

Evaluation

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, EPA is required to approve or disapprove these regulations as SIP revisions. All rules submitted have been evaluated and found to be in accordance with the Clean Air Act, EPA policy and 40 CFR Part 51. EPA's detailed evaluation of the submitted rules is available at the locations indicated in the ADDRESSES section of this notice.

EPA Action

This notice approves the rule revisions listed above and incorporates them into the California SIP. This is being done without prior proposal because the revisions are noncontroversial, have limited impact, and no comments are anticipated. The public should be advised that this action will be effective 60 days from the date of this Federal Register notice. However, if notice is received within 30 days that someone wishes to submit adverse comments, the approval will be withdrawn and a subsequent notice will be published. The subsequent notice will indefinitely postpone the effective date, modify the final action to a proposed action, and establish a comment period.

Regulatory Process

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291. Under 5 U.S.C. section 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

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

Authority: Secs. 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601(a)).

List of Subjects in 40 CFR Part 52

Environmental Protection Agency, Air pollution control agency, Incorporation by reference, Ozone, Sulfur oxides, Particulate matter, Hydrocarbons.

Dated: January 17, 1985.

Lee M. Thomas,

Acting Administrator.

PART 52—[AMENDED]

Subpart F of Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220 paragraph (c) is amended by adding subparagraphs (155)(ii)(B), (iii)(B), (iv)(B) and (v)(A) and (156) to read as follows:

§ 52.220 Identification of plan.

- (c) * * *
- (155) * * *
- (ii) * * *
- (B) New or amended Rule 217.
- (iii) * * *
- (B) New or amended Rules 203 and 404.
- (iv) * * *
- (B) New or amended Rules 401 and 1305.
- (v) North Coast Unified AQMD.
- (A) New or amended Regulation 2.156 Revised regulations for the following APCD's were submitted on October 19, 1984 by the Governor's designee.
 - (i) Bay Area AQMD.
 - (A) New or amended Rules 2-1 and 8-36.
 - (ii) Merced County APCD.
 - (A) New or amended Rules 112, 409.1, and 409.4.
 - (iii) North Coast Unified AQMD.
 - (A) New or amended Rules 160 and 460.
 - (iv) San Diego County APCD.
 - (A) New or amended Rules 61.0, 61.2, 61.8, and 67.3.
 - (v) Yolo-Solano APCD.
 - (A) New or amended Rule 2.21.

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BILLING CODE 6560-50-M

40 CFR Part 52

[A-10-FRL-2764-8]

Approval and Promulgation of State Implementation Plan; Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves the revision to the approved State Implementation Plan (SIP) for lead submitted to EPA by the Washington State Department of Ecology (WDOE) on September 27, 1984. It was developed pursuant to the requirements of section 110 of the Clean Air Act (hereinafter referred to as the Act) and will result in attainment and maintenance of the National Ambient Air Quality Standard for lead.

EFFECTIVE DATE: This action will be effective on April 1, 1985 unless notice is

received or postmarked on or before February 28, 1985 that someone wishes to submit adverse or critical comments. If such notice is received, EPA will open a formal 30-day comment period on this action.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Public Information Reference Unit,
Environmental Protection Agency, 401
M Street, SW., Washington, D.C.
20460

Air Programs Branch, M/S 532 (10A-83-13), Environmental Protection Agency,
1200 Sixth Avenue, Seattle, WA 98101
State of Washington, Department of
Ecology, 4224 6th Avenue, SE., Rowe
Six, Building #4, Lacey, Washington
98504

Copy of the State's submittal may be examined at: The Office of Federal Register, 1100 L Street, NW., Room 8401, Washington, D.C.

Comments should be addressed to:
Laurie M. Kral, Air Programs Branch,
Environmental Protection Agency, 1200
Sixth Avenue M/S 532, Seattle,
Washington 98101.

FOR FURTHER INFORMATION CONTACT:
Richard F. White, Air Programs Branch,
M/S 532, Environmental Protection
Agency, 1200 Sixth Avenue, Seattle, WA
98101, Telephone No. (206) 442-4016,
FTS: 399-4016.

SUPPLEMENTARY INFORMATION:**I. Background**

On July 9, 1984, (49 FR 27943) EPA approved the Washington SIP for lead. Since that time the secondary lead smelter in Seattle has been sold and the new owners have closed down all smelting and refining and battery breaking operations. The only lead related activities that will continue at the facility are oxide manufacturing and metal fabrication.

The cessation of operations was formalized in Resolution #562 by the Puget Sound Air Pollution Control Agency (PSAPCA) Board on August 9, 1984, in a joint public hearing with the WDOE. The Resolution adopted as a result of the public hearing was submitted with supporting material to WDOE. WDOE then submitted the SIP revision package to EPA September 27, 1984.

II. Technical Evaluation**Lead SIP**

The technical evaluation document (TED) prepared by EPA and included in the Washington State Lead SIP Docket, contains EPA's evaluation of the

Washington Lead SIP in terms of each requirement in Subpart E. It can be reviewed at the address listed earlier. A summary of the lead SIP in terms of the Subpart E requirements is contained in EPA's proposal dated December 30, 1983 (48 FR 57537).

The TED has been revised to describe the new demonstration of attainment for Harbor Island, Seattle, taking into account the cessation of lead emitting operations at the secondary lead smelter. It shows that with the complete cessation of lead smelting, refining and battery breaking at this facility, the area is attaining the lead NAAQS and no additional control measures are necessary to maintain the standard.

III. Final EPA Action

Based on evaluation of WDOE's submittal, EPA approves the revision to the Washington lead SIP.

The public should be advised that this action will be effective on April 1, 1985. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on any or all of the revisions approved herein, the action on this revision will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action on this revision and another will begin a new rulemaking by announcing a proposal of the action on this revision and establish a comment period.

Pursuant to the provisions of 5 U.S.C. section 605(b), the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant impact on a substantial number of small entities (48 FR 8709, January 27, 1981). This action constitutes a SIP approval under Section 110 within the terms of the January 27, 1981 certification.

Under section 307(b)(1) of the Act, petition for judicial review of this Action must be filed in the United States Court of Appeals for the appropriate circuit by April 1, 1985. This action may not be challenged later in proceeding to enforce its requirements. (See section 307(b)(2) of the Act.)

Under Executive Order 12291, EPA must judge whether or not a regulation is "major" and therefore subject to the requirements of regulatory impact analysis. This regulation is not judged to be major, since it merely approves actions taken by the state and does not establish any new requirements.

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

This notice of final rulemaking is issued under that authority of sections

110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410(a) and 7601).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Sulfur oxides, Nitrogen dioxide, Lead, Particulate matter, Carbon monoxide, Hydrocarbons.

Dated: January 22, 1985.

Lee M. Thomas,

Acting Administrator.

Note.—Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of Federal Register in July 1, 1982.

PART 52—[AMENDED]

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows:

Subpart WW—Washington

In § 52.2470, paragraph (c)(32) is added as follows:

§ 52.2470 Identification of plan.

• • • • •

(c) • • •

(32) On September 27, 1984 the State of Washington Department of Ecology submitted a revision to the approved lead SIP which revised the demonstration of attainment for the secondary lead smelter in Seattle.

[FR Doc. 85-2049 Filed 1-28-85; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[SW-4-FRL 2765-8]

Florida; Decision on Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Determination on Florida's Application for Final Authorization.

SUMMARY: Florida has applied for Final Authorization under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Florida's application and has reached a final determination that Florida's Hazardous Waste Program satisfies all of the requirements necessary for Final Authorization. Thus, EPA is granting Final Authorization to the State to operate its program.

EFFECTIVE DATE: Final Authorization for Florida, for purposes of judicial review, shall be effective at 1:00 p.m. Eastern time on February 12, 1985.

FOR FURTHER INFORMATION CONTACT:

Allan E. Antley, Chief, Waste Planning Section, Residuals Management Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 881-3016.

SUPPLEMENTARY INFORMATION: Section 3006 of RCRA allows the EPA to authorize state hazardous waste management programs to operate in the state in lieu of the Federal program. To qualify for Final Authorization, the state's program must (1) be "equivalent" to the Federal program, (2) be consistent with the Federal program and other state programs, and (3) provide for adequate enforcement (Section 3006(b) of RCRA, 42 U.S.C. 6226(b)).

On July 2, 1984, Florida submitted a complete application to obtain Final Authorization to administer a RCRA program. On November 16, 1984, EPA published a tentative decision announcing its intent to grant Florida Final Authorization. Further background on the tentative decision appears at 49 FR 45452, November 16, 1984.

Along with the tentative determination, EPA announced the availability of the State's application for public review and comment, and the date of a public hearing on the application. The public hearing was not held as scheduled on December 18, 1984, since neither EPA nor the Florida Department of Environmental Regulation received significant interest in holding the hearing.

To date, all RCRA hazardous waste management permits in Florida have been issued by the State under the authority granted to the State during interim authorization. Therefore, there will be no change in the status of permits or permitting authority on the effective date of this rule.

Florida is not authorized by the Federal government to operate the RCRA program on Indian Lands and this authority will remain with EPA.

Decision

It is my conclusion that Florida's application for Final Authorization meets all of the regulatory and statutory requirements established by RCRA.

Accordingly, Florida is granted final authorization to operate its hazardous waste management program, subject to the limitations on its authority imposed by the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984) (HSWA). Florida now has responsibility for permitting treatment, storage and disposal facilities within its borders and for carrying out other aspects of the RCRA program.

subject to the HSWA. Florida 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 3006, 3013 and 7003 of RCRA.

Prior to the Hazardous and Solid Waste Amendments amending RCRA, a State with Final Authorization administered its hazardous waste program entirely in lieu of the EPA. The Federal requirements no longer applied in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent Federal requirements were promulgated, or enacted, the State was obligated to enact equivalent authority within specified time frames. New Federal requirements do not take effect in an authorized State until the State adopts the requirements as State law.

In contrast, under newly enacted 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. While States must still adopt the HSWA-related provisions as State law, the HSWA applies in authorized States in the interim.

As a result of the HSWA, there will be a dual State/Federal regulatory program in Florida. To the extent the authorized State program is unaffected by the HSWA, the State program will operate in lieu of the Federal program. If the HSWA-related requirements are more stringent than Florida's, EPA will administer and enforce the prohibitions and requirements of the HSWA in Florida until the State receives authorization to do so. Among other things, this may 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.

Any State requirement that is more stringent than an HSWA provision also remains in effect; thus, the universe of the more stringent provisions in the authorized State program and the HSWA define the applicable requirements in Florida. (Florida 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 IV and Florida are currently reviewing the Memorandum of Agreement (MOA) to revise it to address the requirements of the HSWA. The current MOA provides that Florida shall administer the RCRA program 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 Florida'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 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 entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Florida's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. 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

Hazardous materials, Indian lands, Reporting and recordkeeping 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 RCRA of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b), EPA delegation 8-7.

Dated: January 4, 1985.

Charles R. Jeter,

Regional Administrator.

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-41

[FPMR Amdt. G-71]

Transportation Claims Not Payable by Agencies

AGENCY: Office of the Comptroller, GSA.

ACTION: Final rule.

SUMMARY: This regulation amends the prohibition that agencies not pay supplemental transportation bills (claims) based upon pricing adjustments by excluding those claims based upon single-factor ocean rate adjustments for international household goods shipments. Current regulations list several categories of claims that agencies are precluded from paying. Such claims are submitted to General Services Administration (GSA) for audit and settlement. This change will improve the carrier's cash flow by reducing delays presently encountered because of the present necessity of sending the claims to GSA.

EFFECTIVE DATE: January 29, 1985.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Regulations, Procedures, and Review Branch, Office of Transportation Audits, 202 (FTS) 786-3014.

SUPPLEMENTARY INFORMATION: GSA established the categories of claims outlined in section 101-41.604-2(b) of the Federal Property Management Regulations (FPMR) because it felt that agencies did not have either the tariffs to determine the applicable rates or the transportation expertise to determine the validity of these claims. At the request of an international household goods forwarder, GSA analyzed claims for additional charges based upon single-factor ocean rate adjustments, and concluded that such claims warranted an exception to Section 101-41.604-2(b)(4). This regulation is presented as a final rule, without a prior proposal, because its impact is limited to a small segment of the transportation industry.

GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has