

AIR POLLUTION CONTROL REGULATIONS FOR SOUTH CAROLINA

State citation	Title/subject	State effective date	EPA approval date	Federal Register notice
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Regulation No. 62.5 .....	Air Pollution Control Standards			
Standard No. 7 .....	Prevention of Significant Deterioration <sup>1</sup> .....	2/25/2011	6/23/2011	[Insert citation of publication].
Standard No. 7.1 .....	Nonattainment New Source Review <sup>1</sup> .....	2/25/2011	6/23/2011	[Insert citation of publication].
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<sup>1</sup> This EPA action is approving revisions to the South Carolina SIP with the exception of the phrase “except ethanol production facilities producing ethanol by natural fermentation under the North American Industry Classification System (NAICS) codes 325193 or 312140,” as amended in the Ethanol Rule. See 72 FR 24060 (May 1, 2007).

\* \* \* \* \*  
**■ 4.** Section 52.2122 is amended by adding paragraphs (d) and (e) to read as follows:

**§ 52.2122 Approval status.**

(d) Regulation 61–62.5 Standard No. 7—This regulation (submitted on July 1, 2005) includes two portions of EPA’s 2002 NSR Reform Rules that were vacated by the D.C. Circuit Court—Pollution Control Projects (PCPs) and clean units. As a result, EPA is disapproving all rules and/or rule sections in the South Carolina PSD rules referencing clean units or PCPs. Specifically, the following South Carolina rules are being disapproved: (a)(2)(iv)(e); (a)(2)(iv)(f) (second sentence only); (a)(2)(vi); (b)(12); (b)(30)(iii)(h); (b)(34)(iii)(b); (b)(34)(vi)(d); (b)(35); (r)(6)—only the reference to the term “clean unit” is being disapproved. The remainder of this regulatory provision is being approved; (r)(7)—only the reference to the term “clean unit” is being disapproved. The remainder of this regulatory provision is being approved; (x); (y) and (z).

(e) Regulation 61–62.5 Standard No. 7.1—EPA is disapproving two provisions of South Carolina’s NNSR program (submitted on July 1, 2005) that relate to provisions that were vacated from the federal program by the United States Court of Appeals for the District of Columbia Circuit on June 24, 2005. The two provisions vacated from the federal rules pertain to Pollution Control Projects (PCPs) and clean units. The PCP and clean unit references are severable from the remainder of the NNSR program. Specifically, the following sections of South Carolina Regulation 61–62.5 Standard No. 7.1 are being disapproved: (b)(5); (b)(6)—Second sentence only; (b)(8); (c)(4); (c)(6)(C)(viii); (c)(8)(C)(iii); (c)(8)(E)(v);

(c)(10); (d)(1)(C)(ix); (d)(1)(C)(x); (d)(3)—Only the reference to the term “clean unit” is being disapproved. The remainder of this regulatory provision is being approved; (d)(4)—Only the reference to the term “clean unit” is being disapproved. The remainder of this regulatory provision is being approved; (f); (g) and (h). These disapprovals were amended in 73 FR 31371, (June 2, 2008).

[FR Doc. 2011–15633 Filed 6–22–11; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 271**

[FRL–9323–4]

**Minnesota: Final Authorization of State Hazardous Waste Management Program Revision**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is granting Minnesota final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The agency published a proposed rule on January 14, 2011 and provided for public comment. The public comment period ended on February 14, 2011. We received no comments. No further opportunity for comment will be provided. EPA has determined that these changes satisfy all requirements needed to qualify for final authorization. We now make a final decision to authorize Minnesota’s changes through this final action.

**DATES:** The final authorization will be effective on June 23, 2011.

**ADDRESSES:** EPA has established a docket for this action under Docket

Identification No. EPA–R05–RCRA–2010–0738. All documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some of the information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy.

Publicly available docket materials are available either electronically at <http://www.regulations.gov> or in hard copy. You may view and copy Minnesota’s application from 9:00 a.m. to 4:00 p.m. at the following addresses: U.S. EPA Region 5, LR–8J, 77 West Jackson Boulevard, Chicago, Illinois, contact: Gary Westefer (312) 886–7450; or Minnesota Pollution Control Agency, 520 Lafayette Road, North, St. Paul, Minnesota 55515, contact: Nathan Cooley (651) 757–2290.

**FOR FURTHER INFORMATION CONTACT:** Gary Westefer, Minnesota Regulatory Specialist, U.S. EPA Region 5, LR–8J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–7450, e-mail [westefer.gary@epa.gov](mailto:westefer.gary@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**A. Why are revisions to state programs necessary?**

States which have received final authorization from EPA under RCRA section 3006(b), 42 U.S.C. 6926(b), must maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal program. As the Federal program changes, States must change their programs and request EPA to authorize the changes. Changes to State programs may be necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, States must change their programs because of

changes to EPA's regulations in 40 Code of Federal Regulations (CFR) parts 124, 260 through 266, 268, 270, 273 and 279.

#### **B. What decisions have we made in this rule?**

We conclude that Minnesota's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we propose to grant Minnesota final authorization to operate its hazardous waste program with the changes described in the authorization application. Minnesota has responsibility for permitting treatment, storage, and disposal facilities (TSDFs) within its borders (except in Indian Country) and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments of 1984 (HSWA). New Federal requirements and prohibitions imposed by Federal regulations that EPA promulgates under the authority of HSWA take effect in authorized States before they are authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in Minnesota, including issuing permits, until the State is granted authorization to do so.

#### **C. What is the effect of this authorization decision?**

The effect of this decision, once finalized, is that a facility in Minnesota subject to RCRA would have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. Minnesota has enforcement responsibilities under its State hazardous waste program for RCRA violations, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

1. Do inspections, and require monitoring, tests, analyses or reports; and
2. Enforce RCRA requirements and suspend or revoke permits.

This action will not impose additional requirements on the regulated community because the regulations for which Minnesota is being authorized are already effective, and will not be changed by EPA's final action.

#### **D. Proposed Rule**

On January 14, 2011 (76 FR 2618), EPA published a proposed rule. In that rule we proposed granting authorization of changes to Minnesota's hazardous waste program and opened our decision to public comment. The agency received

no comments on this proposal. EPA found Minnesota's RCRA program to be satisfactory.

#### **E. What has Minnesota previously been authorized for?**

Minnesota initially received Final (base) authorization on January 28, 1985, effective February 11, 1985 (50 FR 3756) to implement the RCRA hazardous waste management program. We granted authorization for changes to Minnesota's program on July 20, 1987 (52 FR 27199), effective September 18, 1987; on April 24, 1989 (54 FR 16361), effective June 23, 1989, amended June 28, 1989 (54 FR 27169); on June 15, 1990 (55 FR 24232), effective August 14, 1990; on June 24, 1991 (56 FR 28709), effective August 23, 1991; on March 19, 1992 (57 FR 9501), effective May 18, 1992; on March 17, 1993 (58 FR 14321), effective May 17, 1993; on January 20, 1994 (59 FR 2998), effective March 21, 1994; and on May 25, 2000, (65 FR 33774) effective August 23, 2000. Minnesota also received authorization for the U.S. Filter Recovery Services Project XL on May 22, 2001, effective May 22, 2001 (66 FR 28085), and for the Joint Powers Agreement with Hennepin County on October 23, 2008 (73 FR 63074), effective October 23, 2008.

#### **F. What changes are we authorizing with today's action?**

On June 2, 2010, Minnesota submitted a final complete program revision application, seeking authorization of their changes in accordance with 40 CFR 271.21. We now make a final decision, that Minnesota's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Therefore, we are granting Minnesota final authorization for the following program changes (a table with the complete state analogues is provided in the January 14, 2011 proposed rule):

Land Disposal Restrictions for Electric Arc Furnace Dust (K061), Checklist 95, August 19, 1991 (56 FR 41164)  
 Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units, Checklist 100, January 29, 1992 (57 FR 3462)  
 Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Toxicity Characteristic; Corrections, Checklist 108, July 10, 1992 (57 FR 30657)  
 Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris, Checklist 109, August 18, 1992 (57 FR 37194)  
 Identification and Listing of Hazardous Waste; CERCLA Hazardous Designation; Reportable Quantity

Adjustment; Coke By-Product Wastes, Checklist 110, August 18, 1992 (57 FR 37284)

Consolidated Liability Requirements: Financial Responsibility for Third Party Liability, Closure and Post-Closure, Checklist 113, September 16, 1992 (57 FR 42832)  
 Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Liability Coverage, Checklist 113.1, September 1, 1988 (53 FR 33938)  
 Liability Requirements; Technical Amendment, Checklist 113.2, July 1, 1991 (56 FR 30200)  
 Hazardous Waste Management System; Identification and Listing of Hazardous Waste and CERCLA Hazardous Designation; Reportable Quantity Adjustment; Chlorinated Toluene Production Wastes, Checklist 115, October 15, 1992 (57 FR 47376)  
 Hazardous Waste Management System; Land Disposal Restrictions; Case-By-Case Capacity Variance, Checklist 116, October 20, 1992 (57 FR 47772)  
 Hazardous Waste Management System; Definition of Hazardous Waste; Mixture and Derived-From Rules, Checklist 117B, June 1, 1992 (57 FR 23062)  
 Hazardous Waste Management; Liquids in Landfills II, Checklist 118, November 18, 1992 (57 FR 54452)  
 Corrective Action Management Units and Temporary Units; Corrective Action Units Under Subtitle C, Checklist 121, February 16, 1993 (58 FR 8658)  
 Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-By-Case Capacity Variance, Checklist 123, May 14, 1993 (58 FR 28506)  
 Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated, Checklist 124, May 24, 1993 (58 FR 29860)  
 Hazardous Waste Management System; Testing and Monitoring Activities, Checklist 126, August 31, 1993 (58 FR 46040), as amended, Checklist 126.1, September 19, 1994 (59 FR 47980)  
 Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Wastes From Wood Surface Protection, Checklist 128, January 4, 1994 (59 FR 458).  
 Recordkeeping Instructions; Technical Amendment, Checklist 131, March 24, 1994 (59 FR 13891)  
 Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Wastes from Wood Surface Protection; Correction,

- Checklist 132, June 2, 1994 (59 FR 28484)
- Hazardous Waste Management System; Correction of Listing of P015—Beryllium Powder, Checklist 134, June 20, 1994 (59 FR 31551)
- Standards for the Management of Specific Hazardous Wastes; Amendment to Subpart C—Recyclable Materials Used in a Manner Constituting Disposal; Final Rule, Checklist 136, August 24, 1994 (59 FR 43496)
- Land Disposal Restrictions Phase II—Universal Treatment Standards, and Treatment Standards for Organic Toxicity Characteristic Wastes and Newly Listed Wastes, Checklist 137, September 19, 1994 (59 FR 47982), as amended, Checklist 137.1, January 3, 1995 (60 FR 242)
- Universal Waste Rule: General Provisions, Checklist 142A; Specific Provisions for Batteries, Checklist 142B; Specific Provisions for Pesticides, Checklist 142C; Specific Provisions for Thermostats, Checklist 142D; Provisions for Petitions to Add a New Universal Waste, Checklist 142E, May 11, 1995 (60 FR 25492)
- Land Disposal Restrictions Phase III—Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners, Checklist 151, April 8, 1996 (61 FR 15566), as amended, Checklist 151.1, April 8, 1996 (61 FR 15566), as amended, Checklist 151.2, April 30, 1996 (61 FR 19117), as amended, Checklist 151.3, June 28, 1996 (61 FR 33680), as amended, Checklist 151.4, July 10, 1996 (61 FR 36419), as amended, Checklist 151.5, August 26, 1996 (61 FR 43924) as amended, Checklist 151.6, February 19, 1997 (62 FR 7502)
- Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision C(92)39 Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations, Checklist 152, April 12, 1996 (61 FR 16290)
- Criteria for Classification of Solid Waste Disposal Facilities and Practices; Identification and Listing of Hazardous Waste; Requirements for Authorization of State Hazardous Waste Programs, Checklist 153, July 1, 1996 (61 FR 34252)
- Hazardous Waste Treatment, Storage and Disposal Facilities and Hazardous Waste Generators; Organic Air Emissions Standards for Tanks, Surface Impoundments, and Containers, Checklist 154, November 25, 1996 (61 FR 59931), as amended, Checklist 154.1, December 6, 1994 (59 FR 62896), as amended, Checklist 154.2, May 19, 1995 (60 FR 26828) as amended, Checklist 154.3, September 29, 1995 (60 FR 50426), as amended, Checklist 154.4, November 13, 1995 (60 FR 56952), as amended, Checklist 154.5, February 9, 1996 (61 FR 4903) as amended, Checklist 154.6, June 5, 1996 (61 FR 28508)
- Land Disposal Restrictions Phase III—Emergency Extension of the K088 Capacity Variance, Checklist 155, January 14, 1997 (62 FR 1992)
- Land Disposal Restrictions Phase IV—Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemptions From RCRA for Certain Processed Materials; and Miscellaneous Hazardous Waste Provisions, Checklist 157, May 12, 1997 (62 FR 25998)
- Hazardous Waste Management System; Carbamate Production, Identification and Listing of Hazardous Waste; Land Disposal Restrictions, Checklist 159, June 17, 1997 (62 FR 32974)
- Land Disposal Restrictions Phase III—Emergency Extension of the K088 National Capacity Variance, Amendment, Checklist 160, July 14, 1997 (62 FR 37694)
- Second Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes From Carbamate Production, Checklist 161, August 28, 1997 (62 FR 45568)
- Classification of Standards for Hazardous Waste Land Disposal Restriction Treatment Variances, Checklist 162, December 5, 1997 (62 FR 64504)
- Hazardous Waste Treatment, Storage and Disposal Facilities and Hazardous Waste Generators; Organic Air Emissions Standards for Tanks, Surface Impoundments, and Containers; Clarification and Technical Amendment, Checklist 163, December 8, 1997 (62 FR 64636)
- Land Disposal Restrictions Phase IV; Treatment Standards for Metal Wastes and Mineral Processing Wastes, Checklist 167A, May 26, 1998 (63 FR 28556)
- Land Disposal Restrictions Phase IV; Hazardous Soils Treatment Standards and Exclusions, Checklist 167B, May 26, 1998 (63 FR 28556)
- Land Disposal Restrictions Phase IV; Corrections, Checklist 167C, May 26, 1998 (63 FR 28556), as amended Checklist 167C.1, June 8, 1998 (63 FR 31266)
- Minerals Processing Secondary Materials Exclusion, Checklist 167D, May 26, 1998 (63 FR 28556)
- Bevill Exclusion Revisions and Clarification, Checklist 167E, May 26, 1998 (63 FR 28556)
- Exclusion of Recycled Wood Preserving Wastewaters, Checklist 167F, May 26, 1998 (63 FR 28556)
- Hazardous Waste Combustors; Revised Standards; Final Rule—Part 1—RCRA Comparable Fuel Exclusion; Permit Modifications for Hazardous Waste Combustion Units; Notification of Intent to Comply; Waste Minimization and Pollution Prevention Criteria for Compliance Extensions, Checklist 168, June 19, 1998 (63 FR 33782)
- Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Petroleum Refining Process Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities, Checklist 169, August 6, 1998 (63 FR 42110)
- Hazardous Waste Recycling; Land Disposal Restrictions Phase IV Zinc Micronutrient Fertilizers, Administrative Stay, Checklist 170, August 31, 1998 (63 FR 46332)
- Emergency Revisions of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes From Carbamate Production, Checklist 171, September 4, 1998 (63 FR 47409)
- Characteristic Slags Generated From Thermal Recovery of Lead by Secondary Lead Smelters; Land Disposal Restrictions; Final Rule; Extension of Compliance Date, Checklist 172, September 9, 1998 (63 FR 48124)
- Land Disposal Restrictions (LDR) Treatment Standards for Spent Potliners from Primary Aluminum Reduction (K088), Checklist 173, September 24, 1998 (63 FR 51254)
- Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities: Post-Closure Permit Requirement and Closure Process; Final rule, Checklist 174, October 22, 1998 (63 FR 56710)
- Hazardous Remediation Waste Management Requirements (HWIR—Media), Checklist 175, November 30, 1998 (63 FR 65874)
- Universal Waste Rule—Technical Amendments, Checklist 176, December 24, 1998 (63 FR 71225)
- Hazardous Waste Treatment, Storage and Disposal Facilities and Hazardous Waste Generators; Organic Air Emissions Standards for Tanks, Surface Impoundments, and Containers, Checklist 177, January 21, 1999 (64 FR 3381)
- Land Disposal Restrictions Phase IV: Treatment Standards for Wood Preserving Wastes, Treatment Standards for Metal Wastes, Zinc

Micronutrient Fertilizers, Carbamate Treatment Standards, and K088 Treatment Standards, Checklist 179, May 11, 1999 (64 FR 25408)

Hazardous Waste Management System; Modification of the Hazardous Waste Program; Hazardous Waste Lamps; Final Rule, Checklist 181, July 6, 1999 (64 FR 36466)

Land Disposal Restrictions Phase IV: Final Rule Promulgating Treatment Standards for Metal Wastes, and Mineral Processing Wastes; Mineral Processing Secondary Materials and Bevill Exclusion Issues; Treatment Standards for Hazardous Soils, and Exclusion of Recycled Wood Preserving Wastewaters, Checklist 183, October 20, 1999 (64 FR 56469)

Organobromine Production Wastes; Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Listing of CERCLA Hazardous Substances, Reportable Quantities, Checklist 185, March 17, 2000 (65 FR 14472)

Organobromine Production Wastes; Petroleum Refining Wastes; Land Disposal Restrictions, Checklist 187, June 8, 2000 (65 FR 36365)

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Chlorinated Aliphatics Production Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities, Checklist 189, November 8, 2000 (65 FR 67068)

Deferral of Phase IV Standards for PCBs as a Constituent Subject to Treatment in Soil, Checklist 190, December 26, 2000 (65 FR 81373)

Hazardous Waste Identification Rule (HWIR); Revisions to the Mixture and Derived From Rules, Checklist 192A, May 16, 2001 (66 FR 27266)

Hazardous Waste Identification Rule (HWIR); Land Disposal Restrictions Correction, Checklist 192B, May 16, 2001 (66 FR 27266)

Corrections to the Hazardous Waste Identification Rule (HWIR); Revisions to the Mixture and Derived From Rules (Revision II), Checklist 194, October 3, 2001 (66 FR 50332)

Amendments to the Corrective Action Management Unit Rule, Checklist 196, January 22, 2002 (67 FR 2962)

Hazardous Waste Management System; Definition of Solid Waste; Toxicity Characteristic; Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Wastes and TCLP Use with MGP Waste, Checklist 199, March 13, 2002 (67 FR 11251)

Land Disposal Restrictions; National Treatment Variance to Designate New Treatment Subcategories for Radioactively Contaminated

Cadmium-, Mercury-, and Silver-Containing Batteries, Checklist 201, October 7, 2002 (67 FR 62618)

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Amendment to Hazardous Waste Code F019, Checklist 218, June 4, 2008 (73 FR 31756)

#### **G. Which revised state rules are different from the Federal rules?**

Minnesota has excluded the non-delegable Federal requirements at 40 CFR 268.5, 268.6, 268.42(b), 268.44, and 270.3. EPA will continue to implement those requirements. In this action, Minnesota has chosen to remain more stringent in the Hazardous Remediation Waste Management Requirements (Checklist 175 above) by choosing not to adopt 40 CFR 270.79 through 270.230 which allow for Remedial Action Plans (RAP). The RAP regulations are considered to be less stringent. Minnesota is more stringent in checklist 108, as it does not recognize the list of excluded processes, nor does it have provision to waive the double liner requirement in 40 CFR 265.301(d). In rule revision (Checklist) 118, Minnesota does not allow any liquids in landfills even as provided for in 40 CFR 264.314. In rule revision (Checklist) 142, Minnesota does not contain a provision to add a Universal Waste under 40 CFR 273.80 or 260.23.

#### **H. Who handles permits after the authorization takes effect?**

Minnesota will issue permits for all the provisions for which it is authorized and will administer the permits it issues. EPA will continue to administer any RCRA hazardous waste permits or portions of permits which we issued prior to the effective date of this authorization until they expire or are terminated. We will not issue any more new permits or new portions of permits for the provisions listed in the Table above after the effective date of this authorization. EPA will continue to implement and issue permits for HSWA requirements for which Minnesota is not yet authorized.

#### **I. How does today's action affect Indian Country (18 U.S.C. 1151) in Minnesota?**

Minnesota is not authorized to carry out its hazardous waste program in "Indian Country," as defined in 18 U.S.C. 1151. Indian Country includes:

1. All lands within the exterior boundaries of Indian Reservations within or abutting the State of Minnesota, including:
  - a. Bois Forte Indian Reservation.
  - b. Fond Du Lac Indian Reservation.

- c. Grand Portage Indian Reservation.
  - d. Leech Lake Indian Reservation.
  - e. Lower Sioux Indian Reservation.
  - f. Mille Lacs Indian Reservation.
  - g. Prairie Island Indian Reservation.
  - h. Red Lake Indian Reservation.
  - i. Shakopee Mdewankanton Indian Reservation.
  - j. Upper Sioux Indian Reservation.
  - k. White Earth Indian Reservation.
2. Any land held in trust by the U.S. for an Indian tribe; and
  3. Any other land, whether on or off an Indian reservation that qualifies as Indian Country.
- Therefore, EPA retains the authority to implement and administer the RCRA program in Indian Country.

#### **J. What is codification and is EPA codifying Minnesota's hazardous waste program as authorized in this rule?**

Codification is the process of placing the State's statutes and regulations that comprise the State's authorized hazardous waste program into the Code of Federal Regulations. We do this by referencing the authorized State rules in 40 CFR part 272. Minnesota's rules, up to and including those revised June 7, 1991, as corrected August 19, 1991, have previously been codified through incorporation by reference effective February 4, 1992 (57 FR 4162).

#### **K. Statutory and Executive Order Reviews**

This proposed rule only authorizes hazardous waste requirements pursuant to RCRA 3006 and imposes no requirements other than those imposed by State law (see Supplementary Information, Section A. Why are Revisions to State Programs Necessary?). Therefore this rule complies with applicable executive orders and statutory provisions as follows:

##### *1. Executive Order 18266: Regulatory Planning and Review and Executive Order 13563: Improving Regulations and Regulatory Review*

The Office of Management and Budget has exempted this rule from its review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and Executive Order 13563 (76 FR 3821 January 21, 2011).

##### *2. Paperwork Reduction Act*

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

##### *3. Regulatory Flexibility Act*

This rule authorizes State requirements for the purpose of RCRA 3006 and imposes no additional

requirements beyond those required by State law. Accordingly, I certify that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

#### 4. Unfunded Mandates Reform Act

Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4).

#### 5. Executive Order 13132: Federalism

Executive Order 13132 (64 FR 43255, August 10, 1999) does not apply to this rule because it will not have federalism implications (*i.e.*, substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government).

#### 6. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175 (65 FR 67249, November 9, 2000) does not apply to this rule because it will not have tribal implications (*i.e.*, substantial direct effects on one or more Indian tribes, or on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.)

#### 7. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

This rule is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant as defined in Executive Order 12866 and because the EPA does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

#### 8. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not a significant regulatory action as defined in Executive Order 12866.

#### 9. National Technology Transfer Advancement Act

EPA approves State programs as long as they meet criteria required by RCRA, so it would be inconsistent with applicable law for EPA, in its review of a State program, to require the use of any particular voluntary consensus standard in place of another standard that meets requirements of RCRA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply to this rule.

#### 10. Executive Order 12988

As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct.

#### 11. Executive Order 12630: Evaluation of Risk and Avoidance of Unanticipated Takings

EPA has complied with Executive Order 12630 (53 FR 8859, March 18, 1988) by examining the takings implications of the rule in accordance with the Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings issued under the executive order.

#### 12. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations

Because this rule proposes authorization of pre-existing State rules and imposes no additional requirements beyond those imposed by State law and there are no anticipated significant adverse human health or environmental effects, the rule is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994).

#### 13. Congressional Review Act

EPA will submit a report containing this rule and other information required by the Congressional Review Act (5 U.S.C. 801 *et seq.*) to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

#### 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 relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action 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: June 6, 2011.

**Susan Hedman,**

*Regional Administrator, Region 5.*

[FR Doc. 2011-15751 Filed 6-22-11; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

#### 48 CFR Parts 225, 242, and 252

RIN 0750-AH26

#### Defense Federal Acquisition Regulation Supplement; Synchronized Predeployment and Operational Tracker (SPOT) (DFARS Case 2011-D030)

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** DoD is issuing a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to modify terminology and address internal contract administration requirements associated with the Synchronized Predeployment and Operational Tracker (SPOT) system.

**DATES:** *Effective date:* June 23, 2011.

**FOR FURTHER INFORMATION CONTACT:** Ms. Meredith Murphy, Telephone 703-602-1302.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

This DFARS case updates nomenclature associated with the letter of authorization required for contractor personnel to process through a deployment center or travel to, from, or within a designated operational area (see DFARS 225.7402-3). This final rule will revise the generic letter of authorization to use the formal title of "Synchronized Predeployment and Operational Tracker (SPOT)-generated letter of authorization." The change in title is being made at DFARS 225.7402-3(e) and in the clause at 252.225-7040, Contractor Personnel Authorized to Accompany U.S. Armed Forces Deployed Outside the United States.