

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.443 is amended in paragraph (a) in the table therein by adding and alphabetically inserting the raw agricultural commodities "cherries (sweet and sour)," "nectarines," and "peaches" so that the table reads as follows:

§ 180.443 Myclobutanil; tolerances for residues.

(a) * * *

Commodity	Parts per million	Expiration date
Apples.....	0.5	None.
Cherries (sweet and sour).....	4.0	Oct. 1, 1994.
Grapes.....	1.0	None.
Nectarines.....	2.0	Oct. 1, 1994.
Peaches.....	2.0	Oct. 1, 1994.

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40 CFR Part 271

[FRL-4097-6]

State of Florida; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Florida has applied for final authorization of revisions to its hazardous waste program for rules promulgated between July 1, 1988 and June 30, 1989, otherwise known as Non-HSWA Cluster V, under the Resource Conservation and Recovery Act (RCRA). The requirements contained in this revision application are in Supplementary Information, section B of this document. The Environmental Protection Agency (EPA) has reviewed Florida's application and has made a decision, subject to public review and comment, that Florida's hazardous

waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Florida's hazardous waste program revisions. Florida's application for program revision is available for public review and comment.

DATES: Final Authorization for Florida shall be effective April 6, 1992 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Florida's program revision application must be received by the close of business March 6, 1992.

ADDRESSES: Copies of Florida's program revision application are available during the hours 8 a.m. to 5 p.m. at the following addresses for inspection and copying: Florida Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Phone 904-488-0300; U.S. EPA Region IV, Library, 345 Courtland Street NE., Atlanta, Georgia 30365, Phone 404-347-4216, Pricilla Pride, Librarian. Written comments should be sent to Narindar Kumar at the address listed below.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. EPA, 345 Courtland Street NE., Atlanta, Georgia 30365, Phone 404-347-2234.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority.

States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-266, 268, 124 and 270.

B. State of Florida

Florida initially received final authorization for its base RCRA program on February 12, 1985 (50 FR 3908, January 29, 1985). Florida has received authorization for revisions to its program through Non-HSWA Cluster II. Florida received authorization for Radioactive Mixed Waste on February 12, 1991. Today, Florida is seeking approval of its program revision for Non-HSWA Cluster V in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Florida's application, and has made an immediate final decision that Florida's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to the State of Florida. The public may submit written comments on EPA's immediate final decision up until March 6, 1992. Copies of Florida's application for program revision are available for inspection and copying at the locations indicated in the ADDRESSES section of this notice.

Florida has adopted by reference the following Federal Register (FR) in Non-HSWA Cluster V with the exception of 9/28/88 53 FR 37912, Permit Modification for Hazardous Waste Management Facilities and 3/7/89 54 FR 9596, Changes to Interim Status Facilities for Hazardous Waste Management Permits; Modifications of Hazardous Waste Management Permits; Procedures for Post-Closure Permitting.

Check-list	FR date and page No.	Description
49	7/19/88 53 FR 27290	Identification and listing of hazardous waste; treatability studies sample exemption.
52	9/2/88 53 FR 34079	Hazardous waste management system; standards for hazardous waste storage and treatment tank systems.
53	9/13/88 53 FR 35412	Identification and listing of hazardous waste; and designation of reportable quantities and notification.
55	10/11/88 53 FR 39720	Statistical methods for evaluating ground water monitoring data from hazardous waste facilities.
56	10/31/88 53 FR 43878	Identification and listing of hazardous waste; removal of iron dextran from the list of hazardous wastes.
57	10/31/88 53 FR 43881	Identification and listing of hazardous waste; removal of strontium sulfide from list of hazardous waste.
58	11/8/88 53 FR 45089	Standards for generators of hazardous wastes; manifest renewal.
59	1/9/89 54 FR 615	Miscellaneous units; standards applicable to owners and operators. Technical correction.

Check-list	FR date and page No.	Description
60	1/30/89 54 FR 4286	Amendment to requirements for hazardous waste incinerator permits.

The State of Florida has demonstrated and certified that its authority to regulate the revised program set forth in Non-HSWA Cluster V as specified at § 403.72(1) Florida Statutes (FS), Rule 17-730(1) Florida Administrative Code (FAC), 403.704 FS, 17-730.020 FAC, 403.721 FS, 17-730.180 FAC, 403.72 FS, 17-730.210 FAC, 120.53 FS, 403.061 FS, and 17-730.900 FAC as amended through August 13, 1991, is equivalent to federal requirements of the RCRA at 40 CFR 260, 261, 264, 265 and 270 and sections 1006, 3001 through 3007, 3010, 3014 through 3019, and 7004 of RCRA.

On the effective date of final authorization, Florida will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the Federal program. EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Florida is not authorized to operate the Federal program on Indian lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Florida's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Florida is granted final authorization to operate its hazardous waste program as revised.

Florida now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Florida also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013 and 7003 of RCRA.

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 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 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

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: This notice 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).

Patrick M. Tobin,

Acting Regional Administrator.

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40 CFR Part 271

[FRL-4097-5]

State of Florida Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Florida has applied for final authorization of revisions to its hazardous waste program for rules promulgated between July 1, 1986 and June 30, 1987, otherwise known as Non-HSWA Cluster III, under the Resource Conservation and Recovery Act (RCRA). The requirements contained in

this revision application are in Supplementary Information, section B of this document. The Environmental Protection Agency (EPA) has reviewed Florida's application and has made a decision, subject to public review and comment, that Florida's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Florida's hazardous waste program revisions. Florida's application for program revision is available for public review and comment.

DATES: Final Authorization for Florida shall be effective April 6, 1992 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Florida's program revision application must be received by the close of business March 6, 1992.

ADDRESSES: Copies of Florida's program revision application are available during the hours 8 a.m. to 5 p.m. at the following addresses for inspection and copying: Florida Department of Environmental Regulation, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Phone: 904-488-0300; U.S. EPA Region IV, Library, 345 Courtland St., NE., Atlanta, Georgia 30365, Phone: 404-347-4216, Pricilla Pride, Librarian. Written comments should be sent to Narindar Kumar at the address listed below.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. EPA, 345 Courtland Street NE., Atlanta, Georgia 30365, Phone: 404-347-2234.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements

promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 124, 260-266, 268, and 270.

B. State of Florida

Florida initially received final authorization for its base RCRA program on February 12, 1985 (50 FR 3908, January 29, 1985). Florida has received authorization for revisions to its program through Non-HSWA Cluster II. Florida received authorization for Radioactive Mixed Waste on February 12, 1991. Today, Florida is seeking approval of its program revision for Non-HSWA Cluster III in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Florida's application, and has made an immediate final decision that Florida's hazardous

waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to the State of Florida. The public may submit written comments on EPA's immediate final decision up until March 6, 1992. Copies of Florida's application for program revision are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Florida has adopted the following **Federal Registers** in Non-HSWA Cluster III by reference:

Check-lists	FR date and page No.	Description
27	7/11/86 51 FR 25350	Liability coverage corporate guarantees.
28	7/14/86 51 FR 25422	Standards for HW storage and treatment tank systems.
28	8/15/86 51 FR 29430	Standards for HW storage and treatment tank systems; correction.
35	3/16/87 52 FR 8072	Revised manual SW 846; amended incorporation by reference.
36	3/19/87 52 FR 8704	Closure/post-closure care for interim status surface impoundments.
37	6/5/87 52 FR 21306	Definition of solid waste technical correction.
38	6/22/87 52 FR 23447	Amends part B information requirements for land disposal facilities.
38	9/9/87 52 FR 33936	Development of corrective action programs after permitting hazardous waste land disposal facilities; corrections.
46	4/22/88 53 FR 13382	Technical correction; identification and listing of hazardous waste.

The State of Florida has demonstrated and certified that its authority to regulate the revised program set forth in Non-HSWA Cluster III, as specified at §§ 120.53, 403.061, 403.72, .721, .722, .724, Florida Statutes (FS) and Rules 17-730.020, .021(1), .030(1), .160, .180(3), .181, .250, .280, .900(2), Florida Administrative Code (FAC) as amended through August 13, 1990, is equivalent to federal requirements of the RCRA at 40 CFR 260.11, 261, 261.33 and appendix VIII, 262, 264, 265, 265.228, 266.20, 270.6(a) and 270.14(c), and sections 1006, 2002, 3001, 3004, 3005, 3007, 3010, 3014, 3017-19, and 7004 of RCRA.

On the effective date of final authorization, Florida will be authorized to carry out, in lieu of the Federal program, those provisions of the State's program which are analogous to the Federal program. EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

Florida is not authorized to operate the Federal program on Indian lands.

This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Florida's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Florida is granted final authorization to operate its hazardous waste program as revised.

Florida now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Florida also has primary enforcement responsibilities, 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.

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 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 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.

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Authority: This notice 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).

Patrick M. Tobin,
Acting Regional Administrator.

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