

**PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS**

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add temporary § 165.T05–216 to read as follows:

**§ 165.T05–216 Security Zone: Cape Fear River, Eagle Island and North Carolina State Port Authority Terminal, Wilmington, NC.**

(a) *Location.* The following area is a security zone: The grounds of the North Carolina State Port Authority, Wilmington Terminal and the southern portion of Eagle Island; and an area encompassed from South Wilmington Terminal at 34°10'38.394" N, 077°57'16.248" W (Point 1); across Cape Fear River to Southernmost entrance of Brunswick River on the West Bank at 34°10'38.052" N, 077°57'43.143" W (Point 2); extending along the West bank of the Brunswick River for approximately 750 yards to 34°10'57.062" N, 077°58'01.342" W (Point 3); proceeding North across the Brunswick River to the east bank at 34°11'04.846" N, 077°58'02.861" W (Point 4) and continuing north on the east bank for approximately 5000 yards along Eagle Island to 34°13'17.815" N, 077°58'30.671" W (Point 5); proceeding East to 34°13'19.488" N, 077°58'24.414" W (Point 6); and then approximately 1700 yards to 34°13'27.169" N, 077°57'51.753" W (Point 7); proceeding East to 34°13'21.226" N, 077°57'19.264" W (Point 8); then across Cape Fear River to the Northeast corner of the Colonial Terminal Pier at 34°13'18.724" N, 077°57'07.401" W (Point 9), 800 yards South of Cape Fear Memorial Bridge; Proceeding South along shoreline (east bank) of Cape Fear River for approximately 500 yards; Proceeding east inland to Wilmington State Port property line at 34°13'03.196" N, 077°56'52.211" W (Point 10); extending South along Wilmington State Port property line to 34°12'43.409" N, 077°56'50.815" W (Point 11); Proceeding to the North entrance of Wilmington State Port at 34°12'28.854" N, 077°57'01.017" W (Point 12); Proceeding South along Wilmington State Port property line to 34°12'20.819" N, 077°57'08.871" W (Point 13); Continuing South along the Wilmington State Port property line to 34°12'08.164" N, 077°57'08.530" W (Point 14); Continuing along State Port property to 34°11'44.426" N, 077°56'55.003" W (Point 15); Proceeding South to the main

gate of the Wilmington State Port at 34°11'29.578" N, 077°56'55.240" W (Point 16); Proceeding South approximately 750 yards to the Southeast property corner of the Apex facility at 34°11'10.936" N, 077°57'04.798" W (Point 17); Proceeding West to East bank of Cape Fear River at 34°11'11.092" N, 077°57'17.146" W (Point 18); Proceeding South along East bank of Cape Fear River to Original point of origin at 34°10'38.394" N, 077°57'16.248" W (Point 1). (NAD 1983)

(b) *Captain of the Port.* *Captain of the Port* means the Commanding Officer of the Marine Safety Office Wilmington, NC, or any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on her behalf.

(c) *Regulations.* (1) All persons are required to comply with the general regulations governing security zones in 33 CFR 165.33.

(2) Persons or vessels with a need to enter or get passage within the security zone, must first request authorization from the Captain of the Port. The Captain of the Port's representative enforcing the zone can be contacted on VHF marine band radio, channel 16. The Captain of the Port can be contacted at (910) 772–2200 or toll free (877) 229–0770.

(3) The operator of any vessel within this security zone must:

(i) Stop the vessel immediately upon being directed to do so by the Captain of the Port or his or her designated representative.

(ii) Proceed as directed by the Captain of the Port or his or her designated representative.

(d) *Effective period.* This section is effective from December 3, 2004, until April 1, 2005.

Dated: November 30, 2004.

**Jane M. Hartley,**

*Captain, U.S. Coast Guard, Captain of the Port, Wilmington, North Carolina.*

[FR Doc. 04–27304 Filed 12–13–04; 8:45 am]

**BILLING CODE 4910–15–P**

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 271**

[FRL–7847–9]

**North Carolina: Final Authorization of State Hazardous Waste Management Program Revision**

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

**ACTION:** Immediate final rule.

**SUMMARY:** North Carolina has applied to EPA for Final authorization of the

changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA has determined that these changes satisfy all requirements needed to qualify for final authorization, and is authorizing the State's changes through this immediate final action. EPA is publishing this rule to authorize the changes without a prior proposal because we believe this action is not controversial and do not expect comments that oppose it. Unless we get written comments which oppose this authorization during the comment period, the decision to authorize North Carolina's changes to their hazardous waste program will take effect. If we get comments that oppose this action, we will publish a document in the **Federal Register** withdrawing this rule before it takes effect and a separate document in the proposed rules section of this **Federal Register** will serve as a proposal to authorize the changes.

**DATES:** This Final authorization will become effective on February 14, 2005, unless EPA receives adverse written comment by January 13, 2005. 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:** Send written comments to Thornell Cheeks, North Carolina Authorizations Coordinator, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA, 30303–3104; (404) 562–8479. You may also e-mail your comments to [Cheeks.Thornell@epa.gov](mailto:Cheeks.Thornell@epa.gov) or submit your comments at <http://www.regulation.gov>. Copies of North Carolina's applications may be viewed from 9 a.m. to 4 p.m. at the following addresses: North Carolina Department of Environment and Natural Resources, 401 Oberlin Rd., Suite 150, Raleigh, North Carolina 29201, (919) 733–2178; and EPA Region 4, Atlanta Federal Center, Library, 61 Forsyth Street, SW., Atlanta, Georgia 30303; (404) 562–8190, John Wright, Librarian.

**FOR FURTHER INFORMATION CONTACT:** Thornell Cheeks, North Carolina Authorizations Coordinator, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, GA, 30303–3104; (404) 562–8479.

**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 North Carolina's applications to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant North Carolina Final authorization to operate its hazardous waste program with the changes described in the authorization applications. North Carolina 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 requirements. Thus, EPA will implement those requirements and prohibitions in North Carolina, including issuing permits, until the State is granted authorization to do so.

### **C. What Is the Effect of Today's Authorization Decision?**

The effect of this decision is that a facility in North Carolina 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. North Carolina 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 North Carolina 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 Today's 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 North Carolina Previously Been Authorized for?**

North Carolina initially received final authorization on December 14, 1984, effective December 31, 1984 (49 FR 48694), to implement its base hazardous

waste management program. We granted authorization for changes on March 25, 1986 (51 FR 10211), effective April 8, 1986, August 5, 1988 (53 FR 1988), effective October 4, 1988, February 9, 1989 (54 FR 6290), effective April 10, 1989, September 22, 1989 (54 FR 38993), effective November 21, 1989, January 18, 1991 (56 FR 1929), effective March 19, 1991, April 10, 1991 (56 FR 14474), effective June 9, 1991, July 19, 1991 (56 FR 33206), effective September 17, 1991, April 27, 1992 (57 FR 15254), effective June 26, 1992, December 12, 1992 (57 FR 59825), effective February 16, 1993, June 3, 1993 (58 FR 31474) effective June 3, 1993, January 27, 1994 (59 FR 3792), effective March 28 1994, April 4, 1994 (59 FR 15633), effective June 3, 1994, June 23, 1994 (59 FR 32378), effective August 22, 1994, November 10, 1994 (59 FR 56000), effective January 9, 1995, September 27, 1995 (60 FR 49800), effective November 27, 1995, April 25, 1996 (61 FR 18284), effective June 24, 1996, October 23, 1998 (63 FR 56834), effective December 22, 1998, August 25 1999 (64 FR 46298), effective October 25, 1999. North Carolina most recently received authorization for revisions to its program on February 28, 2002 (67 FR 9219), effective April 29, 2002.

### **G. What Changes Are We Authorizing With Today's Action?**

On April 27, 2001, and March 25, 2002, North Carolina submitted a final complete program revision application, seeking authorization of their changes in accordance with 40 CFR 271.21. North Carolina's provisions consists of provisions promulgated July 1, 1997, through June 30, 1998 (RCRA VIII), and July 1, 1998, through June 30, 2000, otherwise known as RCRA IX and X. The rule adoption for the provisions of RCRA VIII, IX, and X covered in this action became effective August 1, 2000, unless otherwise noted. North Carolina Statutes at section 150B-21.6 and section 130A-294 allow the North Carolina Department of Environment and Natural Resources to administer the rules governing hazardous waste management. We now make an immediate final decision, subject to receipt of written comments that oppose this action, that North Carolina's hazardous waste program revisions satisfy all of the requirements necessary to qualify for Final authorization. Therefore, we grant North Carolina Final authorization for the following program changes:

Federal Register	Federal Register	Analogous State authority <sup>1</sup>
Land Disposal Restrictions Phase IV—Hazardous Soils Treatment Standards and Exclusions; Checklist 167 B RCRA Cluster VIII, HSWA Provision.	63 FR 28556–28753, May 26, 1998	15A NCAC 13A.0112(a) 15A NCAC 13A.0112(c) 15A NCAC 24B.0001
Hazardous Waste Combusters; Revised Standards; Checklist 168 RCRA VIII.	63 FR 33782–33829, June 19, 1998	15A NCAC 13A.0106(a) 15A NCAC 13A.0106(d) 15A NCAC 13A.0113(g) 15A NCAC 13A.0113(j)
Petroleum Refining Process Wastes; Checklist 169 RCRA Cluster IX, HSWA/non-HSWA Provision.	63 FR 42110–42189, August 6, 1998	15A NCAC 13A.0106(a) 15A NCAC 13A.0106(d) 15A NCAC 13A.0106(e) 15A NCAC 13A.0111(d) 15A NCAC 13A.0112(b) 15A NCAC 13A.0112(c)
Land Disposal Restrictions Phase IV—Zinc Micronutrient Fertilizers, Amendment; Checklist 170 RCRA Cluster IX, HSWA Provision.	63 FR 46332–46334, August 31, 1998.	15A NCAC 13A.0112(c)
Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Waste from Carbamate Production. Checklist 171 RCRA Cluster IX, HSWA Provision.	63 FR 47410–47418, September 4, 1998.	15A NCAC 13A.0112(b)
Land Disposal Restrictions Phase IV—Extension of Compliance Date for Characteristic Slags; Checklist 172 RCRA Cluster IX, HSWA Provision.	63 FR 51254–51267, September 24, 1998.	15A NCAC 13A.0112(c)
Land Disposal Restrictions; Treatment Standards for Spent Potliners from Primary Aluminum Reduction (K088); Final Rule; Checklist 173 RCRA Cluster IX, HSWA Provision.	63 FR 56710–56735, October 22, 1998.	15A NCAC 13A.0109(b) 15A NCAC 13A.0109(g) 15A NCAC 13A.0109(h) 15A NCAC 13A.0109(i) 15A NCAC 13A.0110(f) 15A NCAC 13A.0110(g) 15A NCAC 13A.0110(h) 15A NCAC 13A.0110(h) 15A NCAC 13A.0113(a) <sup>2</sup> 15A NCAC 13A.0113(b)
Post-Closure Permit Requirement and Closure Process; Checklist 174 RCRA Cluster IX, HSWA /non-HSWA Provision.	63 FR 65874–65947, November 30, 1998.	15A NCAC 13A.0102(b) 15A NCAC 13A.0106(a) 15A NCAC 13A.0109(b) 15A NCAC 13A.0109(f) 15A NCAC 13A.0109(g) 15A NCAC 13A.0109(s) 15A NCAC 13A.0110(a) 15A NCAC 13A.0112(a) 15A NCAC 13A.0112(d) 15A NCAC 13A.0113(a) 15A NCAC 13A.0113(b) 15A NCAC 13A.0113(g) 15A NCAC 13A.0113(j)
HWIR-Media; Checklist 175 RCRA Cluster IX, non-HSWA Provision .....	63 FR 71225–71230, December 24, 1998.	15A NCAC 13A.0107(c) 15A NCAC 13A.0109(v) <sup>4</sup> 15A NCAC 13A.0109(x) 15A NCAC 13A.0110(u)
Universal Waste Rule Technical Amendments; Checklist 176 RCRA Cluster IX, non HSWA Provision.	64 FR 3382, January 21, 1999 .....	15A NCAC 13A.0106(a) 15A NCAC 13A.0109(b) 15A NCAC 13A.0109(g) 15A NCAC 13A.0109(s) 15A NCAC 13A.0110(a) 15A NCAC 13A.0112(a) 15A NCAC 13A.0112(d) 15A NCAC 13A.0113(a) 15A NCAC 13A.0113(b) 15A NCAC 13A.0113(g) 15A NCAC 13A.0113(j)
Organic Air Emissions Standards: Clarification and Technical Amendments; Checklist 177 RCRA Cluster IX, HSWA Provision.	64 FR 6806, February 11, 1999 .....	15A NCAC 13A.0111(c) 15A NCAC 13A.0119(a) <sup>3</sup>
Petroleum Refining Process Wastes Leachate Exemption; Checklist 178 RCRA Cluster IX, HSWA Provision.	64 FR 25408–25417, May 11, 1999	15A NCAC 13A.0107(c) 15A NCAC 13A.0112(c) 15A NCAC 13A.0112(c)
Land Disposal Restrictions Phase IV—Technical Corrections and Clarifications to Treatment Standards; Checklist 179 RCRA Cluster IX, HSWA/non-HSWA Provision.	64 FR 26315–26327, May 14, 1999	15A NCAC 13A.0101(e)
Test Procedures for the Analysis of Oil and Grease and Non-Polar Material; Checklist 180 RCRA Cluster IX, non-HSWA Provision.	64 FR 36466–36490, July 6, 1999 ....	15A NCAC 13A.0102(b) 15A NCAC 13A.0106(a) 15A NCAC 13A.0109(b) 15A NCAC 13A.0110(a) 15A NCAC 13A.0112(a) 15A NCAC 13A.0113(a) 15A NCAC 13A.0119(a) 15A NCAC 13A.0119(b) 15A NCAC 13A.0119(c) 15A NCAC 13A.0119(d) 15A NCAC 13A.0119(e) 15A NCAC 13A.0119(g)
Universal Waste Rule: Specific Provisions for Hazardous Waste Lamps; Checklist 181 RCRA Cluster X, non-HSWA Provision.		

Federal Register	Federal Register	Analogous State authority <sup>1</sup>
Hazardous Air Pollutant Standards for Combusters; Checklist 182 RCRA Cluster X, HSWA/non-HSWA Provision.	64 FR 52828–53077, September 30, 1999.	15A NCAC 13A.0102(b) 15A NCAC 13A.0106(d) 15A NCAC 13A.0109(q) 15A NCAC 13A.0109(u) 15A NCAC 13A.0110(o) 15A NCAC 13A.0111(d) 15A NCAC 13A.0111(f) 15A NCAC 13A.0113(b) 15A NCAC 13A.0113(g) 15A NCAC 13A.0113(i)
Land Disposal Restrictions Phase IV—Technical Corrections; Checklist 183 RCRA Cluster X, HSWA/non-HSWA Provision.	64 FR 56469–56472, October 20, 1999.	15A NCAC 13A.0106(d) 15A NCAC 13A.0107(c) 15A NCAC 13A.0112(a) 15A NCAC 13A.0112(c)
Accumulation Time for Waste Water Treatment Sludges; Checklist 184 RCRA Cluster X, non-HSWA Provision.	65 FR 12378–12398, March 8, 2000	15A NCAC 13A.0107(c)
Organobromine Production Waste Vacatur; Checklist 185 RCRA Cluster X, HSWA Provision.	65 FR 14472–14475, March 17, 2000.	15A NCAC 13A.0106(d) 15A NCAC 13A.0106(e) 15A NCAC 13A.0112(b) 15A NCAC 13A.0112(c)
Petroleum Refining Process Wastes—Clarification; Checklist 187 RCRA Cluster X, HSWA Provision.	64 FR 36365–36367, June 8, 2000 ..	15A NCAC 13A.0106(d) 15A NCAC 13A.0112(e)

<sup>1</sup> The North Carolina provisions are from the North Carolina Hazardous Waste Management Rules 15A NCAC 13A, August 1, 2000 and Solid Waste Management Law (October 1999), unless otherwise stated.

<sup>2</sup> 15A NCAC 13A.0113; effective November 19, 1980; Recodified from 15A 13A. 0013 effective December 20, 1996; Amended effective April 1, 2001.

<sup>3</sup> 15A NCAC 13A.0119; effective January 1, 1996; Recodified from 15A 13A. 0019 effective December 20, 1996; Amended effective April 1, 2001.

<sup>4</sup> 15A NCAC 13A.0109; effective November 19, 1980; Amended effective. July 1, 1995, Recodified from 15A 13A. 0009 Eff. December 20, 1996; Amended effective April 1, 2001.

<sup>5</sup> 15A NCAC 13A.0107; effective November 19, 1980; Recodified from 15A 13A. 0007 effective December 20, 1996; Amended effective April 1, 2001.

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

There are no State requirements that are more stringent or broader in scope than the Federal requirements.

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

North Carolina 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. 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 North Carolina is not yet authorized.

**J. How Does Today's Action Affect Indian Country (18 U.S.C. 115) in North Carolina?**

North Carolina is authorized to carry out its hazardous waste program in Indian Country within the State, which includes the Cherokee Indian Nation. Therefore, this action has no effect on Indian Country. EPA will continue to implement and administer the RCRA program in these lands.

**K. What Is Codification and Is EPA Codifying North Carolina'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 PP for this authorization of North Carolina's program changes until a later date.

**L. 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 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 (Public Law 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 19885, 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 section 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) 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 February 14, 2005.

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

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indians 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: December 7, 2004.

**A. Stanley Meiburg,**

*Deputy Regional Administrator, Region 4.*

[FR Doc. 04-27363 Filed 12-13-04; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-7844-6]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Direct final deletion of the York County Solid Waste and Refuse Authority Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region III is publishing a direct final notice of deletion of the York County Solid Waste and Refuse Authority Superfund Site (Site) located in Hopewell Township, York County, Pennsylvania, from the National Priorities List (NPL).

The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final notice of deletion is being published by EPA with the concurrence of the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP) because EPA has determined that all appropriate response actions under CERCLA have been completed and, therefore, further remedial action pursuant to CERCLA is not appropriate. **DATES:** This direct final deletion will be effective February 14, 2005, unless EPA receives adverse comments by January 13, 2005. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

**ADDRESSES:** Comments may be mailed to: Larry Johnson, Community Involvement Coordinator (3HS43), U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103 ((215) 814-3239).

**Information Repositories:** Comprehensive information about the Site is available for viewing and copying at the Site Information Repositories at the following location: U.S. EPA Region III, Regional Center for Environmental Information (RCEI), 1650 Arch Street, Philadelphia, PA 19103 (phone: (215) 814-5364, open Monday through Friday 8 a.m. to 4:30 p.m) and the Mason-Dixon Public Library, Main Street, Stewartstown, Pennsylvania 17363.

**FOR FURTHER INFORMATION CONTACT:** Romuald A. Roman, Remedial Project Manager (3HS22), U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103 (phone: (215) 814-3212; fax: (215) 814-3002; e-mail: [roman.romuald@epa.gov](mailto:roman.romuald@epa.gov)).

#### SUPPLEMENTARY INFORMATION:

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- II. NPL Deletion Criteria
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- V. Deletion Action

#### I. Introduction

EPA Region III is publishing this direct final deletion of the York County Solid Waste and Refuse Authority Superfund Site from the NPL.

The EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions if conditions at a deleted site warrant such action.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication of a notice of intent to delete. This action will be effective February 14, 2005 unless EPA receives adverse comments by January 13, 2005 on this notice or the parallel notice of intent to delete published in the Proposed Rules section of today's **Federal Register**. If adverse comments are received within the 30-day public comment period on this notice or the notice of intent to delete, EPA will publish a timely withdrawal of this direct final deletion before the effective date of the deletion and the deletion will not take effect. EPA will, as appropriate, prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures