

Jon M. Griffin, U.S. Army Corps of Engineers, Jacksonville District, Regulatory Division, at 904-232-1680.

**SUPPLEMENTARY INFORMATION:** Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3), the Corps is amending the regulations in 33 CFR part 334 by modifying the restricted area at § 334.610. The modification to the existing restricted area is described below. The proposed rule was published in the February 21, 2007, issue of the **Federal Register** (72 FR 7841). One comment was received in response to the proposed rule. That commenter had no objection to the proposed amendment.

The Ammunition and Hazardous Materials Handling Review Board has cited NASKW for allowing anchored pleasure craft to be within the inhabited building distance of the Fleming Island Magazine area. The amendment to the regulations will allow the Commanding Office NASKW to restrict passage of persons, watercraft, and vessels to ensure that ESQD requirements related to the Fleming Island Magazine area are met.

#### Procedural Requirements

a. *Review Under Executive Order 12866.* This rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

b. *Review Under the Regulatory Flexibility Act.* This rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps has concluded that modifying this restricted area would have practically no economic impact on the public, and would create no anticipated navigational hazard or interference with existing waterway traffic. Accordingly, it is certified that this rule will not have a significant economic impact on small entities.

c. *Review Under the National Environmental Policy Act.* The Corps has concluded, based on the minor nature of this action, that the amendment to the restricted area will not be a major Federal action having significant impact on the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment has been prepared and it is available by

contacting the district office listed at the end of the **FOR FURTHER INFORMATION CONTACT** section, above.

d. *Unfunded Mandates Act.* This rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Reform Act (Pub. L. 104-4, 109 Stat. 48, 2 U.S.C. 1501 *et seq.*). We have also found under Section 203 of the Act that small governments will not be significantly or uniquely affected by this rule.

#### List of Subjects in 33 CFR Part 334

Danger zones, Navigation (water), Restricted areas, Waterways.

■ For the reasons set out in the preamble, the Corps amends 33 CFR part 334 as follows:

#### PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for 33 CFR Part 334 continues to read as follows:

**Authority:** 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Amend § 334.610 by revising paragraph (a)(4) to read as follows:

#### § 334.610 Key West Harbor, at U.S. Naval Base, Key West, Fla.; naval restricted areas and danger zone.

(a) *The areas.* \* \* \*

(4) Beginning at the last point designated in area 3 at Latitude 24°34.0550' N., Longitude 81°47.9166' W.; proceed in a northwesterly direction to a point at Latitude 24°34.2725' N., Longitude 81°48.1304' W.; thence proceed in a northeasterly direction to a point at Latitude 24°34.3562' N., Longitude 81°48.0192' W.; thence proceed in a northwesterly direction to a point at Latitude 24°34.4506' N., Longitude 81°48.1444' W.; thence proceed in a northwesterly direction to a point at Latitude 24°34.5619' N., Longitude 81°48.1873' W.; thence proceed in a northeasterly direction to a point at Latitude 24°34.9084' N., Longitude 81°48.0945' W.; thence proceed in a northeasterly direction to a point at Latitude 24°34.9809' N., Longitude 81°47.9400' W.; proceed in a general northerly direction maintaining a distance of 100 yards from the shoreline of Fleming Key, continue around Fleming Key to a point easterly of the southeast corner of Fleming Key at Latitude 24°34.0133' N., Longitude 81°47.6250' W.; thence easterly to Latitude 24°33.9600' N., Longitude 81°47.3333' W.; thence southerly to a point on the shore at Latitude 24°33.9117' N., Longitude 81°47.3450'

W. The Department of the Navy plans to install buoys along that portion of the restricted area boundary which marks the outer edge of the explosive hazard safety distance requirements.

\* \* \* \* \*

Dated: August 6, 2007.

**Lawrence A. Lang,**

*Acting Chief, Operations Directorate of Civil Works.*

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**BILLING CODE 3710-92-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[EPA-R04-RCRA-2007-0016; FRL-8451-8]

### Florida: Final Authorization of State Hazardous Waste Management Program Revision

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

**ACTION:** Immediate final rule.

**SUMMARY:** Florida has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA is granting Final authorization to Florida. EPA is authorizing the changes by this immediate final rule. EPA did not make a proposal prior to the immediate final rule because we believe this action is not controversial and do not expect comments that oppose it. We have explained the reasons for this authorization in the preamble of this immediate final rule. Unless we get written comments which oppose this authorization during the comment period, this immediate final rule will become effective on the date it establishes, and we will not take further action on this proposal. If we receive comments that oppose this action, we will withdraw this immediate final rule and it will not take effect. We will respond to public comments in a later final rule based on this immediate final rule. You may not have another opportunity for comment.

**DATES:** This Final authorization is effective on October 9, 2007 unless EPA receives adverse written comment on or before September 10, 2007. If EPA receives such comment, it will publish a timely withdrawal of this immediate final rule in the **Federal Register** and inform the public that this authorization will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R04-

RCRA–2007–0016 by one of the following methods:

- <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.

- *E-mail*: [johnson.otis@epa.gov](mailto:johnson.otis@epa.gov).

- *Fax*: (404) 562–9964 (prior to faxing, please notify the EPA contact listed below).

- *Mail*: Send written comments to Otis Johnson, Permit and State Programs Section, RCRA Programs/Materials Management Branch, RCRA Division, U.S. Environmental Protection Agency, The Sam Nunn Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303.

- *Hand Delivery*: Otis Johnson, Permit and State Programs Section, RCRA Programs/Materials Management Branch, RCRA Division, U.S. Environmental Protection Agency, The Sam Nunn Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303.

**FOR FURTHER INFORMATION CONTACT:** Otis Johnson, Permit and State Programs Section, RCRA Programs/Materials Management Branch, RCRA Division, U.S. Environmental Protection Agency, The Sam Nunn Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303; telephone number: (404) 562–8481; fax number: (404) 562–9964; e-mail address: [johnson.otis@epa.gov](mailto:johnson.otis@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 ask 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 Florida's application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Florida Final authorization to operate its hazardous waste program with the changes described in the authorization application. Florida has responsibility

for permitting Treatment, Storage, and Disposal Facilities (TSDFs) within its borders 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 Florida, 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 is that a facility in Florida subject to RCRA will now have to comply with the authorized State requirements instead of the equivalent Federal requirements in order to comply with RCRA. Florida has enforcement responsibilities under its State hazardous waste program for violations of such program, but EPA retains its authority under RCRA sections 3007, 3008, 3013, and 7003, which include, among others, authority to:

- Do inspections, and require monitoring, tests, analyses or reports
- Enforce RCRA requirements and suspend or revoke permits
- Take enforcement actions regardless of whether the State has taken its own actions

This action does not impose additional requirements on the regulated community because the regulations for which Florida is being authorized by today's action are already effective, and are not changed by today's action.

##### **D. Why Wasn't There a Proposed Rule Before This Rule?**

EPA did not publish a proposal before today's rule because we view this as a routine program change and do not expect comments that oppose this approval. We are providing an opportunity for public comment now. In addition to this rule, in the proposed rules section of today's **Federal Register**, we are publishing a separate document that proposes to authorize the State program changes.

##### **E. What Happens if EPA Receives Comments That Oppose This Action?**

If EPA receives comments that oppose this authorization, we will withdraw this rule by publishing a document in the **Federal Register** before the rule becomes effective. EPA will base any

further decision on the authorization of the State program changes on the proposal mentioned in the previous paragraph. We will then address all public comments in a later final rule. You may not have another opportunity to comment. If you want to comment on this authorization, you must do so at this time.

If we receive comments that oppose only the authorization of a particular change to the State hazardous waste program, we will withdraw that part of this rule but the authorization of the program changes that the comments do not oppose will become effective on the date specified above. The **Federal Register** withdrawal document will specify which part of the authorization will become effective, and which part is being withdrawn.

##### **F. What Has Florida Previously Been Authorized for?**

Florida initially received Final authorization on January 29, 1985, effective February 12, 1985 (50 FR 3908), to implement the RCRA hazardous waste management program. We granted authorization for changes to their program on December 1, 1987, effective March 3, 1988 (52 FR 45634), December 16, 1988, effective January 3, 1989 (53 FR 50529), December 14, 1990, effective February 12, 1991 (55 FR 51416), February 5, 1992, effective April 6, 1992 (57 FR 4371), February 7, 1992, effective April 7, 1992 (57 FR 4738), May 20, 1992, effective July 20, 1992 (57 FR 21351), November 9, 1993, effective January 10, 1994 (58 FR 59367), July 11, 1994, effective September 9, 1994 (59 FR 35266), August 16, 1994, effective October 17, 1994 (59 FR 41979), October 26, 1994, effective December 27, 1994 (59 FR 53753), April 1, 1997, effective June 2, 1997 (62 FR 15407), August 23, 2001, effective October 22, 2001 (66 FR 44307), August 20, 2002, effective October 21, 2002 (67 FR 53886 and 67 FR 53889), and October 14, 2004, effective December 13, 2004. The authorized Florida program, through RCRA Cluster IV, was incorporated by reference into the CFR on January 20, 1998, effective March 23, 1998 (63 FR 2896). Florida received corrective action authority on September 18, 2000, effective November 18, 2000 (65 FR 56256).

##### **G. What Changes Are We Authorizing With This Action?**

Florida has submitted final complete program revision applications on seeking authorization of their changes in accordance with 40 CFR 271.21. Florida's revision consists of provisions promulgated July 1, 2000 through June

30, 2005, otherwise known as RCRA Clusters XI–XV.  
 Florida Statutes Chapter 403 allows the Florida Department of Environmental Protection to administer

the rules governing hazardous waste management in the State. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that Florida’s hazardous

waste program revisions satisfy all of the requirements necessary to qualify for Final authorization. Therefore, we grant Florida Final authorization for the following program changes:

Description of Federal requirement	Federal Register	Analogous state authority
Checklist 188, Hazardous Air Pollutants Standards; technical corrections.	July 10, 2000, 65 FR 42292–42302; May 14, 2001, 66 FR 24270–24272; July 3, 2001, 66 FR 35087–35107.	Rules 62–730.030(1), 62–730.180(4), Florida Administrative Code (F.A.C.).
Checklist 189, Chlorinated Aliphatics Listing and LDRs for Newly Identified Wastes.	November 8, 2000, 65 FR 67068–67133 .....	Rules 62–730.030(1), 62–730.183(1), F.A.C.
Checklist 191, Mixed Waste Rule .....	May 16, 2001, 66 FR 27218–27266 .....	Rule 62–730.181(1), F.A.C.
Checklist 192 A, Mixture and Derived-From Rules Revisions.	May 16, 2001, 66 FR 27266–27297 .....	Rule 62–730.030(1), F.A.C.
Checklist 192 B, Land Disposal Restrictions Correction.	May 16, 2001, 66 FR 27266–27297 .....	Rule 62–730.183(1), F.A.C.
Checklist 193, Change of Official EPA Mailing Address.	June 28, 2001, 66 FR 34374–34376 .....	Rule 62–730.021(1)(a), F.A.C.
Checklist 194, Mixture and Derived-From Rules Revision II.	October 3, 2001, 66 FR 50332–50334 .....	Rule 62–730.030(2), F.A.C.
Checklist 195, Inorganic Chemical Manufacturing Wastes Identification and Listing.	November 20, 2001, 66 FR 58258–58300; April 9, 2002, 67 FR 17119–17120.	Rules 62–730.030(2), 62–730.183(2), F.A.C.
Checklist 196, CAMU Amendments .....	January 22, 2002, 67 FR 2962–3029 .....	Rules 62–730.020(1), 62–730.180(4), F.A.C.
Checklist 197, Hazardous Air Pollutant Standards for Combustors: Interim Standards.	February 13, 2002, 67 FR 6792–6818 .....	Rules 62–730.180(4), 62–730.181(1), 62–730.220(3), F.A.C.
Checklist 198, Hazardous Air Pollutant Standards for Combustors: Corrections.	February 14, 2002, 67 FR 6968–6996 .....	Rule 62–730.181(1), F.A.C.
Checklist 199, Vacatur of Mineral Processing Spent Materials Being Reclaimed as Solid Wastes and TCLP Use with MGP Waste.	March 13, 2002 67 FR 11251–11254 .....	Rule 62–730.030(2), F.A.C.
Checklist 200, Zinc Fertilizer Rule .....	July 24, 2002, 67 FR 48393–48415 .....	Rules 62–730.030(1), 62–730.181(1), 62–730.183, F.A.C.
Checklist 201, Treatment Variance for Radioactively Contaminated Batteries.	October 7, 2002, 67 FR 62618–62624 .....	Rule 62–730.183, F.A.C.
Checklist 202, Hazardous Air Pollutant Standards for Combustors-Corrections 2.	December 19, 2002, 67 FR 77687–77692 .....	Rule 62–730.220(3), F.A.C.
Checklist 203, Recycled Used Oil Management Standards: Clarification.	July 30, 2003, 68 FR 44659–44665 .....	Rules 62–730.030(1), 62–710.210(2), F.A.C.
Checklist 204, Performance Track .....	April 22, 2004, 69 FR 21737–21754 as amended on October 25, 2004; 69 FR 62217–62224.	Rule 62–730.160(1), F.A.C.
Checklist 205, NESHAP: Surface Coating of Automobiles and Light-Duty Trucks.	April 26, 2004, 69 FR 22601–22661 .....	Rules 62–730.180(1), 62–730.180(2), F.A.C.
Checklist 206, Nonwastewaters from Dyes and Pigments.	February 24, 2005, 70 FR 9138–9180 .....	Rules 62–730.030(1), 62–730.183, F.A.C.
Checklist 207, Uniform Hazardous Waste Manifest Rule.	March 4, 2005, 70 FR 10776–10825 .....	Rules 62–730.020(1), 62–730.030(1), 62–730.160(1), 62–730.170(1), 62–730.180(1), 62–730.180(2), F.A.C.
Methods Innovation Rule .....	June 14, 2005, 70 FR 34537–34592 as amended August 1, 2005, 70 FR 44150.	Rules 62–730.021, 62–730.030(1), 62–730.180(1), 62–730.180(2), 62–730.181(1), 62–730.183, 62–730.220(1), F.A.C.

**H. Where Are the Revised State Rules Different From the Federal Rules?**

Florida did not adopt did not adopt the optional amendments in 270.42(j)(1) in Checklist 188 and 198 for permit modifications at the request of the permittee. Rule 62–730.290(1)(d), F.A.C., states that the Department may require permit modifications for the causes set forth in 40 CFR 270.41 and 270.42. Accordingly, Florida did not adopt the optional amendment in Checklist 198 pertaining to permit modifications at the request of the permittee.

**I. Who Handles Permits After the Authorization Takes Effect?**

Florida 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 Florida is not yet authorized.

**J. What Is Codification and Is EPA Codifying Florida’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. We reserve the amendment of 40 CFR part 272, subpart K for this authorization of Florida’s program changes until a later date.

### K. Administrative Requirements

The Office of Management and Budget has exempted this action from the requirements of Executive Order 12866 (58 FR 51735, October 4, 1993), and therefore this action is not subject to review by OMB. This action authorizes State requirements for the purpose of RCRA Section 3006 and imposes no additional requirements beyond those imposed by State law. Accordingly, I certify that this action 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.*). Because this action authorizes 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). For the same reason, this action also does not significantly or uniquely affect the communities of Tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action will not have 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely authorizes State requirements as part of the State RCRA hazardous waste program without altering the relationship or the distribution of power and responsibilities established by RCRA. This action also is not subject to Executive Order 13045 (62 FR 1985, April 23, 1997), because it is not economically significant and it does not make decisions based on environmental health or safety risks. This rule is not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001), because it is not a significant regulatory action under Executive Order 12866.

Under RCRA 3006(b), EPA grants a State's application for authorization as long as the State meets the criteria required by RCRA. It would thus be inconsistent with applicable law for EPA, when it reviews a State authorization application, to require the use of any particular voluntary consensus standard in place of another standard that otherwise satisfies the 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. 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. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 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. 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.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this document and other required information 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).

This action will be effective October 9, 2007.

#### List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste, Hazardous waste transportation, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements.

**Authority:** This action is issued under the authority of 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: July 13, 2007.

**J.I. Palmer, Jr.,**

*Regional Administrator, Region 4.*

[FR Doc. E7-15670 Filed 8-9-07; 8:45 am]

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### FEDERAL MARITIME COMMISSION

#### 46 CFR Part 515

[Docket No. 07-08]

RIN 3072-AC32

#### Optional Method of Filing Form FMC-18, Application for a License as an Ocean Transportation Intermediary

August 6, 2007.

**AGENCY:** Federal Maritime Commission.

**ACTION:** Final rule.

**SUMMARY:** The Federal Maritime Commission ("FMC" or "Commission") amends its regulations relating to the method of filing Form FMC-18, Application for a License as an Ocean Transportation Intermediary ("OTI"), to provide for optional filing of OTI applications through a new electronic filing system. This optional filing system is intended to facilitate more efficient processing and review of applications for licensing. A filing fee of \$250 will apply to new applicants for OTI licensing, and \$125 for existing licensees who might want to use the optional electronic filing system to update their licensing records or to submit changes in the licensee's organization for which prior Commission approval is required.

**DATES:** Effective September 24, 2007.

#### FOR FURTHER INFORMATION CONTACT:

Sandra Kusumoto, Director, Bureau of Certification and Licensing, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523-5787, E-mail: [SKusumoto@fmc.gov](mailto:SKusumoto@fmc.gov).

Amy W. Larson, General Counsel, Federal Maritime Commission, 800 North Capitol Street, NW., Washington, DC 20573, (202) 523-5740, E-mail: [GeneralCounsel@fmc.gov](mailto:GeneralCounsel@fmc.gov).

#### SUPPLEMENTARY INFORMATION:

By Notice of Inquiry in Docket No. 01-08, the Commission first solicited comments concerning the impact of the Government Paperwork Elimination Act and the Electronic Signatures in Global and National Commerce Act on all sectors of the U.S. ocean shipping industry. Comments received in response to the Notice were supportive and encouraging of the Commission's efforts to provide expanded electronic filing options for information collections.

Responsive to comments filed in reply to that inquiry, the Commission signaled its intent to embark upon an E-government strategy which focuses on automating as many documents and