62–730.181 (1) F.A.C. & 403.721(2) F.S. (58 FR 59598)
B—Battery Provisions	268.1	62–730.183 F.A.C. & 403.721 F.S.
C—Pesticides Provisions		
D—Thermostats Provision		
A—General Provisions	270.1	62–730.220 (3) F.A.C. 403.8055 F.S.
B—Battery Provisions		
C—Pesticides Provisions		
D—Thermostats Provision		

Checklist	Federal provision	State provision
A—General Provisions B—Battery Provisions C—Pesticides Provisions D—Thermostats Provisions	273.1, 273.3, 273.4, 273.5, 273.6, 273.10 273.13, 273.14 273.31, 273.32, 273.33, 273.34 273.35 273.36 273.37 273.38, 273.39, 273.40 273.51, 273.50 273.51, 273.52 273.53 273.54, 273.55 273.56 273.60 273.61 273.62, 273.70, 273.80, 273.81	62–730.185 (1) & (2) F.A.C. & 403.721(1) F.S. & 120.54 F.S.
E—Petitions Provisions		62–730.185 (1) & (2) F.A.C., 120.54(f), 403.721(2) F.S.

In addition to the rule modifications listed above, Florida will be authorized to carry out, in lieu of the Federal program, the following State-initiated changes to provisions of the State's program, which are analogous to the indicated Resource Conservation and Recovery Act (RCRA) provisions found at Title 40 of the Code of Federal Regulations or in RCRA.

State provision	Federal provision
62–730.020(3) As amended 9/7/95 62–730.140(1) As amended 9/7/95 62–730.150 (1)–(2) as amended 9/7/95 62–730.150(3) As amended 1/5/95 62–730.150(7) As amended 1/5/95 62–730.160 (6) As amended 1/5/95 62–730.160 (7) As amended 1/5/95 62–730.161 (1)–(5) New 1/5/95 62–730.171(2) (a)–(2) (b) & (e) & (3) & (4) As amended 1/5/95 62–730.181 (2) As amended 1/5/95 62–730.184 As amended 1/5/95 62–730.220(1) As amended 1/5/95 62–730.300 (1) (a) & (b) As amended 1/5/95 62–730.300 (4) As amended 1/5/95. 62–730.900 (4) (a) (b) & (d) as amended 1/5/95	40 CFR Part 268 and 273 40 CFR Part 273 40 CFR Part 273 40 CFR parts 124 and 273 RCRA 3007 40 CFR Part 265.15 40 CFR Part 265.35 40 CFR 262.12(b) 40 CFR 265 § B 40 CFR 266.20 40 CFR 124 40 CFR 270 40 CFR 270.72 & 270.50 40 CFR Part 270.72 40 CFR 264.151 (g) & (h)(2)

In addition to the above listed changes, EPA is authorizing changes to the following State provisions. These provisions do not have a direct analog in the Federal RCRA regulations. However, none of these provisions are considered broader in scope than the Federal program. This is so because these provisions either were previously authorized as part of Florida's base authorization or have been added to make the State's regulations internally consistent with changes made for the other authorizations listed in the first paragraph of this section. EPA has reviewed these provisions and has determined that they are consistent with and no less stringent than the Federal requirements. Additionally, this authorization does not affect the status of State permits and those permits issued by EPA because no new substantive requirements are a part of these revisions.

In the 1994 Supplement to the Florida Statutes (FS) 1993 Florida changed the name from Florida Department of Environmental Regulation to Florida Department of Environmental Protection at 403.031(1), 403.061(14), 403.088, 403.703(1), 403.707, 403.722 (12), 403.7222, 403.727, 403.74(2), 62–730.180(10) new subsection as Amended 1/5/95
62–730.200(1) Name change from Florida Department of Environmental Regulation to Florida Department of Environmental Protection
62–730.220(4) As amended 1/5/95
62–730.220 (5)(d) 1. And 2. As amended 1/5/95
62–730.220 (5) (h) 3.(I) as amended 1/5/95
62–730.220(9)(c) As amended 1/5/95
62–730.220(10) As amended 1/5/95
62–730.220(11) As amended 1/5/96
62–730.230 Has been deleted as of 1/5/95
62–730.231(8) As amended 1/5/95

62–730.231(9) As amended 1/5/95
62–730.250(3) As amended 1/5/95
62–730.320(2)(h) As amended 1/5/95
62–730.900 except 4 (a), (b) & (d) As amended 1/5/95

Florida's rule revision contains a new chapter 62–737 entitled Management of Spent Mercury-Containing Lamps and Devices Destined for Recycling. The Universal Waste Rule allows for a state to add waste streams to the Universal Waste, however, these wastes are not subject to the authorization revision provisions in 40 CFR 271.21, since the State will be authorized for the universal waste regulations and the regulation of hazardous wastes.

Some portions of Florida's revised program are broader in scope than the Federal program, and thus, are not Federally enforceable. These broader-in-scope provisions are 403.78 through 403.7893 FS 1993 and 403.7895 FS 1993.

Florida is not authorized to operate the Federal program on Indian lands. This authority remains with EPA.

C. Decision

I conclude that Florida's program revisions meet 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 the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. 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 12866

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

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104.4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year period. The section 202 and 205 requirements do not apply to today's action because it is not a "Federal mandate" and because it does not impose annual costs of \$100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because the requirements of the Florida program are already imposed by the State and subject to State law. Second, the Act also generally excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program. Florida's

participation in an authorized hazardous waste program is voluntary.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector. Costs to State, local and/or tribal governments already exist under the Florida program, and today's action does not impose any additional obligations on regulated entities. In fact, EPA's approval of state programs generally may reduce, not increase, compliance costs for the private sector.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, section 203 of the UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may be hazardous waste generators, transporters, or own and/or operate TSDFs, they are already subject to the regulatory requirements under existing state law which are being authorized by EPA, and, thus, are not subject to any additional significant or unique requirements by virtue of this program approval.

Certification Under the Regulatory Flexibility Act

EPA has determined that this authorization will not have a significant economic impact on a substantial number of small entities. Such small entities which are hazardous waste generators, transporters, or which own and/or operate TSDFs are already subject to the regulatory requirements under existing State law which are being authorized by EPA. EPA's authorization does not impose any additional burdens on these small entities. This is because EPA's authorization would simply result in an administrative change, rather than a change in the substantive requirements imposed on these small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 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 approves regulatory requirements under existing State law to which small entities are already subject.

It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Submission to Congress and the General Accounting Office

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This document 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: March 17, 1997.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 97-8088 Filed 3-31-97; 8:45 am]

BILLING CODE 6565-50-P

40 CFR Part 300

[FRL-5804-9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Minot Landfill Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Minot Landfill Superfund Site (Site) located in Ward County, North Dakota, from the National Priorities List (NPL).