

US EPA ARCHIVE DOCUMENT

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 271**

[FRL-6879-3]

South Carolina: Final Authorization of State Hazardous Waste Management Program Revision**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Immediate final rule.

SUMMARY: South Carolina 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 South Carolina'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 4, 2000, unless EPA receives adverse written comment by November 3, 2000. 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, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA, 30303-3104; (404) 562-8440. You can view and copy South Carolina's application from 9:00 a.m. to 4:00 p.m. at the following addresses: South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201, (803) 896-4174; and EPA Region 4, Atlanta Federal Center,

Library, 61 Forsyth Street, SW., Atlanta, Georgia 30303; (404) 347-4216.

FOR FURTHER INFORMATION CONTACT:

Narindar Kumar, Chief RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA, 30303-3104; (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 South Carolina's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant South Carolina Final authorization to operate its hazardous waste program with the changes described in the authorization application. South Carolina has responsibility for permitting Treatment, Storage, and Disposal Facilities (TSDFs) 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 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 South Carolina, 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 South Carolina 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. South Carolina 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 South Carolina 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 South Carolina Previously Been Authorized for?

South Carolina initially received Final authorization on November 8, 1985, effective November 22, 1985 (50 FR 46437) to implement the RCRA hazardous waste management program. We granted authorization for changes to their program on September 8, 1988, effective November 7, 1988 (53 FR 34758), February 10, 1993, effective April 12, 1993 (58 FR 7865), November 29, 1994, effective January 30, 1995, and

April 26, 1996, effective June 25, 1996 (61 FR 18502).

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

On September 11, 1995, South Carolina 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 South Carolina's hazardous waste program revision satisfies all of the requirements

necessary to qualify for Final authorization. As a result of today's final authorization of South Carolina for the February 16, 1993 Corrective Action Management Unit (CAMU) rule, the State will be eligible for interim authorization-by-rule process (see August 22, 2000, 65 FR 51080, 51115). South Carolina will also become eligible for conditional authorization if that alternative is chosen by EPA in the final CAMU amendments rule. Therefore, we grant South Carolina Final authorization for the following program changes:

Federal requirement	Federal Register	Analogous state authority ¹
Wood Preserving Listing Technical Corrections, Checklist 92.	56 FR 30192, 07/01/1992	SCHWMA § 44-56-30; SCHWM R.61-261.4(a)(9)(i)-(a)(9)(ii), R.61-79.261.35(b)-(b)(4)(i), R.61-79.262.34(a)(1)-(a)(4), R.61-79.264.570(a), (b), R.61-79.264.571(a)-(d), R.61-79.264.572, R.61-79.264.573, R.61-79.264.573(a)(5), R.61-79.264.573(b)(2)(i)(B), R.61-79.264.573(b)(2)(ii), R.61-79.264.573(e), R.61-79.264.573(m), R.61-79.264.573(m)(1), R.61-79.264.573(m)(3), R.61-79.264.574, R.61-79.264.547(a), R.61-79.264.575, R.61-79.264.575(b), R.61-79.264.575(c)(1), R.61-79.265.440(a), R.61-79.265.443(b)(2)(ii)-(iii) R.61-79.265.443(m), R.61-79.265.443(m)(1), R.61-79.265.443(m)(3), R.61-79.270.26, R.61-79.270.26(c), R.61-79.270.26(c)(14)-(16).
Land Disposal Restrictions for Electric Arc Furnace Dust (K061), Checklist 95.	56 FR 41164, 08/19/1991	SCHWMA § 44-56-30; SCHWM R.61-79.261.3(c)(2)(ii)(C), R.61-79.261.4(a)(11), R.61-79.268.4(a)/Table CCWE, R.61-79.268.41(b), R.61-79.268.42(a)/Table 2.
Exports of Hazardous Waste, Checklist 97	56 FR 43704, 09/04/1991	SCHWMA § 44-56-30; SCHWM R.61-79.262.50, R.61-79.262.53(b), R.61-79.262.56(b).
Amendment to Interim Status Standards of Downgradient Groundwater Monitoring Well Location, Checklist 99.	56 FR 66365, 12/23/1991	SCHWMA § 44-56-30, § 44-56-40; SCHWM R.61-79.260.10, R.61-79.265.91(a)(3), R.61-79.265.91(a)(3)(i)-(iv).
Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units, Checklist 100.	57 FR 3462, 01/29/1992	SCHWMA § 44-56-30; SCHWMA § 44-56-90; SCHWM R.61-79.260.10, R.61-79.264.15(b)(4), R.61-79.264.19(a)-(d), R.61-79.264.73(b)(6), R.61-79.264.221(c), R.61-79.264.221(c)(1)(i)(A), R.61-79.264.221(c)(1)(i)(B), R.61-79.264.221(c)(1)(ii), R.61-79.264.221(c)(2)-(c)(4), R.61-79.264.221(d), R.61-79.264.221(d)(1)-(d)(2), R.61-79.264.221(f)(1)-(f)(2), R.61-79.264.221(g)-(i), R.61-79.264.222(a)-(b), R.61-79.264.223(a)-(c)(2), R.61-79.264.226(d)(1)-(d)(3), R.61-79.264.228(b)(2)-(b)(4), R.61-79.264.251(c)-(k), R.61-79.264.252(a)-(b), R.61-79.264.253(a)-(c)(2), R.61-79.264.254(c), R.61-79.264.301(c)-(k), R.61-79.264.302(a),(b), R.61-79.264.303(c)(1)-(c)(3), R.61-79.264.304(a)-(c)(2), R.61-79.264.310(b)(3)-(b)(6), R.61-79.265.15(b)(4), R.61-79.265.19(a)-(d), R.61-79.265.73(b)(6), R.61-79.265.221(a), R.61-79.265.221(c)-(c)(2), R.61-79.265.221(f), R.61-79.265.221(g), R.61-79.265.222(a)-(c), R.61-79.265.223(a)-(c)(2), R.61-79.265.226(b)(1)-(b)(3), R.61-79.265.228(b)(2)-(b)(4), R.61-79.265.254, R.61-79.265.255(a)-(c), R.61-79.265.259(a)-(c)(2), R.61-79.265.260, R.61-79.265.301(a), R.61-79.265.301(c)-(c)(2), R.61-79.265.301(f)-(i), R.61-79.265-302(a)-(c), R.61-79.265.301(i), R.61-79.265.303(a)-(c)(2), R.61-79.265.304(a)-(c), R.61-79.265.310(b)(2)-(b)(5), R.61-79.270.4(a)-(a)(3), R.61-79.270.17(b)-(b)(7), R.61-79.270.17(c), R.61-79.270.18(c)-(d), R.61-79.270.21(b)-(b)(1)(v), R.61-79.270.21(d), R.61-79.270.42/ Appendix 1.
Administrative Stay for the Requirement that Existing Drip Pads be Impermeable, Checklist 101.	57 FR 5859, 02/18/1992	SCHWMA § 44-56-30; SCHWMA § 44-56-40; SCHWM R.61-79.264.573(a)(4)/note, R.61-79.265.443(a)(4)/note.
Second Correction to the Third Third Land Disposal Restrictions, Checklist 102.	57 FR 8086, 03/06/1992	SCHWMA § 44-56-30; SCHWM R.61-79.264.13(a)(1), R.61-79.268.3(b), R.61-79.268.41(a), R.61-79.268.42/ Table 2.
Hazardous Debris Case-by-Case Capacity Variance, Checklist 103.	57 FR 20766, 05/15/1992	SCHWMA § 44-56-30; SCHWM R.61-79.268.35(e).
Used Oil Filter Exclusion, Checklist 104	57 FR 21524, 05/20/1992	SCHWMA § 44-56-30; SCHWMA § 44-56-40; SCHWM R.61-79.261.4(b)(13), R.61-79.261.4(b)(13)(i)-(iv).

Federal requirement	Federal Register	Analogous state authority ¹
Recycled Coke By-Product Exclusion, Checklist 105.	57 FR 27880, 06/22/1992	SCHWMA § 44-56-30; SCHWM R.61-79.261.4(a)(10), R.61-79.266.100(a).
Lead-bearing Hazardous Materials Case by Case Variance, Checklist 106.	57 FR 28628, 06/26/1992	SCHWMA § 44-56-30; SCHWM R.61-79.268.35(k).
Used Oil Filter Exclusion; Technical Corrections, Checklist 107.	57 FR 29220, 07/01/1992	SCHWMA § 44-56-30; SCHWMA § 44-56-40; SCHWM R.61-79.261.4(b)(13).
Toxicity Characteristics Revising Technical Corrections, Checklist 108.	57 FR 30657, 07/10/1992	SCHWMA § 44-56- ; SCHWM R.61-79.261.4(b)(6)(ii), R.61-79.261.4(b)(9), R.61-79.265.01(d)(1).
Land Disposal Restrictions for Newly Listed Waste and Hazardous Debris, Checklist 109.	57 FR 37194, 08/18/1992	SCHWMA § 44-56-30; SCHWM R.61-79.260.10. R.61-79.261.3(a)(2)(iii), R.61-79.261.3(c)(2)(ii)(C)(1)-(2), R.61-79.261.3(f)-(f)(2), R.61-79.262.34(a)(1)(iii), R.61-79.262.34(a)(1)(iii)(B), R.61-79.262.34(a)(1)(iv), R.61-79.262.34(a)(1)(iv)(A)-(B), R.61-79.262.34(a)(2), R.61-79.264.110(b)(1)-(4), R.61-79.264.111(c), R.61-79.264.112(a)(2), R.61-79.264.140(b)(1)-(b)(4), R.61-79.264.142(a), R.61-79.264.1100, R.61-79.264.1100(a)-(e), R.61-79.264.1101(a)-(a)(4), R.61-79.264.1101(b)-(b)(4)(iii), R.61-79.264.1101(c)-(c)(4), R.61-79.264.1101(d)-(d)(3), R.61-79.264.1101(e), R.61-79.264.1102(a), R.61-79.264.1103-1110, R.61-79.265.110(b)(1)-(b)(4), R.61-79.265.111(c), R.61-79.265.112(d)(4).
Land Disposal Restrictions for Newly Listed Waste and Hazardous Debris, cont, Checklist 109.	57 FR 37194, 08/18/92	R.61-79.265.140(b)-(b)(3), R.61-79.265.142(a), R.61-79.265.221(h), R.61-79.265.1100, R.61-79.265.1100(a)-(e), R.61-79.265.1101(a)-(a)(4), R.61-79.265.1101(b)-(b)(4)(iii), R.61-79.265.1101(c)-(c)(4), R.61-79.264.151(m)(1)-(m)(2), R.61-79.264.151(n)(1)-(n)(2), R.61-79.265.141(h), R.61-79.265.143(e)(10)-(e)(11), R.61-79.265.1101(d)-(e), R.61-79.265.1102(a), (b), R.61-79.265.1103-1110, R.61-79.268.2(g), (h), R.61-79.268.7(a)(1)(iii)-(v), R.61-79.268.7(a)(2), R.61-79.268.7(a)(3)(iv)-(vi), R.61-79.268.7(a)(4), R.61-79.268.7(b)(4)-(b)(5), R.61-79.268.7(d)-(d)(3)(iii), R.61-79.268.9(d)-(d)(2), R.61-79.268.14(a)-(c), R.61-79.268.36(a)-(i), R.61-79.268.40(b), (d), R.61-79.268.41(a), R.61-79.268.41(c), R.61-79.268.41(a)/Table CCWE, R.61-79.268.41(c), R.61-79.268.42/Table 2, R.61-79.268.42(d), R.61-79.268.43/Table CCW, R.61-79.268.45(a)-(a)(5), R.61-79.268.45(b)-(b)(3), R.61-79.268.45(c), R.61-79.268.45(d)(1)-(d)(5), R.61-79.268.46, R.61-79.268.46/ Table 1, R.61-79.268.50(a)(1)-(a)(2), Appendix II, R.61-79.270.13(n), R.61-79.270.14(b)(2), R.61-79.270.42(e)(3)(ii)(B), R.61-79.270.42 Appendix I, 1(b), R.61-79.270.42 Appendix I, M, R.61.270.72(b)(6).
Coke By-Products Listings, Checklist 110	57 FR 37284, 08/18/92	SCHWMA § 44-56-30; SCHWM R.61-79.261.4(a)(10); R.61-79.261.32; R.61-79.261, Appendix VII.
Consolidated Liability Requirements, Checklist 113.	53 FR 33938, 07/02/91 57 FR 42832, 08/16/92.	SCHWMA § 44-56-30; SCHWMA § 44-56-40; SCHWM R.61-79.264.141(h), R.61-79.264.143(f)(10)-(11), R.61-79.264.145(e)(11), R.61-79.264.147(a)-(a)(7)(iii), R.61-79.147(b)-(b)(7)(iii), R.61-79.264.147(f)(6), R.61-79.264.147(g)-(g)(2)(ii), R.61-79.264.147(h)-(h)(5), R.61-79.264.147(i)-(i)(4)(ii), R.61-79.264.147(j)-(j)(4), R.61-79.264.147(k), R.61-79.264.151(b), R.61-79.264.151(f), R.61-79.264.151(g), R.61-79.264.151(h)(1)-(h)(2), R.61-79.264.151(i)(2)(d), R.61-79.264.151(j)(2)(d), R.61-79.264.151(k), (l), R.61-79.264.151(m)(1)-(m)(2), R.61-79.264.151(n)(1)-(n)(2), R.61-79.265.141(h), R.61-79.265.143(e)(10), R.61-79.264.145(e)(11), R.61-79.265.147(a)-(a)(7)(iii), R.61-79.265.147(b)-(b)(7)(iii), R.61-79.265.147(f)(6), R.61-79.265.147(g)-(g)(2)(ii), R.61-79.265.147(h)-(h)(5), R.61-79.265.147(i)-(i)(4)(ii), R.61-79.147(j)-(j)(4), R.61-79.147(k).
Chlorinated Toluenes Production Waste Listing, Checklist 115.	57 FR 47376, 10/15/92	SCHWMA § 44-56-30; SCHWM R.61-79.261.32; Appendix VII.
Hazardous Soil Case-by-Case Capacity Variance, Checklist 116.	57 FR 47772, 10/20/92	SCHWMA § 44-56-30; SCHWM R.61-79.268.35(c), R.61-79.268.35(d), R.61-79.268.35(e)-(e)(2).
Reissuance of the "Mixture" and "Derived-From" Rules, Checklist 117A.	57 FR 6728, 03/03/92	SCHWMA § 44-56-30, § 44-56-40; SCHWM R.61-79.261.3(a)-(a)(2)(iv)(E), R.61-79.261.3(b)-(b)(3), R.61-79.261.3(c)-(c)(2)(ii)(c)(1)&(2), R.61-79.261.3(d)-(d)(2).
Toxicity Characteristic Amendment, Checklist 117B.	57 FR 23062, 06/01/92	SCHWMA § 44-56-30; SCHWMA § 44-56-40; SCHWM R.61-79.261.3(a)(2)(i).

Federal requirement	Federal Register	Analogous state authority ¹
Liquid in Landfills II, Checklist 118	57 FR 54452, 11/18/92	SCHWMA §44-56-30; SCHWM R.61-79.260.10, R.61-79.264.13(c)(3), R.61-79.264.314(a)(2), R.61-79.264.314(b), R.61-79.314(d)(1)(ii), R.61-79.264.314(e), R.61-79.264.314(e)(1)-(e)(2)(ii), R.61-79.264.314(f)-(f)(2), R.61-79.264.316(b), R.61-79.264.316(c), R.61-79.265.13(c)(3), R.61-79.265.314(a)(2), R.61-79.265.314(b), R.61-79.265.314(c)(1)(ii), R.61-79.265.314(f), R.61-79.265.314(f)(1)-(f)(2)(ii), R.61-79.265.314(g)-(g)(2), R.61-79.265.316(b), R.61-79.265.316(c).
Toxicity Characteristic Revision; TCLP correction, Checklist 119.	57 FR 44114, 11/24/92; 58 FR 6854, 02/02/93.	SCHWMA §44-56-30; SCHWMA §44-56-40; SCHWM R.61-79.261; Appendix II.
Wood Preserving; Revisions to Listing and Technical Requirements, Checklist 120.	57 FR 61492, 12/24/92	SCHWMA §44-56-30; SCHWMA §44-56-40; SCHWM R.61-79.261.31(a)/Table R.61-79.264.570(a), R.61-79.264.570(c)-(c)(1)(iv), R.61-79.264.571(a), R.61-79.264.571(b)-(b)(3), R.61-79.264.572, R.61-79.264.572(a), R.61-79.265.572(b), R.61-79.265.573(a)(4)(i)-(ii), R.61-79.265.573(b), R.61-79.264.573(b)(3), R.61-79.264.573(i), R.61-79.265.440(a), R.61-79.265.440(c)-(c)(1)(iv), R.61-79.265.441(a), R.61-79.265.441(b)-(b)(3), R.61-79.265.442, R.61-79.265.442(a), (b), R.61-79.265.443(a)(4)(i)-(ii), R.61-79.265.443(b), R.61-79.265.443(b)(3), R.61-79.265.443(i).
Corrective Action Management Units and Temporary Units, Checklist 121.	58 FR 8658, 02/16/93	SCHWMA §44-56-30; SCHWMA §44-56-40; SCHWMA §44-56-140; SCHWM R.61-79.260.10, R.61-79.264.3, R.61-69.264.101(b), R.61-79.264.552(a)-(a)(2), R.61-79.264.552(b)(1)-(b)(2), R.61-79.264.552(c)-(c)(7), R.61-79.264.552(d), R.61-79.264.552(e)-(e)(4)(iv), R.61-79.264.552(f)-(h), R.61-79.264.553(a), R.61-79.264.553(b)-(b)(2), R.61-79.264.53(c)-(c)(7), R.61-79.264.553(d), R.61-79.264.553(e)-(e)(2), R.61-79.264.553(f)-(f)(2), R.61-79.264.553(g), R.61-79.265.1(b), R.61-79.268.2(c), R.61-79.270.2, R.61-79.260.42 Appendix 1.
Land Disposal Restrictions Renewal of Hazardous Waste Debris Case-by-Case Capacity Variance, Checklist 123.	58 FR 28506, 05/14/93	SCHWMA §44-56-30; SCHWM R.61-79.268.35(e)(1), R.61-79.268.35(e)(2)-(e)(5), R.61-79.268.35(e)(5)(i)-(e)(5)(ii)(H).
Land Disposal Restriction for Ignitable and Corrosive Characteristic Waste Whose Treatment Standards were Vacated, Checklist 124.	58 FR 29860, 05/24/93	SCHWMA §44-56-30; SCHWM R.61-79.264.1(g)(6), R.61-79-265.1.(c)(10), R.61-79.268.1(e)(4)-(e)(5), R.61-79.268.2(i), R.61-79.268.7(a), R.61-79.268.7(a)(1)(ii), R.61-79.268.7(b)(4)(ii), R.61-79.268.9(a), R.61-79.268.37(a), (b), R.61-79.268.40(b), R.61-69.268.41(a), Table CCWE, R.61-79.268.42(a), Table 2, R.61-79.268.43(a), Table CCW, R.61-79.270.42 Appendix 1.
Testing and Monitoring Activities, Checklist 126	58 FR 46040, 08/31/93	SCHWMA §44-56-30; SCHWMA §44-56-40; SCHWMA §44-56-120; SCHWM R.61-79.260.11(a), R.61-79.260.22(d)(1)(i), R.61-79.261.22(a)(1)-(a)(2), R.61-79.261.24(a), Appendix II, Appendix III, R.61-79.264.190(a), R.61-79.264.314(c), R.61-79.265.190(a), R.61-79.265.314(d), R.61-79.268.7(a), R.61-79.268.40(a), R.61-79.268.41(a), R.61-79.268 Appendix I, R.61-79.268 Appendix IX, R.61-79.270.6(a), R.61-79.270.19(c)(1)(iii), R.61-79.270.19(c)(1)(iv), R.61-79.270.62(b)(2)(i)(C), R.61-79.270.62(b)(2)(i)(D), R.61-79.270.66(C)(2)(i), R.61-69.270.66(c)(2)(ii).
Wastes from the Use of Chlorophenolic Formulations in Wood Surface Protection, Checklist 128.	59 FR 458, 01/04/94,	SCHWMA §44-56-30; SCHWMA §44-56-40; SCHWM R.61-79.260.11(a); Appendix VIII.
Revision of Conditional Exemption for Small Scale Treatability Studies, Checklist 129.	59 FR 8362, 02/18/94	SCHWMA §44-56-30; SCHWMA §44-56-40; SCHWM R.61-79.261.4(e)(2)(i), R.61-79.261.4(e)(2)(ii), R.61-79.261.4(e)(3), R.61-79.261.4(e)(3)(i)-(iii)(E), R.61-79.261.4(f)(3)-(f)(5).
Recordkeeping Instructions; Technical Amendment, Checklist 131.	59 FR, 13891, 03/24/94	SCHWMA §44-56-30; SCHWMA §44-56-80; SCHWM R.61-79.264, Appendix 1/Table 1, Appendix 1/Table 2, R.61-79.265, Appendix 1/Table 1, Appendix 1/Table 2.
Wood Surface Protection, Correction, Checklist 132.	59 FR 28484, 06/02/94	SCHWMA §44-56-30; SCHWMA §44-56-40; SCHWM R.61-79.260.11(a).
Letter of Credit Revision, Checklist 133	59 FR, 29958, 06/10/94	SCHWMA §44-56-30; SCHWMA §44-56-40; SCHWM R.61-79.264.151(d), Appendix D, R.61-79.264.151(k), Appendix K.

Federal requirement	Federal Register	Analogous state authority ¹
Correction of Beryllium Powder (PO15) Listing, Checklist 134.	59 FR, 31551, 06/20/94	SCHWMA §44-56-30; SCHWMA §44-56-40; SCHWM R.61-79.268.42(a)/Table 2, R.61-79.261.33(e), Appendix VIII.

¹ The South Carolina provisions are from the South Carolina Hazardous Waste Management Regulations, May 24, 1996, unless otherwise stated.

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

EPA cannot delegate the Federal requirements at: 40 CFR 268.5 (h)(2)(ii), 268.5(h)(2)(iv), 268.5(h)(2)(v), 268.5(h)(2)(vi) and 268.42(b). Although South Carolina has adopted these requirements verbatim from the federal regulations—SCHWM R.61-79.268.5 (h)(2)(ii), R.61-79.268.5 (h)(2)(iv), R.61-79.268.5 (h)(2)(v), R.61-79.268.5 (h)(2)(vi) and R.61-79.268.42(b), EPA will continue to implement those requirements.

I. Who Handles Permits After the Authorization Takes Effect?

South Carolina 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. At the time the State Program is approved in the new areas, EPA will suspend issuance of Federal permits in the State and terminate those Federal permits issued pursuant to 40 CFR 124.5 and 271.8 upon effectiveness of equivalent state permit conditions. EPA will also transfer any pending permit applications, completed permits, or pertinent file information to the State within thirty (30) days of the approval of the State Program in conformance with the conditions of this agreement. 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 South Carolina is not yet authorized.

J. What Is Codification and is EPA Codifying South Carolina'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 PP for this authorization of South Carolina'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 (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 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 December 4, 2000.

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 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: September 15, 2000.

A. Stanley Meiburg,

Acting Regional Administrator, Region IV.

[FR Doc. 00-25345 Filed 10-3-00; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 25

[IB Docket 99-81; FCC 00-302]

Policies and Service Rules for the Mobile Satellite Service in the 2 GHz Band

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission has adopted licensing and service rules for entities to provide Mobile Satellite Service in the 2 GHz Band, specifically the 1990-2025 MHz and 2165-2200 MHz frequency bands. System proponents currently on file are required to amend their proposals to comply with the adopted rules. Following a public comment period, qualified systems will be authorized to operate. Upon launch, these new systems will provide mobile voice, data, Internet and other services to U.S. consumers for communications in the United States and around the world.

DATES: Effective November 3, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., TW-325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: For more information regarding the Report and Order contact Howard Gribboff (202) 418-0657 of the International Bureau. For more information regarding the information collections in the Report and Order, contact Judy Boley at 202-418-0214; 445 12th Street SW., Rm. 1-C804, Washington DC 20554 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in IB Docket No. 99-81; FCC 00-302, adopted August 14, 2000 and released on August 25, 2000. The complete text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room), 445 12th Street, SW., Washington, DC 20554, and also may be purchased from the Commission's copy contractor, International Transcription Service, Inc. (ITS, Inc.), 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

Summary of Report and Order

The Federal Communications Commission has adopted rules for the 2 GHz (1990-2025MHz/2165-2200 MHz) mobile satellite services (MSS). These systems will provide mobile voice, data, Internet and other services to U.S. consumers for communications in the United States and around the world. The systems under consideration include geostationary and non-geostationary orbit systems.

The Commission adopted an innovative band arrangement that can accommodate the multiple and technically-diverse systems that have requested authorization and described the method to be used for licensing. Pursuant to the Commission's new rules, each authorized system will receive an equal share of the available frequencies. A licensee will select the specific frequencies in which its primary service operations will take place at the time it has launched one satellite into its intended orbit. In addition, because there are a number of incumbent terrestrial services (e.g., broadcast auxiliary service and fixed microwave service) in the 2 GHz MSS bands, each authorized system will have flexibility to operate at other frequencies in the band. This flexibility may lower the costs of relocating incumbent systems and facilitate quicker deployment of service. To encourage delivery of mobile satellite services to rural service areas, the Commission reserved an additional spectrum segment to be awarded in equal shares to systems demonstrating that a percentage of their capacity is contracted with service providers that offer service to consumers in rural and unserved service areas.

The Commission found that it was not necessary to apply financial qualification requirements to the applicants because there is sufficient spectrum to accommodate all of the proposed systems. 2 GHz MSS licenses will be for a fifteen-year period. Consistent with its past spectrum management policies, the Commission is requiring that system proponents enter non-contingent satellite manufacturing contracts within one year of authorization and launch of authorized 2 GHz MSS systems no later than six years from the date of authorization. System proponents will have to complete critical design review (CDR) within two years of authorization. The rules require that physical construction of all satellites in the system commence within two and a half years of authorization (non-geostationary systems) and three years

of authorization (geostationary systems). Construction and launch of the first two satellites must be complete within three and a half years of grant for non-geostationary systems and five years for geostationary systems. Non-compliance with implementation milestones will result in cancellation of the authorization. Failure to file a timely certification of milestone compliance, or filing disclosure of non-compliance, will result in automatic cancellation of an operator's system authorization with no further action required on the Commission's part.

In addition, the new rules require disclosure, prior to authorization, of orbital debris mitigation measures for 2 GHz MSS systems. The Commission also addressed provision of distress and safety communications and 911 services, and stated that it would study this issue in greater detail in the pending Global Mobile Personal Communications by Satellite proceeding.

The system proponents are required to amend their proposals to comply with the rules adopted on or before November 3, 2000. Following a public comment period, qualified systems will be authorized to operate.

Final Regulatory Flexibility Analysis

A. Need for, and Objectives of, This Report and Order

This Report and Order establishes a spectrum authorization approach to accommodate all proposed 2 GHz MSS systems, and service rules to govern the 2 GHz MSS systems. These actions are designed to assign the 2 GHz MSS spectrum to applicants, or reserve the 2 GHz MSS spectrum in the case of letter of intent filers, in an efficient manner. At the same time, these rules are designed to ensure systems implement their proposals in a manner that serves the public interest and results in the continued deployment of mobile satellite services to the public, with minimal disruption to existing 2 GHz band permittees and licensees.

B. Summary of Significant Issues Raised in Comments in Response to the IRFA

There were no comments which solely discussed or addressed the IRFA. The Commission has nonetheless considered any potential significant economic impact of the rules on small entities, and has designed its rules to reduce regulatory burdens on these entities accordingly.