

US EPA ARCHIVE DOCUMENT

Statistical Area (CMSA); the Baltimore Oxygenate Gasoline Control Area—comprised of Baltimore City and the counties of Anne Arundel, Baltimore, Carroll, Harford, Howard, and Queen Anne's, all of which are included in the Baltimore Metropolitan Statistical Area (MSA); and the Washington Oxygenated Gasoline Control Area—comprised of the counties of Calvert, Charles, Frederick, Montgomery, and Prince George's, which comprise the Maryland portion of the Washington, DC MSA. The intended effect of this action is to approve these regulations to satisfy the requirements of the Clean Air Act as amended by the Clean Air Act Amendments of 1990 (the Act). This action is being taken under section 110 of the Clean Air Act.

EFFECTIVE DATE: This final rule will become effective on July 11, 1994.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; Air and Radiation Docket (6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Catherine L. Magliocchetti, (215) 597-6863 at the EPA address indicated in the ADDRESSES section.

SUPPLEMENTARY INFORMATION: On December 14, 1993, (58 FR 65309), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland. The NPR proposed approval of an Oxygenated Gasoline Program in the State of Maryland. A formal SIP revision was submitted by the State of Maryland on November 13, 1992.

Specific requirements of the Oxygenated Gasoline Program and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No comments were received on the NPR.

Final Action

EPA is approving the SIP revision submitted by the State of Maryland on November 13, 1992, which implements an Oxygenated Gasoline Program in the State. The SIP revision consists of revisions to Code of Maryland Regulations (COMAR) 03.03.05, and COMAR 26.11.13 and new regulations codified at COMAR 03.03.06 and COMAR 26.11.20. Nothing in this action should be construed as permitting or

allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action was originally classified as a Table 2 action for signature by the Acting Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). However, in an October 4, 1993 memorandum, the Acting Assistant Administrator for Air and Radiation, Michael H. Shapiro, revised these SIP tables so that Table 2 final actions on which no adverse comments were received on the proposed rule may be delegated to Table 3 actions. No comments were received concerning this action; therefore, under the new guidelines, this final action may be classified as a Table 3 action. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for a period of two years. The USEPA has submitted a request for a permanent waiver for Table 2 and 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on USEPA's request. This request is still applicable under Executive Order 12866, which superseded Executive Order 12291 on September 30, 1993.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action to approve Maryland's Oxygenated Gasoline Program must be filed in the United States Court of Appeals for the appropriate circuit by August 9, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Clean Air Act.)

List of Subjects in 40 CFR part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: May 13, 1994.

Stanley L. Laskowski,
Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—(AMENDED)

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart V—Maryland

2. Section 52.1070 is amended by adding paragraph (c)(101) and by removing and reserving paragraph (c)(88) to read as follows:

§ 52.1070 Identification of plan.

(101) Revisions to the State of Maryland Regulations Oxygenated Gasoline Program regulations submitted on November 13, 1992 by the Maryland Department of the Environment. Effective date October 26, 1992.

(i) Incorporation by reference.

(A) Letter of November 13, 1992 from the Maryland Department of the Environment transmitting Oxygenated Gasoline Program regulations.

(B) The following State of Maryland regulations effective October 26, 1992:

(1) Amendments to COMAR 26.11.13.01 (Control of Gasoline and Volatile Organic Compound Storage and Handling).

(2) Deletion of Regulation .06 under COMAR 26.11.13 (Control of Gasoline and Volatile Organic Compound Storage and Handling).

(3) New Regulation COMAR 26.11.20.03 (Mobile Sources).

(4) COMAR 03.03.05.01, .01-1, .02-1, .05, .08, and .15 (Motor Fuel Inspection).

(5) COMAR 03.03.06.01 through .06 (Emissions Control Compliance).

(ii) The remainder of the November 13, 1992 submittal.

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40 CFR Parts 144, 264, and 280

[FRL-4894-3]

Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, Underground Storage Tanks, and Underground Injection Control Systems; Financial Assurance; Letter of Credit

AGENCY: Environmental Protection Agency.

ACTION: Final rule; amendment.

SUMMARY: EPA is amending the regulations related to financial assurance promulgated under Subtitles C and I of the Resource Conservation and Recovery Act (RCRA). Those regulations cite the "Uniform Customs and Practice for Documentary Credits," published by the International Chamber of Commerce. This notice inserts the words "and copyrighted" into the letter of credit instrument to clarify that the International Chamber of Commerce publication is copyrighted material. As a result of this notice, owners and operators using the letter of credit instrument to demonstrate financial assurance must include this additional language.

EFFECTIVE DATE: August 9, 1994.

FOR FURTHER INFORMATION CONTACT: Tom Gorman at (202) 260-1339, Office of General Counsel, U.S. Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

I. Authority

This amendment is promulgated under the authority of Sections 2002(a), 3004, 3005, and 3006 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6912, 6924, 6925, 6926, and 6991, and under the authority of the Safe Drinking Water Act, 42 U.S.C. 300f et seq.

II. Background

Owners and operators of hazardous waste treatment, storage, and disposal facilities must demonstrate financial assurance for costs of closure, post-closure care, third-party liability and corrective action associated with their facilities. In subpart H of 40 CFR part 264, the Agency has established regulations regarding financial assurance for closure, post-closure care, and third party liability. Section 264.151 provides wording for the various financial instruments that owners and operators may use to demonstrate financial assurance. Section 264.151(d) provides wording for a letter of credit to demonstrate financial assurance for closure and post-closure care, and § 264.151(k) provides wording for a letter of credit to demonstrate financial assurance for third-party liability.

The RCRA regulations in 40 CFR part 280 impose similar requirements on owners and operators of underground storage tanks. Under those provisions, owners and operators of underground storage tanks must demonstrate financial assurance for taking corrective action and for third party liability. The regulations then establish a series of

mechanisms that owners and operators can use. Section 280.99 provides the wording for a letter of credit, which is one of those allowable mechanisms.

Finally, the regulations at 40 CFR part 144, subpart F for the Underground Injection Control Program contain specific requirements for financial responsibility for Class I hazardous waste injection wells. Class I wells inject industrial and municipal wastes, including RCRA hazardous wastes, below the lowermost underground source of drinking water (USDW). 40 CFR part 144, subpart F, is directly applicable to owners and operators of all Class I hazardous waste injection wells.

III. Purpose of This Notice

The wording of the letter of credit instrument in §§ 144.70(d), 264.151 (d) and (k), and § 280.99 includes a reference to the "Uniform Customs and Practice for Documentary Credits," published by the International Chamber of Commerce. However, the language does not make it clear that the International Chamber of Commerce publication is copyrighted material.

This correction notice amends the letter of credit instrument in §§ 144.70(d), 264.151 (d) and (k), and 280.99 to clarify that the International Chamber of Commerce publication is copyrighted material by including the words "and copyrighted" in the wording of the letter of credit instrument. As a result of this change to the regulations, owners and operators who obtain a letter of credit to demonstrate financial assurance must use the revised language in § 264.151(d), 264.151(k), or 280.99(b), which includes the words "and copyrighted."

IV. Effect on State Authority To Administer Federal Programs

Since this amendment only revises the description of the document, and does not impose new duties on owners or operators that choose to rely on letters of credit, EPA will not require states to adopt this change as part of their approved UIC and UST programs or authorized RCRA programs. Therefore, owners and operators in authorized states that do not adopt this change will not be affected by this rule. However, EPA encourages states to adopt this change.

In states that adopt this change and in states without approved UIC or UST programs or states not authorized for the RCRA program, new letter of credit instruments will have to include this new language.

V. Administrative Procedures Act Requirements

Under 5 U.S.C. 553(b)(3)(B), a rule is exempt from notice and public comment requirements "when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rules issues) that notice and public procedures thereon are impractical, unnecessary, or contrary to the public interest." EPA believes that comment is unnecessary because this amendment makes only a change in the wording of the letter of credit instrument, but does not change the requirements for using the letter of credit instrument to demonstrate financial assurance. Therefore, EPA believes there is good cause to make today's rule effective on August 9, 1994.

List of Subjects

40 CFR Part 144

Environmental protection, Administrative practice and procedure, Confidential Business Information, Hazardous waste, Indian—lands, Reporting and recordkeeping requirements, Surety bonds, Water supply.

40 CFR Part 264

Environmental protection, Air pollution control, Hazardous waste, Insurance, Packaging and containers, Reporting and recordkeeping requirements, Security measures, Surety bonds.

40 CFR Part 280

Environmental protection, Hazardous substances, Insurance, Oil pollution, Reporting and recordkeeping requirements, Surety bonds, Water pollution control, Water supply.

Dated: April 15, 1994.

Elliott Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

Dated: April 25, 1994.

Robert Perciasepe,

Assistant Administrator, Office of Water.

PART 144—UNDERGROUND INJECTION CONTROL PROGRAM

1. The authority citation for part 144 continues to read as follows:

Authority: Safe Drinking Water Act, 42 U.S.C. 300f et seq.; Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq.

2. In § 144.70, the last sentence in paragraph (d) is revised to read as follows:

§ 144.70 Wording of the instruments.

* * * * *

(d) * * * This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code"].

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

2. In § 264.151, the last sentence in paragraphs (d) and (k) is revised to read as follows:

§ 264.151 Wordling of the instruments.

(d) * * * This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code"].

(k) * * * This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code"].

PART 280—TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS (UST)

1. The authority citation for part 280 continues to read as follows:

Authority: 42 U.S.C. 6912, 6991, 6991a, 6991b, 6991c, 6991d, 6991e, 6991f, and 6991h.

2. In § 280.99, the last sentence of paragraph (b) is revised to read as follows:

§ 280.99 Letter of credit.

(b) * * * This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International

Chamber of Commerce," or "the Uniform Commercial Code"].

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1801, 1802, 1804, 1805, 1807, 1809, 1815, 1822, 1823, 1825, 1839, and 1852

[NASA FAR Supplement Directive 89-15]

RIN 2700-AB36

Acquisition Regulation; Miscellaneous Amendments to NASA FAR Supplement

AGENCY: Office of Procurement, Procurement Policy Division, National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This document amends the NASA Federal Acquisition Regulation Supplement (NFS) to reflect a number of miscellaneous changes dealing with NASA internal or administrative matters, such as redesignation of NASA offices and delegation of authority within NASA.

EFFECTIVE DATE: June 30, 1994.

FOR FURTHER INFORMATION CONTACT: Mr. David K. Beck, (202) 358-0482.

SUPPLEMENTARY INFORMATION:

Availability of NASA FAR Supplement

The NASA FAR Supplement, of which this rule is a part, is available in its entirety on a subscription basis from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, telephone number (202) 783-3238. Cite GPO Subscription Stock Number 933-003-00000-1. It is not distributed to the public, either in whole or in part, directly by NASA.

Dryden Flight Research Center and Space Station Program Office

The following sections are changed as a result of the establishment of the Dryden Flight Research Center and Space Station Program Office: 1802.101, 1804.7102-4(a), 1804.7103-2, 1805.207, 1805.303-71(b)(1), 1807.7102(b), 1815.807-71, 1822.103-4, 1839.7003-5, and 1852.103.

Waiver of Certified Cost and Price Data for Canadian Commercial Corporation

An existing waiver in 1815.804 is extended. Subparagraph 1815.804-

3(e)(4) is removed. It required NASA personnel to report use of the waiver to NASA Headquarters.

Delegation of Authority for Small Foreign Purchases

Changes to 1825.7003 and 1825.7004 delegate authority and describe internal procedures within NASA.

Reversion of Domestic Preference to Buy American Act

Subpart 1825.71 and clauses at 1852.225-74 and 1852.225-75 are removed because an appropriation act requirement for domestic preference was not extended beyond Fiscal Year 1991 funding. The domestic preference required by the Buy American Act, as implemented in (FAR) 48 CFR Subparts 25.1 and 25.2 and (NASA FAR Supplement) 48 CFR Subparts 1825.1 and 1825.2, remains in effect.

Additional Changes

Section 1815.805-5(b) is revised in order to complete an incomplete sentence. Section 1815.970-3(b) is revised in order to correct a cross-reference. A reference is corrected in 1822.870 regarding contractor EEO reports. A reference to Code FO is changed to Code UO and the division title is changed (section 1823.7002(c)). Section 1852.209-71 is revised in order to correct two cross-references. In addition, section references and subpart headings are revised to reflect corresponding changes in the Federal Acquisition Regulation.

Impact

NASA certifies that this regulation will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

List of Subjects in 48 CFR Parts 1801, 1802, 1804, 1805, 1807, 1809, 1815, 1822, 1823, 1825, 1839, and 1852

Government procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR parts 1801, 1802, 1804, 1805, 1807, 1809, 1815, 1822, 1823, 1825, 1839, and 1852 are amended as follows.

1. The authority citation for 48 CFR parts 1801, 1802, 1804, 1805, 1807, 1809, 1815, 1822, 1823, 1825, 1839, and 1852 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).