

US EPA ARCHIVE DOCUMENT

Dated: October 31, 2002.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, *Code of Federal Regulations*, is amended as follows:

## PART 52—[AMENDED]

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

**Authority:** 42 U.S.C. 7401 *et seq.*

### Subpart S—Kentucky

2. Section 52.920 is amended by revising the entries for “1.02, 1.03 and

6.18;” adding two new entries in numerical order for “1.19 and 6.50,” and removing the entry for “7.18;” to read as follows:

#### § 52.920 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

### EPA-APPROVED JEFFERSON COUNTY REGULATIONS FOR KENTUCKY

Reg	Title/subject	EPA approval date	Federal Register notice	District effective date
Reg 1	General Provisions. . . .			
* * * * *				
1.02	Definitions	12/19/02	[insert FRN publication]	12/19/01
1.03	Abbreviations and Acronyms	12/19/02	[insert FRN publication]	5/15/02
* * * * *				
1.19	Administrative Hearings	12/19/02	[insert FRN publication]	5/15/02
* * * * *				
Reg 6	Standards of Performance for Existing Affected Facilities. . . .			
* * * * *				
6.18	Standards of Performance for Existing Solvent Metal Cleaning Equipment	12/19/02	[insert FRN publication]	5/15/02
* * * * *				
6.50	NO <sub>x</sub> Requirements for Portland Cement Kilns	12/19/02	[insert FRN publication]	3/20/02
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[FR Doc. 02–29179 Filed 11–18–02; 8:45 am]

BILLING CODE 6560–50–P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL–7409–2]

### Georgia: Final Authorization of State Hazardous Waste Management Program Revision

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Immediate final rule.

**SUMMARY:** Georgia 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 Georgia'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 January 21, 2003 unless EPA receives adverse written comment by December 19, 2002. 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 Narindar Kumar, Chief, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960; (404) 562–8440. We must receive your comments by December 19, 2002. You can view and copy Georgia's application from 8 a.m. to 4:30 p.m. at The Georgia Department of Natural Resources, Environmental Protection Division, 205 Butler Street, Suite 1154 East Tower, Atlanta, Georgia 30334–9000, 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, Kathy Piselli, Librarian.

**FOR FURTHER INFORMATION CONTACT:**

Narindar Kumar, Chief, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency. Phone: (404) 562-8440.

**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 Georgia's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Georgia Final authorization to operate its hazardous waste program with the changes described in the authorization application. Georgia 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 Georgia, 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 Georgia 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. Georgia 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 Georgia 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 Georgia Previously Been Authorized for?**

Georgia initially received Final authorization on August 7, 1984, effective August 21, 1984 (49 FR 31417), to implement the RCRA hazardous waste management program. We granted authorization for changes to their program on July 7, 1986, effective September 18, 1986 (51 FR 24549), July 28, 1988, effective September 26, 1988 (53 FR 28383), July 24, 1990, effective September 24, 1990 (55 FR 30000), February 12, 1991, effective April 15, 1991 (56 FR 5656), May 11, 1992, effective July 10, 1992 (57 FR 20055), November 25, 1992, effective January 25, 1993 (57 FR 55466), February 26, 1993, effective April 27, 1993 (58 FR 11539), November 16, 1993, effective January 18, 1994 (58 FR 60388), April 26, 1994, effective June 27, 1994 (59 FR 21664), May 10, 1995, effective July 10, 1995 (60 FR 24790), August 30, 1995, effective October 30, 1995 (60 FR 45069), March 7, 1996, effective May 6, 1996 (61 FR 9108), September 18, 1998, effective November 17, 1998 (63 FR 49852), October 14, 1999, effective December 13, 1999 (64 FR 55629), and November 28, 2000, effective March 30, 2001 (66 FR 8090).

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

On June 25, 2002, Georgia submitted a final complete program revision application, seeking authorization of their changes in accordance with 40 CFR 271.21. Georgia's revision consists of provisions promulgated July 1, 1999 through June 30, 2000, otherwise known as RCRA Cluster X. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that Georgia's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final authorization. Therefore, we grant Georgia Final authorization for the following program changes:

Description of Federal requirement	Federal Register	Analogous State authority <sup>1</sup>
Checklist 181, Universal Waste Rule: Specific Provisions for Hazardous Waste Lamps.	64 FR 36466-36490, 7/6/99 .....	Georgia Hazardous Waste Management Act (GHWMA), Official Code of Georgia Annotated (O.C.G.A.) §§ 12-8-62(10), (14), (20), and (23), 12-8-64 (1) (A), (B), (D), (E), and (I), 12-8-65(a)(16) and (21); Rules 391-3-11-.02, 391-3-11-.07(1), 391-3-11-.10(2), 391-3-11-.10(1), 391-3-11-.16, 391-3-11-.11(1)(a), and 391-3-11-.18.
Checklist 182, NESHAPS: Hazardous Air Pollutant Standards for Combustors; Miscellaneous Units, and Secondary Lead Smelters; Clarification of BIF Requirements; Technical Correction to Fast-track Rule.	64 FR 52828-53077; 64 FR 63209-63213, 9/30/99; 11/19/99.	GHWMA, O.C.G.A. §§ 12-8-62(10) and (20), 12-8-64(1)(D) and (J), and 12-8-65(a)(16) and (21); Rule 391-3-11-.07(1). GHWMA, O.C.G.A. §§ 12-8-62 (4), (10), and (20), 12-8-64(1)(A), (C), and (I), and 12-8-65(a)(3), (16), and (21); Rules 391-3-11-.10(2), 391-3-11-.11(10)(1), 391-3-11-.11(3)(h), and 391-3-11-.11(10). GHWMA, O.C.G.A. §§ 12-8-62 (4), (10), and (20), 12-8-64(1)(A), (C), and (I), and 12-8-65(a)(3), (16), and (21); Rule 391-3-11-.10(2). GHWMA, O.C.G.A. §§ 12-8-62 (4), (10), and (20), 12-8-64 (1)(A), (B), (C), (D), (E), and (F), and 12-8-65(a)(3), (16), and (21), 12-8-66; Rule 391-3-11-.11(7)(d). GHWMA, O.C.G.A. §§ 12-8-62 (4), (10), and (20), 12-8-64 (1) (A), (B), (C), (D), (E), and (F), and 12-8-65(a) (3), (16), and (21), 12-8-66; Rule 391-3-11-.11(7)(d). GHWMA, O.C.G.A. §§ 12-8-62 (10), (13), and (20), 12-8-64(1)(A), (B), (C), (D), (E), and (F), and 12-8-65(a)(3), (16), and (21); Rule 391-3-11-.02, and 391-3-11-.10(3). GHWMA, O.C.G.A. §§ 12-8-62 (10), (20), and (24), 12-8-64(1)(A), (B), (C), (D), and (I), and 12-8-65(a)(3), (16), and (21), 12-8-66; Rule 391-3-11-.10(3), 391-3-11-.11(3)(h), and 391-3-11-.11(13). GHWMA, O.C.G.A. §§ 12-8-62 (7), (10), (13), (20), and (24), 12-8-64(1)(A), (D), and (I), and 12-8-65(a)(16), and (21); Rule 391-3-11-.10(3). GHWMA, O.C.G.A. §§ 12-8-62 (7), (10), (13), (20), and (23), 12-8-64(1)(A), (B), (C), (D), and (I), and 12-8-65(a)(3), (16), and (21); Rule 391-3-11-.10(3).
Checklist 183, Land Disposal Restrictions Phase IV-Technical Corrections.	64 FR 56469-56472, 10/20/99 .....	GHWMA, O.C.G.A. §§ 12-8-62 (10), (13), (14), and (20), 12-8-64(1)(B), (D), and 12-8-65(a)(16), and (21); Rule 391-3-11-.07(1). GHWMA, O.C.G.A. §§ 12-8-62 (4), (7), (9), (10), (13), (14), (20), (23) and (24), 12-8-64(1) (A), (B), (D), (E), (I), and (J), and 12-8-65(a) (10), (16) (17), (19), and (21); Rule 391-3-11-.16. GHWMA, O.C.G.A. §§ 12-8-62 (4), (7), (9), (10), (13), (14), (20), (23) and (24), 12-8-64(1) (A), (B), (D), (E), (I) and (J), and 12-8-65(a)(10), (14), (16), (17), (19), and (21), 12-8-69(a); Rule 391-3-11-.16. GHWMA, O.C.G.A. §§ 12-8-62 (4), (7), (9), (10), (13), (14), (20), (23) and (24), 12-8-64(1) (A), (B), (D), (E), (I) and (J), and 12-8-65(a)(10), (14), (16), (17), (19), and (21); Rule 391-3-11-.16. GHWMA, O.C.G.A. §§ 12-8-62 (4), (7), (9), (10), (13), (14), (20), (23) and (24), 12-8-64(1) (A), (B), (D), (E), (I) and (J), and 12-8-65(a)(10), (14), (16), (17), (19), and (21); Rule 391-3-11-.16.
Checklist 184, Accumulation Time for Waste Water Treatment Sludges.	65 FR 12378-12398, 03/08/00 .....	GHWMA, O.C.G.A. §§ 12-8-62 (10), (13), (15), and (21), 12-8-64(1)(A), (B), (D), and (E) and 12-8-65(a) (10), (16), and (21); Rule 391-3-11-.08(1).
Checklist 185, Vacatur of Organobromine Production Waste Listings.	65 FR 14472-14475, 03/17/00 .....	GHWMA, O.C.G.A. §§ 12-8-62 (10), of (13), (14), and (20), 12-8-64(1)(B), (D), and 12-8-65(a)(16), and (21); Rule 391-3-11-.07(1). GHWMA, O.C.G.A. §§ 12-8-62(4), (7), (10), (13), (14), (20), (23), and (24), 12-8-64(1) (A), (B), (D), (E), (I), and (J) and 12-8-65(a)(10), (14), (16), (17), (19), and (21); Rule 391-3-11-.16.
Checklist 187, Petroleum Refining Process Wastes—Clarification.	64 FR 36365-36367, 06/08/00 .....	GHWMA, O.C.G.A. §§ 12-8-62(10), (12), (13), (20), and (24), 12-8-64(1)(A), (B), (D), (E), (F), (I), (J) and (L), 12-8-65(a)(16) and (21); Rule 391-3-11-.07(1).

<sup>1</sup> The Georgia provisions are from the Georgia Hazardous Waste Management Regulations effective November 16, 2000.

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

There are no State requirements in this program revision considered to be more stringent or broader in scope than the Federal requirements.

#### I. Who Handles Permits After the Authorization Takes Effect?

Georgia 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 Georgia is not yet authorized.

#### J. What Is Codification and Is EPA Codifying Georgia'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 Georgia's program 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 13084 (63 FR 27655, May 10, 1998). 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.

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 January 21, 2003.

#### 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: August 12, 2002.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 02-29177 Filed 11-18-02; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 02-2818; MM Docket No. 01-224; RM-10101]

#### Radio Broadcasting Services; Shelbyville and LaVergne, TN

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of WYQC, Inc., reallots Channel 275C1 from Shelbyville to LaVergne, Tennessee, as the community's first local aural transmission service, and modifies Station WBUZ(FM)'s license accordingly. *See* 66 FR 48107, September 18, 2001. Channel 275C1 can be reallocated to LaVergne in compliance with the Commission's minimum distance separation requirements at Station WBUZ(FM)'s presently authorized site. The coordinates for Channel 275C1 at LaVergne are 35-48-01 North Latitude and 86-37-17 West Longitude.

**DATES:** Effective December 9, 2002.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554.

#### FOR FURTHER INFORMATION CONTACT:

Sharon P. McDonald, Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 01-224, adopted October 16, 2002, and released October 25, 2002. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20054.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. *See* 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, *see* 47 CFR 1.415 and 1.420.