by the insurer or TPA. Monitoring is normally limited to ascertaining someone has been assigned to negotiate, to obtain periodic status reports, and to close files on settled claims. Any dissatisfaction with the insurer's or TPA's handling of the negotiations should be referred directly to the Judge Advocate General for appropriate action. Under special circumstances, even when there is an insurer or TPA, the appropriate naval adjudicating authority may conduct negotiations, provided the command involved and the insurer agree to it. When an appropriate settlement is negotiated by the Navy, the recommended award will be forwarded to the insurer or TPA for payment.

(c) *When the NAFI is not insured.* When there is no private, commercial insurer and the NAFI has made no independent arrangements for negotiations, the appropriate Navy adjudicating authority is responsible for conducting negotiations. When an appropriate settlement is negotiated by the Navy, the recommended award will be forwarded to the NAFI for payment from nonappropriated-funds.

§ 756.7 Payment.

(a) *Claims that can be settled for less than $1000.00.* A claim not covered by insurance (or not paid by the insurer), that can be settled for $1000.00 or less, may be adjudicated by the commanding officer of the activity concerned or designee. The claim shall be paid out of funds available to the commanding officer.

(b) *Claims that cannot be settled for less than $1000.00.* A claim negotiated by the Navy, not covered by insurance, that cannot be settled for less than $1000.00, shall be forwarded to the appropriate nonappropriated-fund headquarters command for payment from its nonappropriated-funds.

(c) *When payment is possible under another statute.* In some cases neither the NAFI nor its insurer may be legally responsible. In those instances, when there is no negligence, and payment is authorized under some other statute, such as the Foreign Claims Act, 10 U.S.C. 2734–2736, the claim may be considered for payment from appropriated funds or may be referred to the Judge Advocate General for appropriate action.

(d) *Other claims.* A NAFI's private insurance policy is usually not available to cover losses which result from some act or omission of a mere participant in a nonappropriated-fund activity. In the event the NAFI declines to pay the claim, the file shall be forwarded to the Judge Advocate General for determination.

§ 756.8 Denial.

Claims resulting from nonappropriated-fund activities may be denied only by the appropriate naval adjudicating authority. Such a denial is necessary to begin the 6-month limitation on filing suit against the United States for claims filed under the Federal Tort Claims Act. Denial of a claim shall be in writing and in accordance with subparts A or B of part 750 of this chapter, as appropriate. The appropriate naval adjudicating authority should not deny claims which have initially been processed and negotiated by a nonappropriated-fund activity, its insurer or TPA until the activity or its insurer has clearly stated in writing that it does not intend to pay the claim and has elected to defend in court.

§ 756.9 Claims by employees.

(a) *Personal injury or death of citizens or permanent residents of the United States employed anywhere, or foreign nationals employed within the United States.* Compensation is provided by the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901–950) for employees of NAFI's who have suffered injury or death arising out of and in the course of their employment (5 U.S.C. 8171). That Act is the exclusive basis for Government liability for injuries or deaths that are covered (5 U.S.C. 8173). A claim should first be made under that Act if there is a substantial possibility the injury or death is covered.

(b) *Personal injury or death of foreign nationals employed outside of the continental United States.* Employees who are not citizens or permanent residents, and who are employed outside the continental United States, are protected by private insurance of the NAFI or by other arrangements (5 U.S.C. 8172). When a nonappropriated-fund activity has neglected to obtain insurance coverage or to make other arrangements, the matter shall be processed as a Foreign Claims Act or a Military Claims Act claim if appropriate, and any award will be paid from nonappropriated-funds.

Dated: January 30, 1992.

Wayne T. Baucino,

Lieutenant, JAGC, U.S. Naval Reserve, Alternate Federal Register Liaison.

[FR Doc. 92-2979 Filed 2-6-92; 8:45 am]

BILLING CODE 3810-AE-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[NC 45-2-5404; FRL-4100-8]

Approval and Promulgation of Western North Carolina Local Implementation Plan: Approval of Revisions to the Particulate Matter and Reduced Sulfur Emissions From Pulp and Paper Mills Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA today is approving revisions to the Western North Carolina Local Implementation Plan (LIP), to include Particulate Matter and Reduced Sulfur Emissions from Pulp and Paper Mills (Regulation 1-144). This regulation is at least as stringent as Control of Emissions from Pulp and Paper Mills, regulation 2D.0508, and Total Reduced Sulfur from Kraft Paper Mills, regulation 2D.0528, of the North Carolina State Implementation Plan (SIP), which were EPA approved on December 15, 1987 and December 12, 1988, respectively. Approval of the North Carolina LIPs was published in the **Federal Register** on May 2, 1991, at 56 FR 20140. The aforementioned LIP regulation was not acted upon in that Notice because it addresses requirements in section 111(d) of the Clean Air Act, as amended. Western North Carolina has been authorized by the North Carolina Environmental Management Commission (EMC) to run an independent and comprehensive air pollution program within its jurisdiction.

DATES: This action will be effective April 7, 1992 unless notice is received within 30 days that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register.**

ADDRESSES: Copies of the material relevant to this action may be examined during normal business hours at the following locations:

Environmental Protection Agency,
Region IV,
Air Programs Branch,
345 Courtland Street, NE.,
Atlanta, Georgia 30365.
Air Quality Section, Division of Environmental Management,
North Carolina Department of Natural Resources and Community Development,
Archdale Building,
512 North Salisbury Street,
Raleigh, North Carolina 27611.

Western North Carolina Regional Air Pollution Control Agency, Buncombe County Courthouse, Asheville, North Carolina 28801-3569.

FOR FURTHER INFORMATION CONTACT: Leslie Cox of the EPA, Region IV, Air Programs Branch at 404-347-2864 (FTS-257-2864) and at the above address.

SUPPLEMENTARY INFORMATION: Western North Carolina is one of the State's four federally-funded air pollution control agencies. Western North Carolina has been authorized by the North Carolina Environmental Management Commission (EMC) to run an independent and comprehensive air pollution program within its jurisdiction. Western North Carolina is responsible for adopting and enforcing its own regulations, as well as for issuing source permits. The regulations adopted by the local program are required (by State Law) to be comparable and consistent with those adopted by the State Agency.

On June 14, 1990, the North Carolina EMC submitted regulations for Western North Carolina as part of the North Carolina SIP to EPA for review and approval. Approval of the Local Implementation Plan (LIP) was published in the **Federal Register** on May 2, 1991, at 56 FR 20140. At that time, no action was taken on Regulation 1-144 (Particulate Matter and Reduced Sulfur Emissions from Pulp and Paper Mills) for Western North Carolina since the regulation was not required under section 110 of the Clean Air Act but under section 111(d).

To be approved, all local regulations must be at least as stringent as the State Regulations. All of the emission limits in Regulation 1-144 are identical to the State with the exception of one, which is more stringent than the State's Rule. Therefore, Western North Carolina's Regulation 1-144 satisfies this requirement.

On May 17, 1991, Western North Carolina requested that EPA approve their Regulation 1-144 because one source subject to this regulation, Champion Paper, falls under their jurisdiction. Today, EPA is approving Regulations 1-144, except 1-144 (f) and (g), for the Western North Carolina portion of the SIP. Sections (f) and (g) are not being acted upon because they contain outdated deadlines for emission control devices and compliance shcedules.

Final Action

EPA is approving Regulation 1-144, except 1-144 (f) and (g), for the Western North Carolina portion of the SIP. This action is being taken without prior proposal because the changes are noncontroversial and EPA anticipates no significant comments on them. The public should be advised that this action will be effective April 7, 1992. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announding a proposal of the action and establishing a comment period.

The Agency has reviewed this request for revision of the federally-approved State Implementation Plan for conformance with the provisions of the 1990 Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Under section 301(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 by April 7, 1992. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Tables 2 and 3 SIP revisions (54 FR 222) from the requirements of section 3 of Executive Order 12291 for two years. EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request. Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to the State Implementation Plan. Each request for revision to the State Implementation Plan shall be considered separately in light of specific technical economic and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. 605(b), I certify that these revisions will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

List of Subjects in 40 CFR Part 62

Administrative practice and procedure, Air pollution control, Paper and paper products industry, Intergovernmental relations, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: January 28, 1992.

Patrick M. Tobin,

Acting, Regional Administrator.

For the reasons set out in the preamble, 40 CFR part 62 is amended as follows:

PART 62—[AMENDED]

1. The authority citation for part 62 is revised to read as follows:

Authority: 42 U.S.C. 7413 and 7601.

Subpart II—North Carolina

2. Section 62.8350 is amended by adding paragraph (b)(7) to read as follows:

§ 62.8350 Identification of plan.

* * * * *

(b) * * *

(7) Regulation 1-144, Particulate Matter and Reduced Sulfur Emissions from Pulp and Paper Mills, except 1-144(f) and (g) for the Western North Carolina portion of the North Carolina SIP submitted on June 14, 1990.

* * * * *

3. Section 62.8353 is amended by revising paragraph (c) to read as follows:

§ 62.8353 Identification of sources.

* * * * *

(c) Champion International in Canton,

* * * * *

[FR Doc. 92-2921 Filed 2-6-92; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 271

[FRL-4100-6]

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, 1987 and June 30, 1988, otherwise known as Non-HSWA Cluster IV, 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 7, 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 9, 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, Priscilla Pride, Librarian.

Written comments should be sent to Narindar Kumar, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. EPA, 345 Courtland Street NE, Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, 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 (Pub. L. 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 IV 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 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 9, 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 IV by reference:

CHKLST	FR Date & Page Number	Description
40	7/9/87 52 FR 25942.	List (Phase I) of Hazardous Constituents for Ground Water Monitoring.
41	7/10/87 52 FR 26012.	Identification & Listing of Hazardous Waste.
43	11/18/87 52 FR 44314.	Liability Requirements for Hazardous Waste Facilities; Corporate Guarantee.
45	12/10/87 52 FR 46946.	Hazardous Waste Misc. Units.

The State of Florida has demonstrated and certified that its authority to regulate the revised program set forth in Non-HSWA Cluster IV as specified at section 403.72 Florida Statutes (FS), Rule 17.730.030 Florida Administrative Code (FAC), 403.704, and .721 FS, 17.730.180 FAC, 120.53, 403.061, 403.722 FS, 17–730.900 FAC, 403.724 FS, 17–730.020, 17–730.220, and 17–730.240 FAC as amended August 13, 1990, is equivalent to federal requirements of the RCRA at 40 CFR part 264 appendix IX, 270, 261, 264, 260, 265, 270, and sections 1006, 2002, 3001, 3004 and 3005 of RCRA. 17–730.180 (5) & (6) (FAC) imposes additional ground water monitoring requirements which make Florida's rules more stringent than found at 40 CFR part 264.98, and 264.99, and 270.14.

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).

Dated: January 28, 1992.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 92-2920 Filed 2-6-92; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 91-64; FCC 91-398]

Long Distance Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On March 25, 1991, this Commission released a Notice of Proposed Rulemaking (NPRM), 6 FCC Rcd 1689 (1991), 56 FR 13101, March 29, 1991, to consider revising the procedures used by interexchange carriers. This action adopts a rule designed to provide additional protection to consumers from unauthorized switching of their long distance service.

EFFECTIVE DATE: April 7, 1992.

FOR FURTHER INFORMATION CONTACT: Jane Gross, tel: 202-632-6917.

SUPPLEMENTARY INFORMATION: On December 12, 1991, the Commission adopted an Order in CC Docket No. 91-64 revising the procedures which interexchange carriers must use to verify customer orders for changes in their long distance service. This document sets forth the Rules governing verification of submission of orders, for long distance service obtained through telemarketing.

Paperwork Reduction Act

The revisions contained herein have been analyzed with respect to the Paperwork Reduction Act of 1980 and found not to impose new or modified information collection and/or recordkeeping, labeling, disclosure or record retention requirements and will not increase burden hours imposed on the public.

Accordingly, *It Is Ordered* That pursuant to authority contained in sections 4(i) and 201-204 of the Communications Act, 47 U.S.C. /SS 4(i) and 201-204, all interexchange carriers shall put into effect the modifications described herein.

It Is Further Ordered That the provisions of this Order will be effective sixty (60) days after **Federal Register** publication.

List of Subjects for 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Amendment to the Commission's Rules

47 CFR part 64 is amended as follows:

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

Authority: Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, unless otherwise noted. Interpret or apply secs. 201-4, 218, 48 Stat. 1070-71, as amended, 1077; 47 U.S.C. 201-4, 218, unless otherwise noted.

2. Part 64 is amended by adding subpart K to read as follows:

Subpart K—Changing Long Distance Service

§ 64.1100 Verification of orders for long distance service generated by telemarketing.

No IXC shall submit to a LEC a primary interexchange carrier (PIC) change order generated by telemarketing unless and until the order has first been confirmed in accordance with the following procedures:

(a) The IXC has obtained the customer's written authorization to submit the order that explains what occurs when a PIC is changed and confirms:

(1) The customer's billing name and address and each telephone number to be covered by the PIC change order;

(2) The decision to change the PIC to the IXC; and

(3) The customer's understanding of the PIC change fee; or

(b) The IXC has obtained the customer's electronic authorization, placed from the telephone number(s) on which the PIC is to be changed, to submit the order that confirms the information described in paragraph (a) of this section to confirm the authorization. IXCs electing to confirm sales electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a customer to a voice response unit, or similar mechanism, that records the required information regarding the PIC change, including automatically recording the originating ANI; or

(c) An appropriately qualified and independent third party operating in a location physically separate from the telemarketing representative has obtained the customer's oral authorization to submit the PIC change order that confirms and includes appropriate verification data (e.g., the customer's date of birth or social security number); or

(d) Within three business days of the customer's request for a PIC change, the IXC must send each new customer an information package by first class mail containing at least the following information concerning the requested change:

(1) The information is being sent to confirm a telemarketing order placed by the customer within the previous week;

(2) The name of the customer's current IXC;

(3) The name of the newly requested IXC;

(4) A description of any terms, conditions, or charges that will be incurred;

(5) The name of the person ordering the change;

(6) The name, address, and telephone number of both the customer and the soliciting IXC;

(7) A postpaid postcard which the customer can use to deny, cancel or confirm a service order;

(8) A clear statement that if the customer does not return the postcard the customer's long distance service will be switched within 14 days after the date the information package was mailed to [name of soliciting carrier];

(9) The name, address, and telephone number of a contact point at the Commission for consumer complaints; and

(10) IXCs must wait 14 days after the form is mailed to customers before submitting their PIC change orders to LECs. If customers have cancelled their orders during the waiting period, IXCs,