

US EPA ARCHIVE DOCUMENT

Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small

Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 13, 2004. 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).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 10, 2004.

Laura Yoshii,

Acting Regional Administrator, Region IX.

■ Part 52, Chapter I, Title 40 of the Code of Federal Regulations 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 *et seq.*

Subpart F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(331) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(331) New and amended regulations for the following APCDs were submitted on June 3, 2004, by the Governor's designee.

(i) Incorporation by reference.
(A) San Joaquin Valley Unified Air Pollution Control District.

(1) Rule 4610 amended on April 17, 2003.

* * * * *

[FR Doc. 04-22956 Filed 10-13-04; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-7825-8]

Florida: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Florida has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for Final authorization, and is authorizing the State's changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we get written comments which oppose this authorization during the comment period, the decision to authorize Florida's changes to their hazardous waste program will take effect. If we get comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize the changes.

DATES: This Final authorization will become effective on December 13, 2004, unless EPA receives adverse written comment by November 15, 2004. If EPA receives such comment, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take effect.

ADDRESSES: Send written comments to Audrey E. Baker, Florida Authorizations Coordinator, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, The Sam Nunn Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960; (404) 562-8483. You may also e-mail your comments to

Baker.Audrey@epa.gov or submit your comments at <http://www.regulations.gov>. We must receive your comments by November 15, 2004. You can view and copy Florida's application from 8 a.m. to 5 p.m. at The Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400 and from 8:30 a.m. to 3:45 p.m. EPA, Region 4 Library, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960, Phone number (404) 562-8190, Patricia Strugal, Librarian.

FOR FURTHER INFORMATION CONTACT: Audrey E. Baker, Florida Authorizations Coordinator, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, The Sam Nunn Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303-8960; (404) 562-8483.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and ask EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

B. What Decisions Have We Made in This Rule?

We conclude that Florida's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Florida Final authorization to operate its hazardous waste program with the changes described in the authorization application. Florida has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under

the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Florida, including issuing permits, until the State is granted authorization to do so.

C. What Is the Effect of Today's Authorization Decision?

The effect of this decision is that a facility in Florida subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. Florida has enforcement responsibilities under its State hazardous waste program for violations of such program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Do inspections, and require monitoring, tests, analyses or reports
- Enforce RCRA requirements and suspend or revoke permits
- Take enforcement actions regardless of whether the State has taken its own actions

This action does not impose additional requirements on the regulated community because the regulations for which Florida is being authorized by today's action are already effective, and are not changed by today's action.

D. Why Wasn't There a Proposed Rule Before Today's Rule?

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of today's **Federal Register** we are publishing a separate document that proposes to authorize the State program changes.

E. What Happens if EPA Receives Comments That Oppose This Action?

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register** before the rule becomes effective. EPA will base any further decision on the authorization of the State program changes on the proposal mentioned in the previous paragraph. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw that part of this rule but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

F. What Has Florida Previously Been Authorized for?

Florida initially received Final authorization on January 29, 1985, effective February 12, 1985 (50 FR 3908), to implement the RCRA hazardous waste management program. We granted authorization for changes to their program on December 1, 1987, effective March 3, 1988 (52 FR 45634), December 16, 1988, effective January 3, 1989 (53 FR 50529), December 14, 1990, effective February 12, 1991 (55 FR 51416), February 5, 1992, effective April 6, 1992 (57 FR 4371), February 7, 1992, effective April 7, 1992 (57 FR 4738), May 20, 1992, effective July 20, 1992 (57 FR 21351), November 9, 1993, effective January 10, 1994, (58 FR 59367), July 11, 1994, effective September 9, 1994 (59 FR 35266), August 16, 1994, effective October 17, 1994 (59 FR 41979), October 26, 1994, effective December 27, 1994 (59 FR 53753), April 1, 1997, effective June 2, 1997 (62 FR 15407), August 23, 2001, effective October 22, 2001 (66 FR 44307), August 20, 2002, effective October 21, 2002 (67 FR 53886 and 67 FR 53889). The authorized Florida program, through RCRA Cluster IV, was incorporated by reference into the CFR on January 20, 1998, effective March 23, 1998 (63 FR 2896). Florida received corrective action authority on September 18, 2000, effective November 18, 2000 (65 FR 56256).

G. What Changes Are We Authorizing With Today's Action?

Florida has submitted final complete program revision applications on seeking authorization of their changes in accordance with 40 CFR 271.21. Florida's revision consists of provisions promulgated July 1, 1997 through June 30, 1998 (RCRA Cluster VIII), July 1, 1998 through June 30, 1999 (RCRA IX), and July 1, 1999 through June 30, 2000, otherwise known as RCRA Cluster X. The rule adoption for RCRA Cluster VIII was effective on February 4, 2000. The rule adoption for RCRA Clusters IX and X was effective on December 20, 2000. Florida Statutes Chapter 403 allows the Florida Department of Environmental Protection to administer the rules

governing hazardous waste management in the state. We now make an immediate final decision, subject to receipt of written comments that oppose this

action, that Florida's hazardous waste program revisions satisfy all of the requirements necessary to qualify for Final authorization. Therefore, we grant

Florida Final authorization for the following program changes:

Description of federal requirement	Federal Register	Analogous state authority
Checklist 160, Land Disposal Restrictions Phase III—Emergency Extension of the K088 National Capacity Variance, Amendment.	July 14, 1997 62 FR 37694–37699	Rule 62–730.183, Florida Administrative Code (F.A.C.).
Checklist 161, Emergency Revision of the Carbamate Land Disposal Restrictions.	August 28, 1997 62 FR 45568–45573	Rule 62–730.183, F.A.C.
Checklist 163, Organic Air Emission Standards for Tanks, Surface Impoundments, and Containers, Clarification and Technical Amendment.	December 8, 1997 62 FR 64636–64671	Rules 62–730.180(1), 62–730.180(2), 62–730.220(3) F.A.C.
Checklist 164, Kraft Mill Steam Stripper Condensate Exclusion	April 15, 1998 63 FR 18504–18751	Rule 62–730.030(1), F.A.C.
Checklist 167A, Land Disposal Restrictions Phase IV—Treatment Standards for Metal Wastes and Mineral Processing Wastes.	May 26, 1998 63 FR 28556–28753	Rule 62–730.183, F.A.C.
Checklist 167C, Land Disposal Restrictions Phase IV—Corrections	May 26, 1998 62 FR 28556–28753	Rule 62–730.183, F.A.C.
Checklist 167E, Bevill Exclusion Revisions and Clarifications	May 26, 1998 63 FR 28556–28753	Rule 62–730.030(1), F.A.C.
Checklist 168, Hazardous Waste Combustors; Revised Standards	June 19, 1998 63 FR 33782–33829	Rules 62–730.030(1) and 62–730–220(3), F.A.C.
Checklist 169, Petroleum Refining Process Wastes	August 6, 1998 63 FR 42110–42189	Rules 62–730.030(1), 62–730.181(1), and 62–730.183(1), F.A.C.
Checklist 170, Land Disposal Restrictions Phase IV—Zinc Micronutrient Fertilizers Amendments.	August 31, 1998 63 FR 46332–46334	Rule 62–730.183(1), F.A.C.
Checklist 171, Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate Production.	September 4, 1998 63 FR 47410–47418	Rule 62–730.183(1), F.A.C.
Checklist 172, Land Disposal Restrictions Phase IV—Extension of Compliance Date for Characteristic Slags.	September 9, 1998 63 FR 48124–48127	Rule 62–730.183(1), F.A.C.
Checklist 173, Land Disposal Restrictions; Treatment Standards for Spent Potliners from Primary Aluminum Reduction (K088); Final Rule.	September 24, 1998 63 FR 51254–51267	Rule 62–730.183(1), F.A.C.
Checklist 174, Post-Closure Permit and Closure Process	October 22, 1998 63 FR 56710–56735	Rules 62–730.180(1), 62–730.180(2), 62–730.220(3) F.A.C.
Checklist 175, HWIR—Media	November 30, 1998 63 FR 65874–65947	Rules 62–730.020(1), 62–730.030(1), 62–730.180(1), 62–730.180(2), 62–730.183(1), 62–730.220(3), F.A.C.
Checklist 176, Universal Waste Rule—Technical Amendments	December 24, 1998 63 FR 71225–71230	Rules 62–730.181(1), 62–730.185(1), F.A.C.
Checklist 177, Organic Air Emission Standards: Clarification and Technical Amendments.	January 21, 1999 64 FR 3382	Rules 62–730.160(1), 62–730.180(1), 62–730.180(2), F.A.C
Checklist 179, Land Disposal Restrictions Phase IV—Technical Corrections and Clarifications to Treatment Standards.	May 11, 1999 64 FR 25408–25417	Rules 62–730.030(1), 62–730.160(1), 62–730.183(1), F.A.C.
Checklist 180, Test Procedures for the Analysis of Oil and Grease and Non-Polar Material.	May 14, 1999 64 FR 26315–26327	Rule 62–730.021(1)(a), F.A.C.
Checklist 183, Land Disposal Restrictions Phase IV—Technical Corrections.	October 20, 1999 64 FR 56469–56472	Rules 62–730.030(2), 62.730.160(1), 62–730.183(2), F.A.C.
Checklist 184, Accumulation Time for Waste Water Treatment Sludges ...	March 8, 2000 65 FR 12378–12398	Rule 62–730.160(1), F.A.C.
Checklist 185, Organobromine Production Wastes Vacatur	March 17, 2000 65 FR 14472–14475	Rules 62–730.030(2) 62–730.183(2), F.A.C.
Checklist 187, Petroleum Refining Process Wastes—Clarification	June 8, 2000 64 FR 36365–36367	Rules 62–730.030(2) 62–730.183(2), F.A.C.

H. Where Are the Revised State Rules Different From the Federal Rules?

Florida did not follow the April 9, 1999, vacatur issued by the U.S. Court of Appeals for the District of Columbia as it relates to the listing of organobromine production wastes at 40 CFR 268.40/Table “Treatment Standards for Hazardous Wastes” and 268.48(a)/Table Universal Treatment Standards (UTS). The State adopted the federal regulations as published in the May 26, 1998, rule in tables 40 CFR 268.40 and 268.48.

I. Who Handles Permits After the Authorization Takes Effect?

Florida will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the effective date of this authorization until they expire or are terminated. We will not issue any more new permits or new portions of permits for the provisions listed in the Table above after the effective date of this authorization. EPA will continue to

implement and issue permits for HSWA requirements for which Florida is not yet authorized.

J. What Is Codification and Is EPA Codifying Florida's Hazardous Waste Program as Authorized in This Rule?

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart

L for this authorization of Florida's program changes until a later date.

K. Administrative Requirements

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this action authorizes pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the requirements of RCRA. Thus, the

requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This action will be effective December 13, 2004.

List of Subjects in 40 CFR Part 271

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

Authority: This action is issued under the authority of 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: March 26, 2004.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 04-22590 Filed 10-13-04; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter I and Part 52

[FAC 2001-25 Corrections]

Federal Acquisition Regulation; Corrections

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Corrections.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are issuing corrections to the Introduction and Technical Amendments (Item V) documents in FAC 2001-25, published in the **Federal Register** at 69 FR 59698 and 59704, October 5, 2004.

DATES: Effective October 14, 2004.

FOR FURTHER INFORMATION CONTACT: Ms. Laurie Duarte at (202) 501-4755, General Services Administration, FAR Secretariat, Washington, DC 20405.

Corrections

In the final and interim rule documents appearing in the issue of October 5, 2004:

■ 1. In the table on page 59698, third column, third entry, "2003-035" should read "2003-025".

52.215-15 [Corrected]

■ 2. In 52.215-15:

■ A. Revise the date of the clause to read "(Oct 2004)"; and

■ B. In paragraph (b)(2) of the clause, remove "48 CFR 904.413-50(c)(12)(vi)" and add "48 CFR 9904.413-50(c)(12)(vi)" in its place.

Dated: October 7, 2004.

Laurie Duarte,

FAR Secretariat.

[FR Doc. 04-22964 Filed 10-13-04; 8:45 am]

BILLING CODE 6820-EP-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1852, 1853 and 1872

RIN 2700-AC88

Re-Issuance of NASA FAR Supplement Subchapters H and I

AGENCY: National Aeronautics and Space Administration.