

KENTUCKY-OZONE—Continued

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
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<sup>1</sup> This date is November 15, 1990, unless otherwise noted.

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**40 CFR Part 271**

[FRL-5249-2]

**New York: Final Authorization of State Hazardous Waste Program Revisions**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Immediate final rule.

**SUMMARY:** New York has applied for final authorization of certain revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed New York's application and has made a decision, subject to EPA's receipt and evaluation of public comment, that New York's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve New York's hazardous waste program revisions, which are described later in this Notice. New York's application for program revision is available for public review and comment.

**DATES:** Final authorization for New York shall be effective August 28, 1995 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final

rule. All comments on New York's program revision application must be received by the close of business July 31, 1995.

**ADDRESSES:** Copies of New York's program revision application are available during the business hours of 8 a.m. to 4:30 p.m. at the following addresses for inspection and copying: New York State Department of Environmental Conservation, 50 Wolf Road, Room 204, Albany, New York 12233-7253, (518) 457-3273; U.S. EPA Library (PM 211A), 401 M Street, SW., Washington, DC 20460, 202/382-5926. U.S. EPA Region II Library, 16th Floor, 290 Broadway, New York, New York 10007-1866, Phone (212) 264-2881.

Written comments should be sent to: Mr. Conrad Simon, Director, Air and Waste Management Division, U.S. EPA, Region II, 290 Broadway, New York, New York 10007-1866, (212) 637-4218.

**FOR FURTHER INFORMATION CONTACT:** Stephen Venezia (212) 637-4218.

**SUPPLEMENTARY INFORMATION:**

**A. Background**

States with final authorization under § 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, 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 equivalent to RCRA requirements promulgated under HSWA authority. 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 260-266, 268, 124 and 270.

*New York*

New York initially received final authorization on May 29, 1986. New York received authorization for revisions to its program on July 3, 1989, May 7, 1990, October 29, 1991, and May 22, 1992. On December 10, 1993, New York submitted a program revision application for additional program approvals. Today, EPA is proposing approval of New York's program revision in accordance with 40 CFR 271.21(b)(3).

In order to obtain Final Authorization, the State of New York has demonstrated and certified that its authority to regulate the following is equivalent to the Federal RCRA authority, including the requirements promulgated under HSWA authority:

Provision	Federal authority	State authority
Delay of Closure Period for Hazardous Waste Management Facilities (54 FR 33376; 08/14/89).	RCRA § 1006, 2002(a), 3004, 3005 and 3006; 40 CFR 264.13, 264.112, 264.113, 264.142, 265.13, 265.112, 265.113, 265.142, 270.42.	ECL § 27-0900, 0911, 0912, 0913; 6NYCRR 373-1.7(c), 373-2.2(e), 373-2.7(c), (d), 373-2.8(c), 373-3.2(d), 373-3.7(c), (d), 373-3.8(c), and Part 621.
Mining Waste Exclusion I (54 FR 36592; 09/01/89).	RCRA § 3001(b); 40 CFR 261.3 and 261.4 ....	ECL § 27-0903; 6NYCRR 371-1.1(d) and (e).
Testing and Monitoring Activities (54 FR 40260; 09/29/89).	RCRA § 3001, 3004, 3005, 3006; 40 CFR 260.11 and Part 261 Appendix III.	ECL § 27-0903, 0911 and 0913; 6NYCRR 370.1(e)(8) and Appendix.
Testing and Monitoring Activities (54 FR 40260; 09/29/89).	RCRA § 3001, 3004, 3005, 3006; 40 CFR 260.11 and Part 261 Appendix III.	ECL § 27-0903; 0911 and 0913; 6NYCRR 370.1(e)(8) and Appendix.
Changes to Part 124 Not Accounted for by Present Checklists (54 FR 246; 01/04/89).	RCRA § 1006, 3005; 40 CFR 124.3, 124.5, 124.6, 124.10, 124.12.	ECL § 3-0301, 27-0703, 0913, and 70-0107; 6NYCRR 373-1.4, 373-1.6, 373-1.7, 621.2, 621.3, 621.4, 621.6, 621.7, 621.13, 621.14.
Mining Waste Exclusion II (55 FR 2322; 01/23/90).	RCRA § 3001(b)(3)-(A)(ii); 40 CFR 260.10, 261.4(b)(7).	ECL § 27-0903; 6NYCRR 370.2(b), 371.1(e)(2)(vi).
Modifications of F019 Listing (55 FR 5340; 02/14/90).	RCRA § 3001(b); 40 CFR 261.31 .....	ECL § 27-0903; 6NYCRR 371.4(b), (c), Appendices 21 and 22.
Testing and Monitoring Activities (Technical Correction to Checklist 67).	RCRA § 3001, 3004, 3005, 3006; 40 CFR 260.11 and Part 261 Appendix III.	ECL § 27-0903, 0911 and 0913; 6NYCRR 370.1(e)(8) and Appendix 21.

Provision	Federal authority	State authority
Listing of 1,1-Dimethylhydrazine Production Wastes (55 FR 18496; 05/02/90).	RCRA § 3001(b); 40 CFR 261.32 .....	ECL § 27-0903; 6NYCRR 371.4(b), (c), Appendices 21 and 22.
HSWA Codification Rule: Double Liners; Correction (Correction to Checklist 17H) (55 FR 19262; 05/09/90).	RCRA § 1006, 2002(a), 3004, 3005, and 3015(b); 40 CFR 264.221, and 264.301.	ECL § 3-0301, 27-0703, 0707, 0911, 0913; 6NYCRR 373-2.11(b), 373-2.14(c).

EPA has reviewed New York's application and has made an immediate final decision that New York'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 New York. The public may submit written comments on EPA's immediate

final decision up until July 29, 1995. Copies of New York's application for program revision are available for inspection and copying at the locations indicated in the ADDRESSES section of this Notice.

Approval of New York's program revision shall become effective 60 days after the date of publication of this Notice unless an adverse comment pertaining to the State's revision

discussed in this Notice 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.

New York is applying for final authorization of the following Federal hazardous waste requirements:

RCRA checklist	HSWA/FR reference	Promulgation or HSWA date
Non-HSWA Cluster VI:		
Delay of Closure Period for Hazardous Waste Management Facilities .....	54 FR 33376	08/14/89
Mining Waste Exclusion I .....	54 FR 36592	09/01/89
Testing and Monitoring Activities .....	54 FR 40260	09/29/89
Changes to Part 124 Not Accounted for by Present Checklists .....	54 FR 246	01/04/89
Mining Waste Exclusion II .....	55 FR 2322	01/23/90
Modifications to F019 Listing .....	55 FR 5340	02/14/90
Testing and Monitoring Activities (Technical Correction to Checklist 67) .....	55 FR 8948	03/09/90
HSWA Cluster II:		
Listing of 1,1 Dimethylhydrazine Production Wastes .....	55 FR 18496	05/02/90
HSWA Codification Rule: Double Liners; Correction (Correction to Checklist 17H) .....	55 FR 19262	05/09/90

New York has only applied for authorization for the above listed requirements as part of this particular **Federal Register** approval process.

**B. Decision**

The EPA concludes, subject to receipt and evaluation of public comment, that New York's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, EPA intends to grant New York final authorization to operate its hazardous waste program as revised.

**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. 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 New York'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.

**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: March 15, 1995.

**William J. Muszynski,**

*Acting Regional Administrator.*

[FR Doc. 95-15873 Filed 6-28-95; 8:45 am]

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**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**44 CFR Part 64**

[Docket No. FEMA-7620]

**Suspension of Community Eligibility**

**AGENCY:** Federal Emergency Management Agency, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule identifies communities, where the sale of flood

insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

**EFFECTIVE DATES:** The effective date of each community's suspension is the third date ("Susp.") listed in the third column of the following tables.

**ADDRESSES:** If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

**FOR FURTHER INFORMATION CONTACT:** Robert F. Shea, Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street SW., room 417, Washington, DC 20472, (202) 646-3619.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase