US EPA ARCHIVE DOCUMENT

1601.74(a) is amended by adding in alphabetical order the following agency:

**§ 1601.74 Designated and notice agencies.**

(a) * * *

Pinellas County, Florida Affirmative Action Office

* * * * *

(Sec. 713(a) 78 Stat. 265 (42 U.S.C. 2000e 12(a))

Signed at Washington, D.C. this 17th day of January, 1985.

For the Commission.

James H. Troy,

*Director, Office of Program Operations.*

[FR Doc. 85-1677 Filed 1-24-85; 8:45 am]

BILLING CODE 6570-06-M

## DEPARTMENT OF THE INTERIOR

### National Park Service

### 36 CFR Part 2

### Resource Protection Public Use and Recreation Wildlife Protection—Hunting and Trapping

**AGENCY:** National Park Service, Department of the Interior.

**ACTION:** Interim Rule with Request for Comments—Correction.

**SUMMARY:** On January 14, 1985, in (FR Doc. 85-983) Vol. 50 No. 9, page 1851, under § 2.2 Wildlife protection in column, two, line three following Buffalo National River, "AK", should read "AR" and in the same column on line six following Saint Croix National Scenic Riverway, "WIS/MN" should read "WI/MN".

**FOR FURTHER INFORMATION CONTACT:** Tom Ritter, National Park Service, Washington, D.C. 20240 (202) 343-3227.

Russell K. Olsen,

*Federal Register Liaison Officer.*

[FR Doc. 85-1621 Filed 1-24-85; 8:45 am]

BILLING CODE 4310-70-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

### [SW-3-FRL-2763-6]

### Maryland; Final Authorization of State Hazardous Waste Management Program

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of final determination on Maryland's application for final authorization.

**SUMMARY:** The State of Maryland has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). EPA has reviewed Maryland's application and has made the final decision that Maryland's hazardous waste management program satisfies all the requirements necessary to qualify for Final Authorization. Thus, EPA is granting Final Authorization to the State to operate its program.

**EFFECTIVE DATE:** Final Authorization for Maryland shall be effective at 1:00 p.m. on February 11, 1985.

**FOR FURTHER INFORMATION CONTACT:** John J. Humphries, Program Manager, State Programs Section (3HW31), U.S. EPA Region III, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-2863.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 3006 of the Resource Conservation and Recovery Act (RCRA) allows EPA to authorize State hazardous waste programs to operate in lieu of the Federal hazardous waste program. To qualify for Final Authorization, a State's program must (1) be "equivalent" to the Federal program, (2) be consistent with the Federal and other State programs, and (3) provide for adequate enforcement (Section 3006(b), 42 U.S.C. 6926(b)).

On June 29, 1984, Maryland submitted a complete application to obtain Final Authorization to administer the RCRA program. On October 26, 1984, EPA published a tentative decision announcing that Maryland's hazardous waste program would satisfy all of the requirements necessary for Final Authorization if some clarifying language was added to the State's Program Description and several regulatory discrepancies were addressed. Further background information appeared in EPA's tentative determination notice (49 FR 43072, October 26, 1984). The State of Maryland responded to EPA's concerns on the State's Program Description in a letter from Mr. Ronald Nelson to Mr. Robert Allen, dated October 15, 1984. A permit application form for permit applicants has not been provided by the State and regulatory references to it will be removed. A model permit was inserted into the Program Description to replace a specific facility permit. Maryland has assured that personnel described in the application are devoted to implementing only the RCRA aspects of the State's hazardous waste program. More detail was also added to the State's discussion on calling-in permit applications for processing, and two regulatory issues were clarified by statements presented in the Program Description. All regulatory discrepancies identified by EPA, except two, were corrected in an errata published by the State in the November 23, 1984 *Maryland Register.*

The State corrected one regulatory discrepancy in a recent codification of its regulations. The remaining regulatory issue was clarified using the comment section of an amended regulatory checklist page.

The State of Maryland has satisfactorily responded to EPA's comments. Therefore, EPA has determined that the State's hazardous waste program satisfies all the necessary requirements for Final Authorization.

Along with the tentative determination, EPA announced the availability of Maryland's application for public comment and a public hearing was scheduled. On November 28, 1984 EPA held its public hearing in Baltimore, Maryland. Fifteen people attended the hearing. Ten people provided testimony, with two people following up with written comments. One additional letter was received during the comment period. One person favored granting Final Authorization, one person favored authorization but had certain reservations, three people neither supported nor opposed authorization and six people opposed or suggested postponing Final Authorization to the State of Maryland.

Four commenters were principally concerned about the State not regulating asbestos. Because asbestos has not been listed by EPA as a hazardous waste under RCRA, the Agency cannot deny authorization of the State's hazardous waste program because the State fails to list asbestos as a hazardous waste. Consequently, comments related to the State's past performance in regulating the handling of asbestos are not relevant to EPA's decision to grant Final Authorization to Maryland, under RCRA.

One commenter suggested additional regulation in some specific areas and encouraged a strong EPA oversight role after Final Authorization was granted. EPA believes Maryland's program meets the minimum regulatory and statutory requirements for Final Authorization established under RCRA. As the Federal program expands the State will be required to modify its program to maintain equivalency with EPA's program. It is clearly stated in the Memorandum of Agreement (MOA) between EPA and Maryland that program evaluations will be conducted regularly so EPA can assess States

program implementation. In addition, although the State's program will operate in lieu of the Federal program and the State has primary enforcement authority, EPA, in no way, relinquishes its ultimate enforcement authority to ensure a consistent and effective national hazardous waste management program under RCRA.

One commenter was concerned that Maryland allows out-of-State wastes to come into the State for disposal without restriction. At 40 CFR 271.4(a) EPA requires States to allow wastes to move freely across their borders in order for their programs to be deemed consistent with the Federal program and other State programs, thereby being eligible to obtain Final Authorization.

Two commenters were concerned about the State's apparent inadequate track record of effectively dealing with polluters. EPA has conducted a capability assessment of Maryland's implementation of its interim authorized RCRA hazardous waste program. In this assessment EPA evaluated the State's performance and concluded the State has generally performed satisfactorily. Secondly, both EPA and the State have agreed in the MOA that changes to Maryland's program may be necessary over time to improve program quality. EPA is also confident that oversight of the State's program will ensure that timely and appropriate enforcement actions are taken against violators. In fact, EPA is currently monitoring State enforcement actions at the particular facilities mentioned at the public hearing because of questions raised during a recent program evaluation. Since State enforcement authorities are considered adequate and EPA is monitoring State program implementation, these specific enforcement cases are not believed to be grounds to deny Final Authorization to the State. If EPA determines that the State is regularly neglecting its responsibilities to take timely and adequate enforcement actions against violators, EPA can begin procedures to withdraw approval of Maryland's program in accordance with 40 CFR 271.22 and 271.23.

Contrary to the previous commenters, one person believed that the Maryland Department of Health and Mental Hygiene has overregulated industry, forcing them out of business and directing waste to a State-operated facility. This commentor was also concerned about the potential problems associated with one State agency regulating another. One consequence of stricter regulation of hazardous wastes may be forcing same companies out of business if costs to comply with regulations become too high. Also, it is doubtful that wastes were actually directed to the State-operated facility instead of private firms because the State facility eventually had to close down due to lack of business. Secondly, EPA has recognized the potential conflict of interest where the Department of Health and Mental Hygiene is regulating a facility operated by the Maryland Environmental Service. This particular facility has been identified as a "major" facility which by its very nature receives special attention by EPA in the overview of Maryland's program implementation, including regular compliance and enforcement activities and all permitting actions.

The public comment period was extended one week, as requested, to December 5, 1984, to allow submittal of additional written comments. Because the State has satisfied the basic requirements for Final Authorization and EPA's assessment of State capability was satisfactory, comments received on the State's application were not deemed to be relevant or significant enough to be the basis for denying Final Authorization. However, the comments received may well be discussed during EPA's regular evaluation and assessment of State program implementation.

One of Maryland's regulations requires Federal facilities to comply with the financial responsibility requirements for owners and operators of treatment, storage and disposal facilities. Federal facilities are exempted from this requirement in the Federal program (40 CF 264.140(c), 265.140(c)). EPA has determined that these additional requirements are not inconsistent with the Federal program or other State programs and that they are beyond the scope of the Federal program. State programs are allowed to operate with a greater scope of coverage than that required under 40 CFR Part 271, Subpart A. However, such coverage is not part of the Federally approved program (40 CFR 271.1(i)(2)).

## Decision

After reviewing the public comments and the changes the State has made to its application/program since the tentative decision, I conclude that Maryland's application for Final Authorization meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Maryland is granted final authorization to operate its hazardous waste program subject to the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984). Maryland now has the responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out the other aspects of the RCRA program. Maryland also has primary enforcement responsibility, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

Prior to the Hazardous and Solid Waste Amendments (HSWA) amending RCRA, a State with Final Authorization administered its hazardous waste program entirely in lieu of the EPA. EPA's regulations no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit.

Now, however, under section 3006(g) of RCRA, 42 U.S.C. 6926(g), the new requirements and prohibitions imposed by the HSWA take effect in authorized States at the same time as they take effect in non-authorized States. EPA is directed to carry out those requirements and prohibitions in authorized States, including the issuance of full or partial permits, until the State is granted authorization to do so.

As a result of the HSWA, there will be a dual State/Federal regulatory program in Maryland. To the extent the authorized State program is unaffected by the HSWA, the State program will operate in lieu of the Federal program. EPA will administer and enforce the portions of the HSWA in Maryland until Maryland receives authorization to do so. Among other things, this will entail the issuance of Federal RCRA permits for those areas in which the State is not yet authorized. Once the State is authorized to implement a HSWA requirement or prohibition, the State program in that area will operate in lieu of the Federal provision. Until that time the State will assist EPA's implementation of the HSWA under a Cooperative Agreement.

HSWA-related requirements that are more stringent than the State's program apply in Maryland. Any State requirement that is more stringent than an HSWA provision also remains effect; thus, the universe of the more stringent provisions in the authorized State program and today's approval defines the applicable requirements in Maryland. (Maryland is not being authorized now for any requirement implementing the HSWA.)

EPA will be publishing a Federal Register notice that explains in detail the HSWA and its effect on authorized States. That notice should be referred to for further information.

Region III and Maryland are currently reviewing the Memorandum of Agreement (MOA) to revise it to address the requirements of the HSWA. The current MOA provides that Maryland shall administer the RCRA progam in lieu of EPA and that EPA shall not issue permits in the State. Thus, it is inconsistent with the HSWA and will be revised to reflect EPA's and Maryland's respective responsibilities under the new Federal/State regulatory scheme. (Because of the strict statutory time clock for processing final authorization applications, the State and EPA did not have ample time to revise the MOA before EPA's final approval of the State's application.)

**Compliance With Executive Order 12291**

The Office of Management and Budget (OMB) has exempted this rule from the requirements of section 3 of Executive Order 12291.

**Certification Under the Regulatory Flexibility Act**

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Maryland's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

**List of Subjects in 40 CFR Part 271**

Hazardous materials, Indian lands, Reporting and record keeping requirements, Waste treatment and disposal, Intergovernmental relations, Penalties, Confidential business information.

**Authority:** This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Dated: January 9, 1985.

**Stanley L. Laskowski,**

*Acting Regional Administrator.*

[FR Doc. 85-1915 Filed 1-24-85; 8:45 am]

BILLING CODE 6560-50-M

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**43 CFR Part 3100**

**[Circular No. 2569]**

## Oil and Gas Leasing; Amendment Changing the Collection Process for Mineral Leases

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Final rulemaking.

**SUMMARY:** This final rulemaking will amend the existing regulations covering the procedures for collection of rental payments in connection with certain oil and gas leases issued by the Bureau of Land Management. The final rulemaking will extend the time when improperly submitted remittances will be forwarded to the appropriate office from March 31, 1985, to December 31, 1985.

**EFFECTIVE DATE:** February 25, 1985.

**ADDRESS:** Any suggestions or inquiries should be sent to: Director (620), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

**FOR FURTHER INFORMATION CONTACT:** Donna M. Webb, (202) 653-2190.

**SUPPLEMENTARY INFORMATION:** This final rulemaking will extend the time period when remittances for second-year and subsequent rentals improperly submitted to the Bureau of Land Management will be forwarded to the designated Minerals Management Service office from March 31, 1985, to December 31, 1985.

The changes authorized by the provisions of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701-1757) and a Memorandum of Understanding between the Bureau of Land Management and the Minerals Management Service concerning remittances for mineral leases, as implemented through a series of changes in the Code of Federal Regulations, have resulted in some public confusion as to the proper agency office where onshore lease rental payments must be timely submitted. In order to assure the public sufficient time to acquaint themselves with the changed remittance procedure, this final rulemaking will extend the time period during which payments made to the wrong agency office will be forwarded to the proper office from March 31, 1985, to December 31, 1985. This change is needed because of a change in the remittance requirement for six special categories of lands that was made in the Federal Register of October 5, 1984 (49 FR 39329). As a result of that change all second and subsequent year rental and bonus payments for onshore leases are to be made to the appropriate office of the Minerals Management Service, with none being made to the Bureau of Land Management. The change made by this final rulemaking will permit a Bureau of Land Management office that receives a missent remittance anytime up until December 31, 1985, to forward it to the proper Minerals Management Service office, and, all other things being proper, the lease will continue in effect.

This change is being issued as a final rulemaking because it is an administrative change that imposes no additional burden on the public. All lessees will continue to have to pay an annual rental, the only thing that is changing is that a missent rental will be forwarded to the proper office until December 31, 1985, instead of only March 31, 1985. In fact, this change will lessen the chance that a lease will be cancelled only because the rental payment was sent to the wrong agency.

The principal author of this final rulemaking is Donna M. Webb, Division of Fluid Mineral Leasing, assisted by the staff of the Office of Legislation and Regulatory Management, all of the Bureau of Land Management.

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and 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.).

The change made by this final rulemaking will effect equally all entities, large or small. The impact will be slightly beneficial because it will allow the Bureau of Land Management to send missent remittances to the appropriate office of the Minerals Management Service, without their having to be returned to the lessee.

This final rulemaking contains no information collection requirements requiring approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

**List of Subjects in 43 CFR Part 3100**

Administrative practice and procedure, Environmental protection, Mineral royalties, Public lands—classification, Public lands—mineral resources, Surety bonds.