

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) has amended its adjudication regulations concerning procedural due process and appellate rights. This amendment is necessary to implement statutory changes concerning the content of the notice to a claimant when benefits sought are denied. The intended effect of this amendment is to bring the regulations into conformance with the statutory requirements.

EFFECTIVE DATE: This amendment is effective November 9, 1993.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233-3005.

SUPPLEMENTARY INFORMATION: 38 U.S.C. 5104(b) provides that when the Secretary of Veterans Affairs denies a benefit sought, the notification to the claimant (and to the claimant's representative) of that decision must include a statement of the reasons for the denial of benefits and a summary of the evidence considered in reaching that decision. This requirement is not clearly reflected in the regulations at 38 CFR 3.103 concerning procedural due process and appellate rights. 38 CFR 3.103(f) stipulates that a claimant or beneficiary and his or her representative will be notified in writing concerning decisions that affect the payment of benefits or granting of relief and describes the content of such a notification, but does not specify the content of the notification when benefits sought are denied. We have amended 3.103(f) accordingly.

VA is issuing a final rule to implement this statutory requirement. Because this amendment implements a statutory provision, publication as a proposal for public notice and comment is unnecessary.

Since a notice of proposed rulemaking is unnecessary and will not be published, this amendment is not a "rule" as defined in and made subject to the Regulatory Flexibility Act (RFA), 5 U.S.C. 601(2). In any case, this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the RFA, 5 U.S.C. 601-612. This amendment will not directly affect any small entity.

The Catalog of Federal Domestic Assistance program numbers are 64.100, 64.101, 64.104, 64.105, 64.106, 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: September 22, 1993.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is amended as set forth below:

PART 3—ADJUDICATION**Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation**

1. The authority citation for part 3, subpart A, continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.103, paragraph (f) has been revised, and an authority citation added, to read as follows:

§ 3.103 Procedural due process and appellate rights.

* * * * *

(f) *Notification of decisions.* The claimant or beneficiary and his or her representative will be notified in writing of decisions affecting the payment of benefits or granting relief. All notifications will advise the claimant of the reason for the decision; the date the decision will be effective; the right to a hearing subject to paragraph (c) of this section; the right to initiate an appeal by filing a Notice of Disagreement which will entitle the individual to a Statement of the Case for assistance in perfecting an appeal; and the periods in which an appeal must be initiated and perfected (See part 20 of this chapter, on appeals). Further, any notice that VA has denied a benefit sought will include a summary of the evidence considered.

(Authority: 38 U.S.C. 5104)

[FR Doc. 93-27470 Filed 11-8-93; 8:45 am]

BILLING CODE 8320-01-U

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 51**

[FRL-4686-1]

Inspection/Maintenance Program Requirements; Correcting Amendments

AGENCY: Environmental Protection Agency.

ACTION: Correcting amendments.

SUMMARY: This document contains corrections to the final regulations,

Inspection/Maintenance Program Requirements, which were published Thursday, November 5, 1992, (57 FR 52950). The regulation establishes performance standards and other requirements for basic and enhanced vehicle inspection and maintenance (I/M) programs contained in the 40 CFR part 51.

EFFECTIVE DATE: This correction will take effect on November 9, 1993.

FOR FURTHER INFORMATION CONTACT: Eugene J. Tierney (313) 668-4456.

SUPPLEMENTARY INFORMATION: Background

The authority for the final regulations that are the subject of this correcting amendment, is granted to the Environmental Protection Agency (EPA) by sections 182(a), 182(b), 182(c), 184(b), 187(a) and 118 of the Clean Air Act as amended (42 U.S.C. 7401 et seq.).

EPA finds there is good cause to make this correction effective immediately because it merely corrects minor technical errors in the originally promulgated rule, and does not impose any independent requirements.

Need for Correcting Amendment

As published, the final regulations contain errors which may prove to be misleading and are in need of clarification. The errors are not substantial nor of a technical basis as to change the original intent of the rule. Four of the corrections made in this rule need an explanation.

In § 51.351, when referring to emission standards for light-duty vehicles and light-duty trucks under 6,000 pounds GVWR and greater than 6,000 pounds GVWR meeting Tier I emission standards, the rule incorrectly refers to non-methane hydrocarbons, when, in fact the IM240 test procedure measures for total hydrocarbons, not non-methane hydrocarbons. The other standards listed here are all total hydrocarbon standards. The numerical levels of the standards are logical as total hydrocarbon standards, given the performance capability of the vehicles in question. The inclusion of the term non-methane hydrocarbons erroneously implies that measurement of non-methane is required. This was not the intent of the rule. The word "non-methane" and its acronym are being removed.

In § 51.360, the word "not" was inadvertently omitted from paragraph (a)(8). It is being added. The explanation of this provision on page 52964 of the preamble to the rule made the intent of this provision clear that it was to apply

to vehicles that do not meet the standard.

In § 51.373, a sentence is being added to paragraph (b) to make clear EPA's intent, described in the preamble to the rule on page 52971, that all basic I/M areas are allowed the additional time to meet the deadlines when opting to do enhanced I/M programs.

In Appendix A to subpart S, in paragraph (I)(c), the number "5,000" is being corrected to read "4,000" so that it is consistent with the section on quality assurance, § 51.363, on page 52997. Beginning with paragraph (4)(i) of this section, remote visual observation of inspector performance, high-volume stations are referred to as those performing more than 4,000 tests per year.

In Appendix D to subpart S on page 53013 under (I)(b)(1), an additional row needs to be inserted as the first row under the headings of the table. This text was inadvertently omitted from the final version.

On page 53013, in the third column, the title of the table "Section" should be corrected to read "Second".

List of Subjects in 40 CFR Part 51

Environmental protection, Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Motor vehicle pollution, Nitrogen oxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: August 6, 1993.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, part 51 of chapter I, title 40 of the Code of Federal Regulations is amended as follows.

PART 51—[AMENDED]

1. The authority citation for part 51 continues to read as follows:

Authority: 42 U.S.C. 7401-7671.

2. Section 51.351 is amended by revising paragraphs (a)(7)(iv) through (a)(7)(vi)

§ 51.351 Enhanced I/M performance standard.

(a) * * *

(7) * * *

(iv) Emission standards for 1994 and later light duty vehicles meeting Tier 1 emission standards of 0.70 gpm HC, 15 gpm CO, and 1.4 gpm NO_x.

(v) Emission standards for 1994 and later light duty trucks under 6000 pounds GVWR and meeting Tier 1 emission standards of 0.70 gpm HC, 15 gpm CO and 2.5 gpm NO_x;

(vi) Emission standards for 1994 and later light duty trucks greater than 6000 pounds GVWR and Tier 1 emission standards of 0.80 gpm HC, 15 gpm CO and 2.5 gpm NO_x;

§ 51.353 [Amended]

3. In § 51.353, paragraph (a) is amended by revising the word "barrel" to read, "barred".

§ 51.359 [Amended]

4. In § 51.359, in the first sentence of paragraph (e)(1), the word "ultra-violet" is revised to read, "ultra-violet".

5. Section 51.360 is amended by revising paragraph (a)(8) to read as follows:

§ 51.360 Waivers and compliance via diagnostic inspection.

* * * * *

(a) * * *

(8) States may establish lower minimum expenditures if a program is established to scrap vehicles that do not meet standards after the lower expenditure is made.

* * * * *

6. Section 51.373 is amended by adding a sentence to the end of paragraph (a) to read as follows:

§ 51.373 Implementation deadlines.

* * * * *

(a) * * * More implementation time may be approved by the Administrator if an enhanced I/M program is implemented.

* * * * *

7. Appendix A is amended by revising the first sentence of paragraph (I)(c) to read as follows:

Appendix A to Subpart S—Calibrations, Adjustments and Quality Control

(I) * * *

(c) * * * A system leak check shall be performed within twenty-four hours before the test in low volume stations (those performing less than 4,000 inspections per year) and within four hours in high-volume stations (4,000 or more inspections per year) and may be performed in conjunction with the gas calibration as described in paragraph (I)(d)(1) of this appendix. * * *

* * * * *

8. In appendix D the table in paragraph (I)(b)(1) is amended by adding as the first entry "HC, ppm" to read as follows:

Appendix D to Subpart S—Steady-State Short Test Equipment

* * * * *

(I) * * *

(b) * * *

(1) * * *

Channel

Range Accuracy Noise Repeatability

HC, ppm	0-400	±12	6	8
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Appendix E to Subpart S—[Amended]

9. In appendix E in the heading, in the first column of the table the word "Section" is revised to read "Second".

[FR Doc. 93-27417 Filed 11-8-93; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

[FRL-4798-6]

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

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Florida has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery

Act (RCRA). Florida's revisions consist of the provisions contained in the rules promulgated between November 8, 1984, and June 30, 1987, otherwise known as HSWA Cluster I as well as three technical corrections found in HSWA Cluster II. Florida is not applying for the corrective action component of HSWA Cluster I. The requirements are listed in 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 revisions satisfy 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's program revisions is effective January 10, 1994. 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, December 9, 1993.

ADDRESSES: Written comments should be sent to A.R. Hanke, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. EPA, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Copies of Florida's program revision application are available during normal business hours at the following addresses for inspection and copying: Florida Department of Environmental Protection, 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.

FOR FURTHER INFORMATION CONTACT: A.R. Hanke, 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. 6926(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 or regulatory 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 through 266, 268 and 270.

B. State of Florida

Florida initially received final authorization for its base RCRA program effective on February 12, 1985, (50 FR 3908, January 29, 1985). Florida received authorization for revisions to its program on April 6, 1992, for Non-HSWA III, IV and V. Today Florida is seeking approval of its program revisions 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 revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Florida. The public may submit written comments on EPA's immediate final decision up until December 9, 1993. Copies of Florida's application for these program revisions are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this document.

Approval of Florida's program revisions shall become effective January 10, 1994, unless an adverse comment pertaining to the State's revisions discussed in this document is received by the end of the comment period.

If an adverse comment is received, EPA will publish either: (1) A withdrawal of the immediate final decision, or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

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 today seeking authority to administer the following Federal requirements.

Checklist	Description	FR date and page	Florida rule
Nonchecklist	Surface impoundment requirements.	Statutory HSWA § 3005(j), § 3004(d).	403.704(16), 403.704(28), 403.722(7), FS 17-730.230(2)(b) & (8).
Nonchecklist	Exceptions to the burning and blending of hazardous waste.	HSWA § 3004(q)(2)(A), § 3004(r)(2) & (3).	403.721(7).
Nonchecklist	Hazardous and used oil fuel criminal penalties.	HSWA § 3006(h), § 3008(d), § 3014.	403.727 FS 17-730.181.
Nonchecklist	Exposure information and health assessments.	HSWA 3019(b)	403.061(21), 403.704(2) FS.
14	Dioxin waste listing and management standards.	1/14/85, 50 FR 1978	403.72(1), 403.721(2) & (6)(b)-(f), 403.722(3) & (4) 17-730.030(1), 180(1) & 220(3).
16	Paint filter test	4/30/85, 50 FR 18370	403.721(2) & (6), 17-730.180(1) & (2).
17A, 17C-17K, 17M-17S	HSWA codification rule	7/15/85, 50 FR 28702	403.72(1), 721, 704, 722, 7222*, 751, 061, 7221, 17-4.050, 17-730.030, 160, 180, 220, 231, 030, 181, 250, 290, 300, 070, 280, 230, 240, 150 & 330.
18	Listing of TDI, TDA, DNT	10/23/85, 50 FR 42936	403.72(1), 17-730.030(1).
19	Burning of waste fuel and used oil fuel in boilers and industrial furnaces.	11/29/85, 50 FR 49164	403.72(1) & 721, 17-730.030(1), 180 & 181.
20	Listing of spent solvents	12/31/85, 50 FR 53315	403.72(1), 17-730.030.
		1/21/86, 51 FR 2702	
21	Listings of EDB wastes	2/13/86, 51 FR 5327	403.72(1), 17-730.030.

Checklist	Description	FR date and page	Florida rule
22	Listings of four spent solvents	2/25/86, 51 FR 6537	403.72(1), 17-730.030.
23*	Generators of 100-1,000 kg hazardous waste.	3/24/86, 51 FR 10146	403.704, 72, 721 & 722, 17-730.020, 030, 160, 170 & 220.
25**	Codification rule, technical correction.	5/28/86, 51 FR 19176	403.721, 7222, 17-730.180.
30	Biennial report correction	8/8/86, 51 FR 28556	403.721, 17-730.180.
31	Exports of haz. waste	8/8/86, 51 FR 28664	403.72(1), 721 & 704, 17-730.030, 160, 170.
32	Standards for generators—waste minimization certs.	10/1/86, 51 FR 35190	403.721, 17-730.160.
33	Listing of EBDC	10/24/86, 51 FR 37725	403.72, 17-730.030.
34***	Land disp. restrictions	11/7/86, 51 FR 40572	FS 403.704, 72, 73, 721, 722 & 73, 101, 102, 17-730.030, 160, 170, 180, 183, 220, 001, 310, 020, 280, 290, 119 & 17-4.080.
47 HSWA Cluster II	Identification and listing of haz. waste technical correction.	7/19/88, 53 FR 27162	403.72, 17-730.030.
48**** HSWA Cluster II	Farmer exemptions; technical corrections.	7/19/88, 53 FR 27164	403.721, 17-730.160, 180, 183.
77 HSWA Cluster II	HSWA codification rule, double liners; correction.	5/9/90, 55 FR 19262	403.721, 17-730.180.

*Reference § 263.20(h)—Florida also imposes the transporter financial requirements of rule 17-730.170(2) F.A.C. as required by 403.721(4)(a), F.S., therefore, Florida is more stringent.

Reference § 262.34(e)—Florida does not adopt § 262.34(e) which allows a greater accumulation time for wastes that have to be transported over 200 miles. Therefore, Florida is more stringent.

Reference § 262.34(f)—Florida adopts this rule with the provision described in 17-730.160(3) that on-site accumulation for up to 270 days does not apply. Therefore, Florida is more stringent.

Reference 40 CFR 262.34(f)—Florida adopts this rule by reference which contains the same exclusion as 40 CFR 270.1(c)(2)(i). Florida does not allow on-site accumulation for up to 270 days if a generator must transport the waste over a distance of 200 miles or more. Florida allows on-site accumulation of not more than 180 days to qualify for the permit exclusion. Therefore, Florida is more stringent.

**Florida statutes in 403.7222, F.S.—prohibit hazardous waste landfills except in an officially declared emergency. Therefore, Florida is more stringent.

Reference § 270.50(d)—Florida requires renewal of all permits, not just land disposal permits. Therefore, Florida is more stringent.

***Reference § 263.12—Florida imposes the additional transfer facility requirements of rule 17-730.171, F.A.C. Therefore, Florida is more stringent.

Reference §§ 260.1(b)(4) and 260.20(a)—Florida does not adopt § 260.20 and does not do delisting petitions.

****40 CFR 268.1(c)(5) no longer exists, the farmer exemption was moved to § 268.1(e)(2).

The State of Florida has certified that its authority to regulate the revised program set forth in HSWA Cluster I and a portion of HSWA Cluster II is equivalent to, and no less stringent than, federal requirements of the RCRA at 40 CFR parts 260, 261, 264, 265 and 270 and sections 1006, 3001 through 3007, 3010, 3014 through 3019, and 7004 of RCRA.

C. Decision

I conclude that Florida's application for these program revisions meet 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 other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. 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 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 604(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 duplicate 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

Environmental protection, Administrative practice and procedure, Confidential Business Information, Hazardous materials, Transportation, Hazardous waste, Indian lands, Intergovernmental relation, 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.

[FR Doc. 93-27599 Filed 11-8-93; 8:45 am]

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40 CFR Part 300

[FRL-4799-2]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Hydro-Flex Corporation, Inc., site from the national priorities list (NPL).

SUMMARY: The Environmental Protection Agency (EPA) Region VII announces the deletion of the Hydro-Flex Corporation, Inc. Site from the NPL. The NPL is appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the