US EPA ARCHIVE DOCUMENT

Commodity	Parts per million
Wheat, straw	0.05

* * * * *

[FR Doc. E9–11633 Filed 5–19–09; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[EPA–R06–RCRA–2008–0757; FRL–8905–4]

Louisiana: Final Authorization of State Hazardous Waste Management Program Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: Louisiana has applied to the EPA for final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The 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. The 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 receive written comments which oppose this authorization during the comment period, the decision to authorize Louisiana's changes to its hazardous waste program will take effect. If we receive 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 July 20, 2009 unless the EPA receives adverse written comment by June 19, 2009. If the 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: Submit your comments by one of the following methods:

1. *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the on-line instructions for submitting comments.

2. *E-mail: patterson.alima@epa.gov*.

3. *Mail:* Alima Patterson, Region 6, Regional Authorization Coordinator, State/Tribal Oversight Section (6PD–O), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

4. *Hand Delivery or Courier:* Deliver your comments to Alima Patterson, Region 6, Regional Authorization Coordinator, State/Tribal Oversight Section (6PD–O), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733.

Instructions: Do not submit information that you consider to be CBI or otherwise protected through regulations.gov, or e-mail. The Federal regulations.gov Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to the EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. You can view and copy Louisiana's application and associated publicly available materials from 8:30 a.m. to 4 p.m. Monday through Friday at the following locations: Louisiana Department of Environmental Quality, 602 N. Fifth Street, Baton Rouge, Louisiana 70884–2178, phone number (225) 219–3559 and EPA, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, phone number (214) 665–8533. Interested persons wanting to examine these documents should make an appointment with the office at least two weeks in advance.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, Region 6, Regional Authorization Coordinator, State/Tribal Oversight Section (6PD–O), Multimedia Planning and Permitting Division, EPA Region 1445 Ross Avenue, Dallas, Texas 75202–2733, (214) 665–8533 and e-mail address *patterson.alima@epa.gov*.

SUPPLEMENTARY INFORMATION:

A. Why Are Revisions to State Programs Necessary?

States which have received final authorization from the 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 the 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 the EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 268, 270, 273, and 279.

B. What Decisions Have We Made in This Rule?

We conclude that Louisiana's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Louisiana final authorization to operate its hazardous waste program with the changes described in the authorization application. Louisiana has responsibility for permitting treatment, storage, and disposal facilities within its borders (except in Indian Country) 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 the EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, the EPA will implement those requirements and prohibitions in Louisiana 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 Louisiana 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. Louisiana has enforcement responsibilities under its State hazardous waste program for violations of such program, but the 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; and
- Take enforcement actions after notice to and consultation with the State.

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

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

The 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 the EPA Receives Comments That Oppose This Action?

If the 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. The 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 only 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. For What Has Louisiana Previously Been Authorized?

The State of Louisiana initially received final authorization on February 7, 1985, (50 FR 3348), to implement its base Hazardous Waste Management Program. We granted authorization for changes to their program on November 28, 1989 (54 FR 48889) effective January 29, 1990; August 26, 1991 (56 FR 41958) effective August 26, 1991; November 7, 1994 (59 FR 55368) effective January 23, 1995; December 23, 1994 (59 FR 66200) effective March 8, 1995; there were technical corrections made on January 23, 1995 (60 FR 4380), effective January 23, 1995; and another technical correction was made on April 11, 1995 (60 FR 18360) effective April 11, 1995; October 17, 1995 (60 FR 53704) effective January 2, 1996; March 28, 1996 (61 FR 13777) effective June 11, 1996; December 29, 1997 (62 FR 67572) effective March 16, 1998; October 23, 1998 (63 FR 56830) effective December 22, 1998; August 25, 1999 (64 FR 46302) effective October 25, 1999; September 2, 1999 (64 FR 48099) effective November 1, 1999; February 28, 2000 (65 FR 10411) effective April 28, 2000; January 2, 2001 (66 FR 23) effective March 5, 2001; December 9, 2003 (68 FR 68526) effective February 9, 2004, June 10, 2005 (70 FR 33852) effective August 9, 2005; November 13, 2006 (71 FR 66116) effective January 12, 2007 and August 16, 2007 (72 FR 45905) effective October 15, 2007. On November 13, 2008, Louisiana applied for approval of its program revisions for RCRA Clusters XVI and XVII including Checklist 208(Methods Innovation Rule and SW–846 Final Update IIIB). In this application, Louisiana is seeking approval for RCRA Checklists 208 and 211 through 215 in accordance with 40 CFR 271.21(b)(3).

Since 1979, through the Environmental Affairs Act, Act 449 enabled the Office of Environmental Affairs within the Louisiana Department of Natural Resources, as well as, the Environmental Control Commission to conduct an effective program designed to regulate those who generate, transport, treat, store, dispose or recycle hazardous waste. During the 1983 Regular Session of the Louisiana Legislature, Act 97 was adopted, which amended and reenacted La. R. S. 30:1051 *et seq.* as the Environmental Quality Act, renaming the Environmental Affairs Act (Act 1938 of 1979). This Act created Louisiana Department of Environmental Quality (LDEQ), including provisions for new offices within this new Department of Environmental Quality. Act 97 also transferred the duties and responsibilities previously delegated to the Department of Natural Resources, Office of Environmental Affairs, to the new Department. The LDEQ has lead agency jurisdictional authority for administering the Resource Recovery and Conservation Act (RCRA) Subtitle C program in Louisiana. Also, the LDEQ is designated to facilitate communication between the EPA and the State. During the 1999 Regular Session of Louisiana Legislature Act 303 revised the La. R.S. 30:2011 *et. seq.* allowing LDEQ to reengineer the Department to perform more efficiently and to meet its strategic goals.

It is the intention of the State, through this application, to demonstrate its equivalence and consistency with the federal statutory tests, which are outlined in the United States Environmental Protection Agency regulatory requirements under 40 CFR part 271, subpart A, for final authorization. The submittal of this application is in keeping with the spirit and intent of RCRA, which provides equivalent States the opportunity to apply for final authorization to operate all aspects of their hazardous waste management programs in lieu of the Federal government. The Louisiana Environmental Quality Act authorizes the State's program, Subtitle II of Title 30 of the Louisiana Revised Statutes. With this application Louisiana is applying for authorization for specific areas of the State regulations identified as requiring authorization and the listed Checklists are: 208, 211, 212, 213, 214 and 215 will allow the State to implement the equivalent RCRA Subtitle C portion of the program. The State has also added electronics as additional waste to the State's RCRA authorized Universal Waste regulations. The State did not adopt all Federal regulations in Checklist 213 because some of the Federal regulations are the Performance Track program. However, the State has its own Regulatory Innovations Program that parallels the Federal Performance Track program (see LAC 33:I Chapter 37).

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

On November 13, 2008, Louisiana submitted a final complete program revision application, seeking authorization of their changes in accordance with 40 CFR 271.21. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that Louisiana's hazardous waste program revision satisfies all of the requirements necessary to qualify for Final

authorization. Therefore, we grant the State of Louisiana Final authorization for the following changes: The State of Louisiana's program revisions consist of regulations which specifically govern RCRA Clusters XVI through XVII including Checklist 208 as documented below:

Description of Federal requirement (include checklist #, if relevant)	**Federal Register** date and page (and/or RCRA statutory authority)	Analogous state authority
1. Methods Innovation Rule and SW–846 Final Update IIIB. (Checklist 208).	70 FR 34538–34592 June 14, 2005.	Louisiana Revised Statutes (LRS) 30: Section 2001 *et seq.*, with specific cites of 2174, 2175, and 2180 effective December 31, 2004; Louisiana Environmental Regulatory Code, Part V. Subpart 1 Hazardous Waste and Hazardous Materials Sections 105.I.4, 110, 110A–B, 110.B.2–3, 110.B.8, 110.B.4, 110.B.9, 110.B.1, 100.B.6–7, 110.B.10, 110.C, 110.C.1–3, 110.C.3.a–z, 100.C.3.aa, 110.D, 110.D.1–2, 110.E, 110.E.1–2, 110.F, 110.F.1–2, 110.G, 110.G.1–2, 105.M.3.a.i, Definition of Hazardous waste 109.2.d, 4903.B.1, 4903.C.1, 4903.C.2, 4901.B.3.b.ii.(c).(i)–(ii), 4909.D.7, 4999. Appendix D, 4999. Appendix B, 4999. Appendix A, 1901.A, 2515.C, 1711.C.1.b, 1711.C.1.d, 1711.C.1.d.i–ii, 1711.D.1.c, 1711.F, 1741.D.2, 3005.G. Table 2, 4431.A.1, 4507.C, 1711.C.1.b, 1711.C.1.d, 1711.C.d.i–ii, 1711.D.1.c, 1711.F, 1741.D.2, 1703, 4727.A.3.b.iii, 4727.A.3.c, 4727.A.c.i–v, 4727.A.3.c.i–ii, 4727.B.3.b.iii, 4727.B.3.c, 4727.B.3.c.i–v, 4727.B.3.c.i–ii, 4727.C.3.a, 3001.D.1.b, 3005.B.1, 3013.A, 3025.B.1, 3025.B.2.a, 3025.B.2.a. Note, 3099. Appendix 1 (IBR), 2223.B, 2299. Table 2, Footnote 7, 2299. Table 7, Footnote 4, 4999. Appendix C, 529.C.1.c–d, 535.A.2.b.ii, 3115.B.1.c–d, 537.B.2.ii.(a)–(b), 4003.B.1.b, 4033.C, 4047.C and 4067.C, as amended and effective June 2008.
2. Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures (''Headworks exemptions''). (Checklist 211).	70 FR 57769–57785 October 4, 2005.	Louisiana Revised Statutes (LRS) 30: Section 2001 *et seq.*, with specific cites of 2174, 2175, and 2180 effective December 31, 2004; Louisiana Environmental Regulatory Code, Part V. Subpart 1 Hazardous Waste and Hazardous Materials Sections 109. Hazardous Waste.2.c.i–ii, Hazardous Waste.2.c.iv–vii, as amended and effective June 2008.
3. NESHAP: Final Standards for Hazardous Waste Combustors (Phase I Final Replacement Standards and Phase II). (Checklist 212).	70 FR 59402–59579 October 12, 2005.	Louisiana Revised Statutes (LRS) 30: Section 2001 *et seq.*, with specific cites of 2174, 2175, and 2180 effective December 31, 2004; Louisiana Environmental Regulatory Code, Part V. Subpart 1 Hazardous Waste and Hazardous Materials Sections 110.A, 110.C.1, 3105.B.1, 3105.B.3, 4513.B.1, 3001.B.1, 3001.B.3, 3001.B.3.a–c, 3001.B.4, 110.A, 110.C, 110.C.1, 303.R, 303.R.1–9, 529.F, 535.G and G.1–3, 530.D.3, 536.E.3, 311.F, 321.C.10.a–c, 321.C.11.a, 321.C.11.a.i–iii, 321.C.11.b, 321.C.11.c, 322.L.10, 3115.E, 537.D and D.1–3, 2001.A.1–2, 2001.B.1–2, 2001.C, and 2001.C.1–2, as amended and effective June 2008.
4. Burden Reduction Initiative. (Checklist 213).	71 FR 16862–16915 April 4, 2006.	Louisiana Revised Statutes (LRS) 30: Section 2001 *et seq.*, with specific cites of 2174, 2175, and 2180 effective December 31, 2004; Louisiana Environmental Regulatory Code, Part V. Subpart 1 Hazardous Waste and Hazardous Materials Sections LAC 33:V.105.O.2.b.ii, 105.O.2.b.iii–vii, 105.D.1.i.iii.(e) 105.D.6.i, 1509.B.4, 1515.A.5, 1513.B.2, 1513.F.9, 1529.B, 1529.B.1, 1529.B.5, 1529.B.9, 1529.B.11, 1529.B.12, 1529.B.21, 1529.B.22, 3317.D, 3317.G.2–3, 3319.F–G, 3321.G, 3513.E.5, 3517.A, 3527.A, 3707.I, 3711.I, 3715.E, 2109.A, 1903.A, 1903.B.5.b, 1905.A–B, 1907.A.1, 1907.A.2, 1907.I.2.b, 1911.B–C, 1911.C.1–2, 1911.D, 1911.E–F and G, 1913.F, 2303.C, 2719.B, 2515.A, 2515.A, 2515.B–E, 2515.D, 2515.D.1–2, 3111.A.2, 3119.D, 2605.C.2, 2803.A–C, 2805.B, 2805.H, 2807.A, 1737.B.1–2, 1737.D, 1739.A, 4701.A, 4703.C.2, 4319 reference to 1515.A.5, 4341 reference to 1513.B.1, 1513.F.9 and 10, 4357.B, 4357.B.1–2, 4357.B.8–10, 4357.B.17, 4367.C.1, 4367.C.3, 4373.F, 4373.I, 4383.E.5, 4387.A, 3527.A, 4403.H, 4407.H, 4411.E, 2109.A, 4433.A, 4433.B.5.b, 4435.A–B, 4437.A.1–2, 4437.I.2, 4440.A, 4440.B, 4440.B.1–3, 4440.C–E, 4441.F, 4438.C, 4438.D, 4462.A, 4452, 4452.A, 4472.A, 4489.E, 4512.A, 4498.A, 4507.A–B, 4507.F, 4507.F.1, 2803.A–C, 2805.B, 2805.H, 2807.A, 1737.B.1–2, 1737.D, 1739.A, 4701.A, 4703.C.2, 3005.H, 3007.D, 3007.K, 2245.A, 2245.B, 2247.E, 2246.A, 2246.D, 519.A, 523.A, 532.A.3.o, and 322.O, as amended and effective June 2008.

Description of Federal requirement (include checklist #, if relevant)	**Federal Register** date and page (and/or RCRA statutory authority)	Analogous state authority
5. Corrections to Errors in the Code of Federal Regulations. (Checklist 214).	71 FR 40254–40280 July 14, 2006.	Louisiana Revised Statutes (LRS) 30: Section 2001 *et seq.*, with specific cites of 2174, 2175, and 2180 effective December 31, 2004; Louisiana Environmental Regulatory Code, Part V. Subpart 1 Hazardous Waste and Hazardous Materials Sections 109. Incompatible Waste, 109. Personnel or Facility Personnel, 3813. Universal Waste, 109. Used Oil, 105.M.1.a, 105.M.4.b, 105.L.1–2, 109. Solid Waste.3.a.i, 109. Hazardous Waste.2.a, 105.D.1.t.v, 105.D.2.f.ii, 105.D.2.g, 105.D.2.g.iv, 105.D.2.g.vi, 105.D.2.j, 105.D.5.b.vi, 105.D.5.c.i, 4105.A.2.a–d, 4105.D, 4903.B.3, 4903.B.3.a–b, 4903.B.b.i–iv, 4903.B.4, 4903.B.4.a–d, 4903. Notes 1–4, 4903.E.2, 4901.B. Table 1, 4901.C. Table 2, K107 entry, 4901.C. Table 2, K069 entry, 4901.E, 4901.E Comment, 4901.E. Table 3, 4901.F, 4901.F. Comment, 4901.F. Table 4, 4901. Table 7, 4901.D.1.a.iii.(d), 4901.G. Table 6, 3105. Table 1, 1109.E.1.a.iv, 1113.D.2. Note, 1113.G.2. Note, 1113.I.1.a, 1101.D, 109. Recovery Operations, 1127.B.1.a.ii, 1127.C.2.a.i, 1127.C.2.b.i, 1127.D.5, 1127.G.1, 1127.G.1.e, 1501.C.2, 1535.A, 1519.B.8.c.ii, 1517.B, 109. Holocene, 109. One-Hundred Year Flood, 3315.A.1, 3315.I.5, 3317.A.2, 3317.G.4.a, 3319.H.2, 3322.E, 3507.A.3, 3511.B.8, 3517.A–B, 3523.C, 3525.B.1.b, 3701.D.1, 3705.B.2, 3707.B.7–8, 3707.E.5, 3711.A.3.a, 3711.D.6, 3711.F.11, 3715.H.1, 3719.B, 3719.F introductory paragraph, 3719.G Letter From Chief Financial Officer, 3719.G. Letter From Chief Financial Officer, Item 3, 3719.G Letter From Chief Financial Officer, Part A Alternative I, item *3, 3719.G Letter From Chief Financial Officer, Part B Alternative I, item 10, 3719.G Letter From Chief Financial Officer, Part B Alternative I, item 15, 3719.G Letter From Chief Financial Officer, Part B Alternative II, item *7, 3719.H.2, Guarantee for Liability Coverage, 3719.H.2, Certification of Valid Claim, 3719.H.2.n, 3719.I.3, 3719.J.2.d, 3719.K, 3719.L, 3719.M.1, Certification of Valid Claim Section 8(c), 3719.N.1, Section 3.c.i, 3719.N1, Section 3.e.iii, 3719.N.1, Section 12, 3719.N.1, Section 16, 2111.B.1, 1907.C.4. Note, 1907.D.4, 1907.E.2.b, 1907.E.2.c, 1907.E.2.e.i–ii, 1907.E.3.a–b, 1907.G.1.c–d, 1907.G.2.a.i, 2903.J.1.b, 2903.J.3.b, 2903.L.1, 2903.L.2.b–c, 2906.B.1, 2907.B.2, 2303.A.2.a, 2304.A–B, 2317.B, 2719.C.7, 2719.D, 2723.A, 2503.L.3, 2503.N.2.a.ii, 2504.A–B, 2508.B.1, 2515.E.2, 2523.A, 3113.B, 2603.E.4.c, 2603.E.4.d.vi, 2603.E.6.c.v, 2604.E, 2605.A, 2607.E.6, 2805.A.1, 2805.A.4–5, 2805.C, 2805.N.2–3, 3201.A, 3203 introductory paragraph 3203.B.11, 3203.C.4, 1705.A.2, 1709.F.2.g.ii, 1711.B.2, 1713.C.4.a, 1713.C.4.b, 1717.F, 1731.C.1, 1743.C.3, 1747.A, 1747.C, 1767.C.2, 1802.B.3.c, 1802.C.3, 1802.C.3.a, 1802.D, 1803.A, 1529.B. Table 1 and 2, 1529.B.4. Table 2, 4301.C.3.a, 4301.C.5, 4311.A, 4315.B.1, 4319A, 4320.C.2, 4349.A, 4367.C, 4377.B.4, 4379.A.3, 4381.B.5, 4381.D.4, 4383.B, 4383.E.4, 4389.B, 4393.B.1.b, 4397.B, 4397.B.2, 4401.A, 4407.E.11, 4411.A.1.a, 4411.B.1.a–b, 2109.A, 4437.E.2.e.i–ii, 4437.I.2, 4439.B.1–2, 4442.A, 4438.C, 4462A, 4462.D.2.a.i–ii, 4451.B.1, 4457.B.3.d, 4457.C.2, 4474.B, 4472.B.1, 4489.A.4, 4491.A, 4512.A, 4512.D.1, 4512.D.2.a.ii, 4497.B, 4498.B.1, 4503.A.1, 4507.F.1.b, 4507.G.2, 4511.A, 4511.A.3, 4511.A.4, 4545.A.1, 4593.A, 2805.A.4, 2805.C, 4601.A, 4555.A, 4559.A, 4587.A, 4719.A, 4729.A, 4733.A, 4739.A, 4701.A.4, 4703.B.3.a.ii, 4703.B.3.c, 4703.C.3, 4703.D, 4357. Table 1, 4357. Table 2, 199. Appendix A, 1799. Table 1, 4143.A, 4145.A. Table, 3001.B.2.d, 3001.D.3.a.i, 3001.G, 3005.A.2.f, 3005.E.5.a.v, 3005.E.4.a.iii, 3005.E.6.b.ii.(b), 3005.F.3, 3007.A.4.g, 3007.B.2.e.ii.(b), 3007.B.5.b.i, 3007.B.6.h.i, 3007.C.1.a, 3007.C.1.b.i.(b), 3007.C.1.i, 3007.C.1.i.i, 3007.C.4.d.iii.(a), 3007.G.1.a, 3013.D.1, 3019.A.2.b, 3019.B, Chapter 42 heading, 3099. Appendix C incorporates by reference 40 CFR 266 Appendix III, 3099. Appendix D incorporates by reference 40 CFR 266 Appendix IV, 3099. Appendix E incorporates by reference 40 CFR 266 Appendix V, 3099. Appendix F incorporates by reference 40 CFR 266 Appendix VI, 3099. Appendix H incorporates by reference 40 CFR 266 Appendix VIII, 3099. Appendix I, incorporates by reference 40 CFR 266 Appendix IX, 3099. Appendix L incorporates by reference 40 CFR 266 Appendix XIII, 2203.A. Debris, 2237.A.3, 2241.F.5, 2245.A, 2245.C.1.b, 2245.D. Table, 2247.B.2.e, 2247.C.2, 2247.F.2, 2246.E, 2246.E.1, 2246.E.1.a–c, 2246.E.2–3, 2237.C.2, 2247.F.2, 2237.C.3, 2223.G, 2299. Table 2, 2299. Table 3, 2231.C.1, 2299. Table 8, 2299. Table 7, 2236.D, 2205.C, 2205.H, 305.B.4, 305.C.13, 109.On-Site, 109. Publicly-Owned Treatment Works or POTW, 303.P.1, 513.A.1, 513.A.2, 515.A.14.g, 519.A, 517.T.1.a.ii, 517.B.4, 517.V, 525.G, 527.B, 527.H, 531.H.2, 532.A.3.o, 325.B, 323.B.2.e, 321.C.4.b.i, 322.C.4, 4301.B, 4303.B.2, 3813. Universal Waste, 3821.B, 3823.A.1, 3845.A.1, 4001. Petroleum Refining Facility, 4003.B.2, 4005.A, 4005. Table 1, 4031.C.3.a, 4031.C.5, 4033.A, 4033.C.2, 4035.A, 4045.A, 4045.B, 4045.B.1.b, 4045.B.6.b, 4045.B.6.c, 4051.A, 4051.B.2.a.ii, 4053.A.2, 4055.A.2.b, 4059.A, 4067.B.3, 4069.E, and 4077.B.1, as amended and effective June 2008.
6. Cathode Ray Tubes Rule. (Checklist 215).	71 FR 42928–42949 July 28, 2006.	Louisiana Revised Statutes (LRS) 30: Section 2001 *et seq.*, with specific cites of 2174, 2175, and 2180 effective December 31, 2004; Louisiana Environmental Regulatory Code, Part V. Subpart 1 Hazardous Waste and Hazardous Materials Sections 109. Cathode Ray Tube or CRT, 109. CRT Collector, 109. CRT Glass Manufacturer, 109. CRT Processing, 105.D.1.v.i, 105.D.1.v.ii–iii, 105.D.1.v.iv, 4909, 4911, 4913 and 4915, as amended and effective June 2008.

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

The State of Louisiana's regulations has some more stringent regulations at LAC 105.I.4, which requires public notice to make changes in regulations. For the State to incorporate by reference (IBR) the Federal regulations, there must be public notice with appropriate volume, revisions and date of publication to allow for public comment to the IBR language. The more stringent State regulations when it comes to design, assessment, and operating requirements of a facility can also be found at: LAC 33:V3711.I, LAC 33.V.3715.E, LAC 33:V.1903.A, LAC 33:V.1907.I.2.b, LAC 33:V.1913.F, LAC 33:V.2803.A, LAC 33:V.2803.C, LAC 33:V.2805.B, LAC 33:V.2805.H, LAC 33:V.2807.A, LAC 33:V.4387.A, LAC 33:V.3527.A, LAC 33:V.4407.H, LAC 33:V.4411.E, LAC 33V.4433.A, LAC 33:V.4433.B.5.b, LAC 33:V523.A, 33:V.4435.A, LAC 33 V.4435.B, LAC 33:V.4437.I.2, LAC 33:V.4441.F, LAC 33:V.4489.E, LAC 33:V.2803.B, and LAC 33:V.532.A.3.o. The Federal regulations allows a certified qualified Professional Engineer to attest the results of the evaluation. However, the State allows certification by an independent, qualified Professional Engineer to attest to the results of the evaluation. There are no broader in scope provisions in this authorization document.

I. Who Handles Permits After the Authorization Takes Effect?

Louisiana will issue permits for all the provisions for which it is authorized and will administer the permits it issues. The 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. We will not issue any more new permits or new portions of permits for the provisions listed in the Table in this document after the effective date of this authorization. The EPA will continue to implement and issue permits for HSWA requirements for which Louisiana is not yet authorized.

J. How Does Today's Action Affect Indian Country in Louisiana?

Louisiana is not authorized to carry out its Hazardous Waste Program in Indian Country within the State. This authority remains with EPA. Therefore, this action has no effect in Indian Country.

K. What Is Codification and Is the EPA Codifying Louisiana'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 CFR. We do this by referencing the authorized State rules in 40 CFR part 272. We reserve the amendment of 40 CFR part 272, subpart T for this authorization of Louisiana's program changes until a later date. In this authorization application the EPA is not codifying the rules documented in this **Federal Register** notice.

L. Statutory and Executive Order Reviews

The Office of Management and Budget (OMB) 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 preexisting 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). 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), the 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 the 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, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The 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. The 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 July 20, 2009.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indians—lands,

Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

Authority: This action 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: April 30, 2009.

Lawrence E. Starfield,

Acting Regional Administrator, Region 6.

[FR Doc. E9–11747 Filed 5–19–09; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 74

[MB Docket No. 08–253; FCC 09–36]

Replacement Digital Television Translator Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: With this *Report and Order*, and after seeking public comment, the Federal Communications Commission creates a new ''replacement'' digital television translator service to permit full-service television stations to continue to provide service to viewers within their analog coverage areas who have lost service as a result of those stations' digital transition. Replacement digital translators can be licensed solely on digital television channels 2 through 51 and with secondary frequency status. Unlike other television translator licenses, the replacement digital television translator license will be associated with the full-service station's main license and will have the same four letter call sign as its associated main station. As a result, a replacement digital television translator license may not be separately assigned or transferred and will be renewed or assigned along with the full-service station's main license. Almost all other rules associated with television translator stations are applied to replacement digital television translators.

DATES: This final rule is effective June 19, 2009, except for § 74.787(a)(5)(i) which contains information collection requirements that have not been approved by the Office of Management and Budget (''OMB''). The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, *Shan.Maher@fcc.gov* of the Media Bureau, Video Division, (202) 418–1600. For additional information concerning the information collection requirement contained in this *Report and Order*, contact the Office of Managing Director (''OMD''), Performance Evaluation & Records Management (''PERM''), Cathy Williams, *Cathy.Williams@fcc.gov*, at 202–418–2918.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order*, FCC 09–36, adopted on May 8, 2008, and released on May 8, 2009. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY–A257, Washington, DC 20554. It may also be purchased from the Commission's duplicating contractor at Portals II , 445 12th Street, SW., Room CY–B402, Washington, DC 20554; the contractor's Web site: *http://www.bcpiweb.com*; or by calling (800) 378–3160, facsimile (202) 488–5563, or e-mail *FCC@BCPIWEB.com*. The document will also be available via ECFS (*http://www.fcc.gov/cgb/ecfs/*). (Documents will be available electronically in ASCII, Word 97, and/or Adobe Acrobat.) Additionally, the complete item is available on the Federal Communications Web site at *http://www.fcc.gov*. To request this document in accessible formats (computer diskettes, large print, audio recording, and Braille), send an e-mail to *fcc504@fcc.gov* or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Paperwork Reduction Act of 1995 Analysis

This *Report and Order* adopts a revised information collection requirement subject to the Paperwork Reduction Act of 1995 (''PRA''), Public Law 104–13 (44 U.S.C. 3501 through 3520) pertaining to DTV transition related issues. Specifically, this *Report and Order* will allow full-service stations seeking to use the new replacement digital television translator service to submit specified attachments to FCC Form 346 when applying for a construction permit.[1] OMB has consented to review the requirement under the emergency processing rules.[2] We believe there is good cause for requesting emergency PRA approval from OMB due to the statutory digital television transition deadline of June 12, 2009.[3]

In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

Synopsis

Creation of New, Replacement Digital Television Translator Service

Based upon the record, we adopt our proposal to create a new, ''replacement'' digital television translator service to enable full-service television stations to continue to provide service to viewers in loss areas inside their protected analog service contour created as a result of their transition to digital operations. Although we are sympathetic to the desires of the low power television community to provide new and expanded low power digital service, we continue to believe that we must place a priority on the facilitation of the full-service television digital transition and the avoidance of the loss of service that may result from the transition.[4] We also conclude that the licensing of replacement digital television translators must take precedence over the licensing of new digital translators and low power television stations. We do not believe

[1] OMB Control Number 3060–1086 will be revised to include the information collection requirement.

[2] 5 CFR 1320.13.

[3] Due to the short time frame provided for the Commission to act on the new replacement digital low power television translator service, we requested and received OMB approval to waive **Federal Register** notice for this emergency request under the PRA. *See* 5 CFR 1320.13(d).

[4] *See generally* Digital Television and Public Safety Act of 2005 (''DTV Act''), which is Title III of the Deficit Reduction Act of 2005, Public Law 109–171, 120 Stat. 4 (2006), codified at 47 U.S.C. 309(j)(14) and 337(e), as amended by DTV Delay Act, Public Law 111–4, 123 Stat. 112 (2009) (establishing June 12, 2009 as a new hard deadline for the end of analog transmissions by full-power stations); 47 U.S.C. 309 Note (directing the Commission to ''take such actions as are necessary (1) to terminate all licenses for full-power television stations in the analog television service, and to require the cessation of broadcasting by full-power stations in the analog television service, by February 18, 2009; and (2) to require by February 18, 2009, * * * all broadcasting by full-power stations in the digital television service, occur only on channels between channels 2 and 36, inclusive, or 38 and 51, inclusive (between frequencies 54 and 698 megahertz, inclusive).''); *id.* at 336 Note (requiring the Commission to assign paired digital television channels ''to further promote the orderly transition to digital television''), 336(b) (expressing Congressional interest in the transition from analog to digital television and reading, in pertinent part, ''[i]n prescribing the regulations required by subsection (a), the Commission shall * * * (5) prescribe such other regulations as may be necessary for the protection of the public interest, convenience, and necessity.'').