

US EPA ARCHIVE DOCUMENT

(EPA) published a Notice of Proposed Rulemaking (NPR) for revisions of the New York State Implementation Plan (SIP) for ozone. These revisions add requirements for the control of gasoline vapors resulting from the refueling of vehicle fuel tanks at gasoline service stations (known as Stage II) and were adopted by the State on March 2, 1988 as revisions to part 230, title 6 of the New York Code of Rules and Regulations, entitled "Gasoline Dispensing Sites and Transport Vehicles." The revisions and the rationale for EPA's proposed approval were fully explained in the NPR and will not be restated here since this final action does not differ from that discussed in the NPR. No public comments were received on the NPR.

Conclusion

EPA has reviewed the State's submittal and finds that the Stage II program adopted by the State is equivalent to the program committed to in the SIP and, thus, adequately fulfills the State's SIP commitment. Therefore, EPA is approving New York's request to revise its SIP for ozone to revise part 230, "Gasoline Dispensing Sites and Transport Vehicles."

This notice is issued as required by section 110 of the Clean Air Act, as amended. The Administrator's decision regarding the approval of this plan revision is based on its meeting the requirements of section 110 of the Clean Air Act, and 40 CFR part 51.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit within 60 days of publication. This action may not be challenged later in proceedings to enforce its requirements [See section 307(b)(2)].

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Ozone, Incorporation by reference.

Note: Incorporation by reference of the State Implementation Plan for the State of New York was approved by the Director of the Federal Register on July 1, 1982.

Dated: October 31, 1989.

William K. Reilly,
Administrator, Environmental Protection Agency.

Title 40, chapter I, subchapter C, part 52, Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart HH—New York

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

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1670 paragraph (c) is amended by adding new paragraph (c)(80) to read as follows:

§ 52.1670 Identification of plan.

(c)

(80) Revisions to the New York State Implementation Plan (SIP) for ozone submitted on July 9, 1987 and April 8, 1988 by the New York State Department of Environmental Conservation (NYSDEC).

(i) *Incorporated by reference:* Amendments to part 230, title 6 of the New York Code of Rules and Regulations entitled "Gasoline Dispensing Sites and Transport Vehicles," adopted on March 2, 1988.

(ii) *Additional material:* (A) Explanation of Stage II Applicability Cut-offs, prepared by the NYSDEC, dated June 20, 1988.

(B) NYSDEC testing procedures for Stage II Vapor Recovery Systems.

3. Section 52.1679 is amended by revising the entry for part 230 to the table to read as follows:

§ 52.1679 EPA—approved New York regulations.

State regulation	State effective date	EPA approved date	Comments
Part 230 "Gasoline Dispensing Sites and Transport Vehicles."	32/88	11-28-89, 54 FR 48888	

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40 CFR Part 271

[FRL-3091-9]

*Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Louisiana has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed the Louisiana application and has made a decision, subject to public review and comment, that the Louisiana hazardous waste program revision satisfies all the requirements necessary to qualify for final authorization. Thus, EPA is approving the Louisiana hazardous waste program revision application unless adverse public comment shows the need for further review. The Louisiana application is available for public review and comment.

DATES: Final authorization for the Louisiana revisions shall be effective January 29, 1990, unless EPA publishes prior Federal Register notice withdrawing this immediate final rule. All comments on the Louisiana program revision application must be received by the close of business December 28, 1989.

ADDRESSES: Copies of the Louisiana program revision application and the materials which EPA used in evaluating the revision are available from 8:30 a.m. to 4 p.m., Monday through Friday at the following addresses for inspection or copying: Louisiana Department of Environmental Quality, 625 North 4th Street, Baton Rouge, Louisiana 70804; phone (504) 342-9072; U.S. EPA, Region 6, Library, 12th Floor, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-6444; and U.S. EPA, Headquarters, Library, PM 211A, 401 Street SW., Washington, DC 20460, phone (202) 382-5926. Written comments, referring to Docket Number LA-89-1, should be sent to Ms. Lynn Prince, Grants and Authorization Section (6H-HS), RCRA Programs Branch, U.S. EPA, Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-6760.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Prince, Grants and Authorization Section (6H-HS), RCRA Programs Branch, U.S. EPA, Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655-6760.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous

waste program that is equivalent to the Federal program, consistent with the Federal or State programs applicable in other States, and provides adequate enforcement of compliance with the requirements of RCRA. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. These State program revisions are necessitated by changes to EPA's regulations.

B. Louisiana

The State of Louisiana received final authorization on February 7, 1985, (50 FR 3348, published on January 24, 1985) to implement its base hazardous waste management program. On May 16, 1989, the State of Louisiana submitted a complete program revision application for additional program revisions. Louisiana is seeking approval of these program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed the Louisiana application, and has made a decision that the Louisiana hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA is granting final authorization for these modifications to the Louisiana program.

The public may submit written comments on EPA's decision to authorize the revisions in an immediate final rule until December 28, 1989.

Copies of the Louisiana application for program revision and the materials which EPA used in evaluating the revision are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of the Louisiana program revision application will become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the 30 day comment period. If an adverse comment is received, EPA will publish either (1) a

withdrawal of the immediate final rule or (2) a notice containing a response to comment which either affirms that the immediate final rule takes effect or reverses the decision.

The Louisiana program revision application included State regulatory changes that are equivalent to the rules promulgated in the Federal RCRA implementing regulations in 40 CFR parts 260 through 266, 124, and 270 that were published in the Federal Register through May 28, 1986. EPA is not authorizing the State's provisions which are analogous to the Hazardous and Solid Waste Amendments of 1984 (HSWA) provisions, including the availability of information provisions, with this notice. This proposed approval is, therefore, limited to the non-HSWA provisions that are listed in the chart below. This chart lists the State rules that are being recognized as equivalent to the appropriate Federal rules.

Federal citation	State analog
1. Permit Rules—Settlement Agreement—change to 40 CFR part 270, as published in the FEDERAL REGISTER on April 24, 1984.	1. Louisiana Hazardous Waste Regulations (LHWR) sec. 4303(F), effective April 13, 1988.
2. Listing of Warfarin & Zinc Phosphide as a hazardous waste—changes to 40 CFR part 261—as published in the FEDERAL REGISTER on May 10, 1984.	2. LHWR sec. 4901.E, effective April 13, 1988.
3. Exclusion of Stabilized Pickle Liquor Sludge—changes to 40 CFR part 261—as published in the FEDERAL REGISTER on June 5, 1984.	3. LHWR sec. 105.D, effective April 13, 1988.
4. The Exclusion of Household Waste as a Hazardous Waste—change to 40 CFR part 261, subpart A—as published in the FEDERAL REGISTER on November 13, 1984.	4. LHWR sec. 105.D.10, effective April 13, 1988, as amended November 21, 1988.
5. Applicability of Interim Status Standards to Owners and Operators of Treatment, Storage and Disposal Facilities—changes to 40 CFR part 265, subpart A—as published in the FEDERAL REGISTER on November 21, 1984.	5. LHWR sec. 4301.A and B, effective April 13, 1988, as amended November 21, 1988.
6. Corrections to the Test Methods Manual—changes to 40 CFR parts 260, subparts B and C and 270, subpart A—as published in the FEDERAL REGISTER on December 4, 1984.	6. LHWR sec. 105.I.1, effective April 13, 1988, as amended November 21, 1988.
7. Satellite Accumulation Rule—changes to 40 CFR part 262, subpart C—as published in the FEDERAL REGISTER on December 20, 1984.	7. LHWR sec. 1109.E.4, effective April 13, 1988, as amended November 21, 1988.
8. Redefinition of Solid Waste—changes to 40 CFR parts 260, subparts B and C; 261, subparts A and D; 264, subparts A and C; 265, subparts A, O, and P; and 266, subparts C, D, F, and G—as published in the FEDERAL REGISTER on January 4, 1985.	8. LHWR sec. 105.B; 105.D.28-35; 109; 3105; 3907; 4105.A and B; 4113; 4115; 4139.A.2; 4139.B.2 and 3; 4141.A.1 and 2; B.1.C.1 and 2, D, E, and F; 4143.A,B,C and D; 4513; 4523; 4901.A and C, effective April 13, 1988, as amended November 21, 1988.
9. Interim Status Standards for Landfills—changes to 40 CFR part 265, subparts K, M, and N—as published in the FEDERAL REGISTER.	1. LHWR sec. 2521.A and B; 2517.A and B, effective April 13, 1988.
10. Financial Responsibility: Settlement Agreement—changes to 40 CFR parts 260, subpart B; 264, subparts G and H; 265, subparts G and H; and 270, subparts B, D, and G—as published in the FEDERAL REGISTER on May 2, 1986.	2. LHWR sec. 109; 321.C and C.4 517.N-P; 3501.B and C; 3507 3511.3517; 3521-3527; 3703.A.7; 3705.A-C; 3707.A.10,B.4, C.5, D.8, E.5, F.1, t; 3709.A-C; 3711.A.11, B.4, C.5, D.9, E.5 F.1 and 2, t; 3715.E; 3719.13; 4377-4387; 4389.A-D; 4391-4395; 4397.A; 4399; 4401; 4403.A.10, B.4, C.1 and C.8, D.5, E.1 and 2, H; 4405.A-C; 4407.A.11, B.4 D.5 and 9, E.1 and 2, H; 4411.E, effective April 13, 1988, as amended November 21, 1988.
11. Listing of Spent Pickle Liquor from Steel Finishing Operations—changes to 40 CFR part 261, subpart D—as published in the FEDERAL REGISTER on May 28, 1986.	11. LHWR sec. 4901.C, effective April 13, 1988.

The State of Louisiana is not authorized to operate its hazardous waste program on Indian lands.

C. Decision

I conclude that the Louisiana program revision application meets all of the statutory and regulatory requirements established by RCRA. Accordingly,

Louisiana will be granted final authorization to operate its hazardous waste program as revised. Louisiana's responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, will be subject to the limitation of its revised program

application and previously approved authorities. Louisiana has primary enforcement responsibilities and EPA will exercise its enforcement responsibilities in accordance with the Memorandum of Agreement between EPA and Louisiana.

D. Codification in Part 272

EPA uses part 272 for codification of the decision to authorize the Louisiana program and for incorporation by reference of those provisions of the Louisiana statutes and regulations that EPA will enforce under subtitle C of RCRA. Therefore, EPA will soon amend part 272, subpart T, under a separate notice.

Compliance With Executive Order 12291

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

Compliance Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 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 does not create any new requirements, but simply approves requirements that are already State law. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: Sec. 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended in 42 U.S.C. 6912(a), 6926 and 6974(b).

Dated: August 22, 1989.

Robert E. Layton, Jr.,

Regional Administrator.

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§ 64.6 List of eligible communities.**FEDERAL EMERGENCY MANAGEMENT AGENCY****44 CFR Part 64**

[Docket No. FEMA 6855]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The dates listed in the third column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: Post Office Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration (202) 646-2717, Federal Center Plaza, 500 C Street SW., Room 417, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance and floodplains.

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date
New Eligibles—Emergency Program			
Nebraska: Seward County, unincorporated areas.....	310474	Oct. 4, 1989.....	June 7, 1977.
Tennessee: Benton County, unincorporated areas.....	470218	do.....	Jan. 10, 1975.
Iowa: Corwith, city of, Hancock County ¹	190407	Oct. 11, 1989.....	Oct. 22, 1978.
Missouri: Lawson, city of, Clay County.....	290705	Oct. 19, 1989.....	June 4, 1976.
New Eligibles—Regular Program			
Nevada: Storey County, unincorporated areas.....	320033	Oct. 4, 1989.....	Feb. 19, 1987.
Ohio: Butler County, unincorporated areas ¹	390037	Oct. 5, 1989.....	Oct. 16, 1983.
California: Highland, city of, San Bernardino County.....	060732	Oct. 19, 1989.....	Sept. 29, 1989.