

Section 551.8 sets forth the Postal Service's policy to recover from the differential those costs determined to be attributable to the semipostal and that would not normally be incurred for commemorative stamps having similar sales objectives; physical characteristics; and marketing, promotional, and public relations activities. Under current regulations published in 39 CFR 551.8:

(e) Cost items recoverable from the differential revenue may include, but are not limited to, the following:

- (1) Packaging costs in excess of the cost to package comparable stamps;
- (2) Printing costs of flyers and special receipts;
- (3) Costs of changes to equipment;
- (4) Costs of developing and executing marketing and promotional plans in excess of the cost for comparable stamps;
- (5) Other costs specific to the semipostal stamp that would not normally have been incurred for comparable stamps; and
- (6) Costs in paragraph (g) of this section that materially exceed those that would normally have been incurred for comparable stamps.

The final rule deletes the word "may" from the introductory paragraph to subsection (e) of 39 CFR 551.8. The deletion of the word "may" clarifies that costs that are recovered from the differential include, but are not limited to, packaging costs in excess of those for comparable stamps, printing costs for flyers or special receipts, costs of changes to equipment, costs of developing and executing marketing and promotional plans in excess of those for comparable stamps, and other costs that would not normally have been incurred for comparable stamps.

#### List of Subjects in 39 CFR Part 551

Administrative practice and procedure, Postal Service.

#### The Amendment

■ For the reasons set out in this document, the Postal Service hereby amends 39 CFR part 551 as follows:

#### PART 551—SEMIPOSTAL STAMP PROGRAM

■ 1. The authority citation for 39 CFR part 551 continues to read as follows:

**Authority:** 39 U.S.C. 101, 201, 203, 401, 403, 404, 410, 414, 416.

■ 2. Revise paragraph (e) introductory text in § 551.8 to read as follows:

#### § 551.8 Cost offset policy.

\* \* \* \* \*

(e) Cost items recoverable from the differential revenue include, but are not limited to, the following:

\* \* \* \* \*

**Neva Watson,**

*Attorney, Legislative.*

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**BILLING CODE 7710-12-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL-7870-2]

### South Carolina: Final Authorization of State Hazardous Waste Management Program Revision

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

**ACTION:** Immediate final rule.

**SUMMARY:** South 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 South 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 April 11, 2005, unless EPA receives adverse written comment by March 11, 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, South 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. The application

can be viewed electronically at <http://www.regulation.gov>. Electronic comments on the application can be made from this site. You may also e-mail your comments to [Cheeks.Thornell@epa.gov](mailto:Cheeks.Thornell@epa.gov). You can view and copy South Carolina's applications from 9 a.m. to 4 p.m. at the following addresses: South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201, (803) 896-4174; 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, South 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 South Carolina's applications to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant South Carolina Final authorization to operate its hazardous waste program with the changes described in the authorization applications. South 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 authorized for the requirements. Thus, EPA will implement those requirements and prohibitions in South 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 South 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. South 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 South 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 South Carolina Previously Been Authorized For?

South Carolina initially received Final authorization on November 8, 1985, effective November 22, 1985 (50 FR

46437) to implement the RCRA hazardous waste management program. We granted authorization for changes to their program on September 8, 1988, effective November 7, 1988 (53 FR 34758), February 10, 1993, effective April 12, 1993 (58 FR 7865), November 29, 1994, effective January 30, 1995 (59 FR 60901), April 26, 1996, effective June 25, 1996 (61 FR 18502), October 4, 2000, effective December 4, 2000 (65 FR 59135) and August 21, 2001, effective October 22, 2001 (66 FR 43798).

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

On March 10, 2003, and September 5, 2003 South Carolina submitted a final complete program revision application, seeking authorization of their changes in accordance with 40 CFR 271.21. South Carolina's provisions consists of provisions promulgated July 1, 2000 through June 30, 2002, otherwise known as RCRA XI and XII. The rule adoption for the provisions of RCRA XI, and XII covered in this action became effective August 1, 2000. South Carolina Statutes at section 150B-21.6 and section 130A-294 allow the South 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 South Carolina's hazardous waste program revisions satisfy all of the requirements necessary to qualify for Final authorization. Therefore, we grant South Carolina Final authorization for the following program changes:

Federal requirements	Federal Register	Analogous State authority
Hazardous Air Pollutant Standards; Technical Corrections, Checklist 188, RCRA XI, Non-HSWA.	65 FR 42292-42302, July 10, 2000 .....	SCHWM R.61-79.261.38(c)(2)(iv). SCHWM R.61-79.264.340(b)(1). SCHWM R.61-79.264.340(b)(3). SCHWM R.61-79.270.42(j)(1).
Chlorinated Aliphatics Listing and LDRs for Newly Identified Wastes, Checklist 189, RCRA XI, HSWA Provision.	65 FR 67068-67133, November 8, 2000 .....	SCHWM R.61-79.261.32. SCHWM R.61-79.Appendix VII. SCHWM R.61-79.Appendix VIII. SCHWM R.61-79.268.33(a). SCHWM R.61-79.268.33(b)(intro). SCHWM R.61-79.268.33(b)(1). SCHWM R.61-79.268.33(b)(2). SCHWM R.61-79.268.33(b)(3). SCHWM R.61-79.268.33(b)(4). SCHWM R.61-79.268.33(b)(5). SCHWM R.61-79.268.33(c). SCHWM R.61-79.268.33(d)(intro). SCHWM R.61-79.268.33(d)(1). SCHWM R.61-79.268.33(d)(2). SCHWM R.61-79.268.40/Table.

Federal requirements	Federal Register	Analogous State authority
Land Disposal Restrictions Phase IV—Deferral for PCBs in Soil, Checklist 190, RCRA XI, HSWA Provision.	65 FR 81373–81381, December 26, 2000 .....	SCHWM R.61–79.268.32(a). SCHWM R.61–79.268.32(b)(intro). SCHWM R.61–79.268.32(b)(1)(i). SCHWM R.61–79.268.32(b)(1)(ii). SCHWM R.61–79.268.32(b)(2)(i). SCHWM R.61–79.268.32(b)(2)(ii). SCHWM R.61–79.268.32(b)(3). SCHWM R.61–79.268.32(b)(4). SCHWM R.61–79.268.48(a)Table UTS. SCHWM R.61–79.268.49(d). SCHWM R.61–79.268.32 Appendix III.
Mixed Waste Rule, Checklist 191, RCRA XI, Non-HSWA Provision.	66 FR 27218–27266, May 16, 2001 .....	SCHWM R.61–79.266.210(intro). SCHWM R.61–79.266.210. SCHWM R.61–79.266.220. SCHWM R.61–79.266.225. SCHWM R.61–79.266.230(a). SCHWM R.61–79.266.230(b)(intro). SCHWM R.61–79.266.230(b)(1)–(5). SCHWM R.61–79.266.235. SCHWM R.61–79.266.240(a)(intro). SCHWM R.61–79.266.240(a)(1)(intro). SCHWM R.61–79.266.240(a)(i)–(iii). SCHWM R.61–79.266.240(a)(2). SCHWM R.61–79.266.240(b). SCHWM R.61–79.266.245(a)(intro). SCHWM R.61–79.266.245(a)(1). SCHWM R.61–79.266.245(a)(2)(intro). SCHWM R.61–79.266.245(a)(2)(i)–(iv). SCHWM R.61–79.266.245(b). SCHWM R.61–79.266.250(a)(intro). SCHWM R.61–79.266.250(a)(1)–(4). SCHWM R.61–79.266.250(b). SCHWM R.61–79.266.260.
Mixture and Derived-From Rule, Revisions, Checklist 192A, RCRA Cluster XI, HSWA/non-HSWA.	66 FR 27266–27297, May 16, 2001 .....	SCHWM R.61–79.261.3(a)(2)(iii). SCHWM R.61–79.261.3(a)(2)(iv). SCHWM R.61–79.261.3(c)(2)(i). SCHWM R.61–79.261.3(g)(1). SCHWM R.61–79.261.3(g)(2). SCHWM R.61–79.261.3(g)(2)(i). SCHWM R.61–79.261.3(g)(2)(ii). SCHWM R.61–79.261.3(g)(3). SCHWM R.61–79.261.3(h)(1). SCHWM R.61–79.261.3(h)(2). SCHWM R.61–79.261.3(h)(2)(i). SCHWM R.61–79.261.3(h)(2)(ii). SCHWM R.61–79.261.3(h)(3).
Land Disposal Restrictions Correction, Checklist 192B, RCRA Cluster XI, HSWA.	66 FR 27266–27297, May 16, 2001 .....	SCHWM R.61–79.288 Appendix VII, Table 1.
Change of Official EPA Mailing Address, Checklist 193, RCRA Cluster XI, HSWA/non-HSWA.	66 FR 34374–34376, June 28, 2001 .....	SCHWM R.61–79.260.11(a)(11).
Mixture and Derived-From Rules, Revision II, Checklist 194, RCRA XII, HSWA/Non-HSWA.	66 FR 50332–50334, October 3, 2001 .....	SCHWM R.61–79.261.3(a)(2)(iv). SCHWM R.61–79.261.3(a)(2)(iv)(A). SCHWM R.61–79.261.3(a)(2)(iv)(B). SCHWM R.61–79.261.3(a)(2)(iv)(C). SCHWM R.61–79.261.3(a)(2)(iv)(D). SCHWM R.61–79.261.3(a)(2)(iv)(E). SCHWM R.61–79.261.3(a)(2)(iv)(F). SCHWM R.61–79.261.3(a)(2)(iv)(G). SCHWM R.61–79.261.3(g)(4).

Federal requirements	Federal Register	Analogous State authority
Inorganic Chemical Manufacturing Wastes Identification and Listing, Checklist 195, RCRA XII, HSWA/Non-HSWA.	66 FR 58258–58300, November 20, 2001 .....	SCHWM R.61–79.261.4(b)(15). SCHWM R.61–79.261.4(b)(15)(i). SCHWM R.61–79.261.4(b)(15)(ii)–(iv). SCHWM R.61–79.261.4(b)(15)(v). SCHWM R.61–79.261.32. SCHWM R.61–79.Appendix VII. SCHWM R.61–79.268.36(a). SCHWM R.61–79.268.36(b)(intro). SCHWM R.61–79.268.36(b)(1). SCHWM R.61–79.268.36(b)(2). SCHWM R.61–79.268.36(b)(3). SCHWM R.61–79.268.36(b)(4). SCHWM R.61–79.268.36(b)(5). SCHWM R.61–79.268.36(c). SCHWM R.61–79.268.40/Table.
CAMU Amendments, Checklist 196, RCRA XII, HSWA Provision.	67 FR 2962–33029, January 22, 2002 .....	SCHWM R.61–79.261.10. SCHWM R.61–79.264.550(a). SCHWM R.61–79.264.550(b). SCHWM R.61–79.264.551 SCHWM R.61–79.264.551(a)(intro). SCHWM R.61–79.264.552(a). SCHWM R.61–79.264.552(a)(1). SCHWM R.61–79.264.552(a)(1)(i). SCHWM R.61–79.264.552(a)(1)(ii). SCHWM R.61–79.264.552(a)(1)(ii)(A). SCHWM R.61–79.264.552(a)(1)(ii)(B). SCHWM R.61–79.264.552(a)(1)(iii). SCHWM R.61–79.264.552(a)(2). SCHWM R.61–79.264.552(a)(3). SCHWM R.61–79.264.552(a)(3)(i). SCHWM R.61–79.264.552(a)(3)(ii). SCHWM R.61–79.264.552(a)(3)(iii). SCHWM R.61–79.264.552(a)(3)(iv). SCHWM R.61–79.264.552(a)(4). SCHWM R.61–79.264.552(a)(5). SCHWM R.61–79.264.552(b)(1). SCHWM R.61–79.264.552(b)(1)(i). SCHWM R.61–79.264.552(b)(1)(ii). SCHWM R.61–79.264.552(b)(2). SCHWM R.61–79.264.552(c). SCHWM R.61–79.264.552(c)(1). SCHWM R.61–79.264.552(c)(2). SCHWM R.61–79.264.552(c)(3). SCHWM R.61–79.264.552(c)(4). SCHWM R.61–79.264.552(c)(5). SCHWM R.61–79.264.552(c)(6). SCHWM R.61–79.264.552(c)(7). SCHWM R.61–79.264.552(d). SCHWM R.61–79.264.552(d)(1). SCHWM R.61–79.264.552(d)(2). SCHWM R.61–79.264.552(d)(3). SCHWM R.61–79.264.552(e). SCHWM R.61–79.264.552(e)(1). SCHWM R.61–79.264.552(e)(2). SCHWM R.61–79.264.552(e)(3). SCHWM R.61–79.264.552(e)(3)(i). SCHWM R.61–79.264.552(e)(3)(ii). SCHWM R.61–79.264.552(e)(3)(ii)(A). SCHWM R.61–79.264.552(e)(3)(ii)(B). SCHWM R.61–79.264.552(e)(4). SCHWM R.61–79.264.552(e)(4)(i). SCHWM R.61–79.264.552(e)(4)(i)(A). SCHWM R.61–79.264.552(e)(4)(i)(A)(1). SCHWM R.61–79.264.552(e)(4)(i)(A)(2). SCHWM R.61–79.264.552(e)(4)(i)(B). SCHWM R.61–79.264.552(e)(4)(i)(C). SCHWM R.61–79.264.552(e)(4)(ii). SCHWM R.61–79.264.552(e)(4)(iii). SCHWM R.61–79.264.552(e)(4)(iv). SCHWM R.61–79.264.552(e)(4)(iv)(A). SCHWM R.61–79.264.552(e)(4)(iv)(B). SCHWM R.61–79.264.552(e)(4)(iv)(C). SCHWM R.61–79.264.552(e)(4)(iv)(D).

Federal requirements	Federal Register	Analogous State authority
		SCHWM R.61–79.264.552(e)(4)(iv)(E). SCHWM R.61–79.264.552(e)(4)(iv)(F). SCHWM R.61–79.264.552(e)(4)(v). SCHWM R.61–79.264.552(e)(4)(v)(A). SCHWM R.61–79.264.552(e)(4)(v)(B). SCHWM R.61–79.264.552(e)(4)(v)(C). SCHWM R.61–79.264.552(e)(4)(v)(D). SCHWM R.61–79.264.552(e)(4)(v)(E). SCHWM R.61–79.264.552(e)(4)(v)(E)(1). SCHWM R.61–79.264.552(e)(4)(v)(E)(2). SCHWM R.61–79.264.552(e)(4)(v)(E)(3). SCHWM R.61–79.264.552(e)(4)(v)(E)(4). SCHWM R.61–79.264.552(e)(4)(v)(E)(5). SCHWM R.61–79.264.552(e)(4)(vi). SCHWM R.61–79.264.552(e)(4)(vii). SCHWM R.61–79.264.552(e)(5). SCHWM R.61–79.264.552(e)(5)(i). SCHWM R.61–79.264.552(e)(5)(ii). SCHWM R.61–79.264.552(e)(5)(iii). SCHWM R.61–79.264.552(e)(6). SCHWM R.61–79.264.552(e)(6)(i). SCHWM R.61–79.264.552(e)(6)(i)(A). SCHWM R.61–79.264.552(e)(6)(i)(B). SCHWM R.61–79.264.552(e)(6)(ii). SCHWM R.61–79.264.552(e)(6)(ii)(A). SCHWM R.61–79.264.552(e)(6)(ii)(B). SCHWM R.61–79.264.552(e)(6)(iii). SCHWM R.61–79.264.552(e)(6)(iii)(A). SCHWM R.61–79.264.552(e)(6)(iii)(B). SCHWM R.61–79.264.552(e)(6)(iii)(C). SCHWM R.61–79.264.552(e)(6)(iii)(D). SCHWM R.61–79.264.552(e)(6)(iii)(E). SCHWM R.61–79.264.552(e)(6)(iii)(F). SCHWM R.61–79.264.552(e)(6)(iv). SCHWM R.61–79.264.552(e)(6)(iv)(A). SCHWM R.61–79.264.552(e)(6)(iv)(A)(1). SCHWM R.61–79.264.552(e)(6)(iv)(A)(2). SCHWM R.61–79.264.552(e)(6)(iv)(A)(3). SCHWM R.61–79.264.552(e)(6)(iv)(A)(4). SCHWM R.61–79.264.552(e)(6)(iv)(A)(5). SCHWM R.61–79.264.552(e)(6)(iv)(B). SCHWM R.61–79.264.552(e)(6)(v). SCHWM R.61–79.264.552(f). SCHWM R.61–79.264.552(f)(1). SCHWM R.61–79.264.552(f)(2). SCHWM R.61–79.264.552(f)(2)(i). SCHWM R.61–79.264.552(f)(2)(ii). SCHWM R.61–79.264.552(g). SCHWM R.61–79.264.552(h). SCHWM R.61–79.264.552(i). SCHWM R.61–79.264.552(j). SCHWM R.61–79.264.552(k). SCHWM R.61–79.264.554(a)(1). SCHWM R.61–79.264.555(a). SCHWM R.61–79.264.555(a)(1). SCHWM R.61–79.264.555(a)(2). SCHWM R.61–79.264.555(a)(2)(i). SCHWM R.61–79.264.555(a)(2)(ii). SCHWM R.61–79.264.555(a)(2)(iii). SCHWM R.61–79.264.555(a)(3). SCHWM R.61–79.264.555(b). SCHWM R.61–79.264.555(c). SCHWM R.61–79.264.555(d). SCHWM R.61–79.264.555(e). SCHWM R.61–79.264.555(e)(1). SCHWM R.61–79.264.555(e)(2). SCHWM R.61–79.264.555(e)(3). SCHWM R.61–79.264.555(e)(4). SCHWM R.61–79.264.555(e)(5). SCHWM R.61–79.264.555(e)(6). SCHWM R.61–79.264.555(f). SCHWM R.61–79.264.555(g).

Federal requirements	Federal Register	Analogous State authority
Hazardous Air Pollutant Standards for Combusters; Corrections, Checklist 197, RCRA XII, HSWA/non-HSWA Provision.	67 FR 6968–6996, February 14, 2002 .....	SCHWM R.61–79.266.100(a). SCHWM R.61–79.266.100(b)(1). SCHWM R.61–79.266.100(d)(1)(i)(B). SCHWM R.61–79.266.100(d)(2)(i). SCHWM R.61–79.266.100(d)(2)(ii). SCHWM R.61–79.266.100(d)(3)(intro). SCHWM R.61–79.266.100(d)(3)(i)(intro). SCHWM R.61–79.266.100(d)(3)(i)(D). SCHWM R.61–79.270.42(j)(1).
Hazardous Air Pollutant Standards for Combusters; Corrections, Checklist 198, RCRA XII, HSWA/non-HSWA Provision.	67 FR 6968–6996, February 14, 2002 .....	SCHWM R.61–79.266.100(a). SCHWM R.61–79.266.100(b)(1). SCHWM R.61–79.266.100(d)(1)(i)(B). SCHWM R.61–79.266.100(d)(2)(i). SCHWM R.61–79.266.100(d)(2)(ii). SCHWM R.61–79.266.100(d)(3)(intro). SCHWM R.61–79.266.100(d)(3)(i)(intro). SCHWM R.61–79.266.100(d)(3)(i)(D). SCHWM R.61–79.270.42(j)(1).

#### 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?

South 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 South Carolina is not yet authorized.

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

South Carolina is not authorized to carry out its hazardous waste program in Indian country within the State, which includes the Catawba 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 South 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 South 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 (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 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 April 11, 2005.

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

Environmental protection,  
Administrative practice and procedure,  
Confidential business information,  
Hazardous material 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: January 18, 2005.

A. Stanley Meiburg,

Deputy Regional Administrator, Region 4.

[FR Doc. 05-2457 Filed 2-8-05; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Parts 1, 2, and 25

[IB Docket No. 99-67; FCC 03-283]

#### Implement the Global Mobile Personal Communications by Satellite (GMPCS) Memorandum of Understanding and Arrangements

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of effective date.

**SUMMARY:** The Commission adopted new rules and policies pertaining to portable Global Mobile Personal Communications by Satellite (GMPCS) transceivers, *i.e.*, satellite telephones and other portable transceivers operated by end users for communication via direct radio links with satellites. These devices are used for both voice and data communication and may be used for internet access or other modes of broadband communication. Certain rules contained new information

collection requirements and were published in the **Federal Register** on February 6, 2004. This document announces the effective date of these published rules.

**DATES:** The amendments to 47 CFR 1.1307, 2.1033, 2.1204, 25.129 and 25.132 published at 69 FR 5707, February 6, 2004, became effective on March 8, 2004.

**FOR FURTHER INFORMATION CONTACT:** William Bell, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, (202) 418-0741 or via the Internet at [William.Bell@fcc.gov](mailto:William.Bell@fcc.gov).

**SUPPLEMENTARY INFORMATION:** On July 22, 2004, the Office of Management and Budget (OMB) approved the information collection requirements contained in 47 CFR 1.1307, 2.1033, 2.1204, 25.129 and 25.132 pursuant to OMB Control No. 3060-1063. Accordingly, the information collection requirements contained in these rules became effective on March 8, 2004.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 05-2503 Filed 2-8-05; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 15

[ET Docket No. 98-153; FCC 04-285]

#### Ultra-Wideband Transmission Systems

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document responds to two petitions for reconsideration that were filed in response to the Commission's decision to establish regulations for unlicensed ultra-wideband ("UWB") operation. It also responds to the rule making proposals contained in the *Memorandum Opinion and Order and Further Notice of Proposed Rule Making* in this docket. The order establishes new rules for wideband unlicensed devices operating in the 5925-7250 MHz, 16.2-17.7 GHz, and 22.12-29 GHz bands.

**DATES:** Effective March 11, 2005.

**FOR FURTHER INFORMATION CONTACT:** John Reed (202) 418-2455, Policy and Rules Division, Office of Engineering and Technology.

**SUPPLEMENTARY INFORMATION:** This is a summary of the *Second Report and Order and Second Memorandum*

*Opinion and Order* ("2nd R&O and 2nd MO&O"), FCC 04-285, adopted December 15, 2004, and released December 16, 2004. The full text of this document is available for inspection and copying during regular business hours in the FCC Reference Center (Room CY-A257), 445 12th Street, SW., Washington, DC 20554. The complete text of this document also may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc. 445 12th Street, Room CY-B402, Washington, DC, (202) 488-5300; FAX (202) 488-5563. The full text may also be downloaded at: [www.fcc.gov](http://www.fcc.gov). Alternative formats are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 or TTY (202) 418-7365.

#### Summary of Second Report and Order

1. On February 14, 2002, the Commission adopted a *First Report and Order* implementing regulations to permit the unlicensed operation of ultra-wideband transmission systems. In response to fourteen petitions for reconsideration, a *Memorandum Opinion and Order and Further Notice of Proposed Rule Making* ("MO&O and FNPRM") was adopted on February 13, 2003, 69 FR 19746 and 69 FR 19773, April 22, 2003. Specifically, the Commission proposed amendments to four areas of its part 15 regulations. These amendments addressed: (1) The operation of low PRF systems in the 3.1-10.6 GHz band; (2) the measurement procedures applied to frequency hopping vehicular radar systems operating in the 22-29 GHz band; (3) the peak power limits applicable to wide-bandwidth, non-UWB part 15 transmitters; and (4) the elimination of the UWB definition.

2. *Low PRF UWB systems.* In the *FNPRM*, the Commission invited comment on whether to amend the rules to permit the operation of any UWB product under the UWB standards currently designated for hand-held devices as long as the PRF does not exceed 200 kHz and the equipment employs a pulsed or an impulse modulation. In the *2nd R&O*, the Commission declines to amend its rules stating that low PRF systems can have a higher potential for causing interference unless some type of signal processing is incorporated in the victim receiver. The Commission will accommodate the requests from the equipment developers by increasing the peak power emission limit for select frequency bands available under the non-UWB part 15 regulations.

3. *Non-UWB peak power emission limits.* When an average emission limit