

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

*Paragraph 6004 Class E4 Airspace Areas Designated as an extension to a Class D Airspace Area.*

\* \* \* \* \*

**ASO FL E4 Melbourne, FL [Revised]**

Melbourne International Airport, FL  
(Lat. 28°06'10"N, long. 80°38'45"W)  
Melbourne VOR/DME

(Lat. 28°06'19"N, long. 80°38'07"W)

Satellite NDB

(Lat. 28°05'58"N, long. 80°42'03"W)

That airspace extending upward from the surface within 3 miles each side of the Melbourne VOR 100° radial, extending from the 4.3-mile radius of the Melbourne International Airport to 7 miles east of the VOR and within 2.5 miles north and 3 miles south of the 267° bearing from the Satellite NDB, extending from the 4.3-mile radius of the airport to 7 miles west of the NDB. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

\* \* \* \* \*

Issued in College Park, Georgia, on September 7, 2000.

**Marvin A. Burnette,**

*Acting Manager, Air Traffic Division,  
Southern Region.*

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**DEPARTMENT OF EDUCATION****34 CFR Parts 3 and 19****Official Seal; National Security Information Procedures**

**AGENCY:** Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the regulations governing the use of the Official Seal of the Department of Education (ED) and removes the regulations governing National Security Information Procedures. These final regulations amend obsolete references in the provisions governing use of the Official Seal and remove unnecessary requirements relating to National Security Information Procedures. The Secretary takes this action to update existing regulations and to eliminate unnecessary regulations.

**DATES:** These regulations are effective September 22, 2000.

**FOR FURTHER INFORMATION CONTACT:**

Kenneth C. Depew, Division of Regulatory Services, Office of the General Counsel, Department of Education, 400 Maryland Avenue, SW., Room 6E109, FB-6, Washington, DC 20202-2241. Telephone: (202) 401-8300. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

**SUPPLEMENTARY INFORMATION:** These regulations amend the regulations in 34 CFR part 3 (Official Seal) to reflect the current organizational structure of the Department.

The regulations in 34 CFR part 19 (National Security Information Procedures) are removed because the Department's security classification regulation does not affect members of the public. Therefore, as confirmed by the Information Security Oversight Office, National Archives and Records Administration, publication of these regulations is unnecessary.

**Waiver of Proposed Rulemaking**

Under the Administrative Procedure Act (5 U.S.C. 553) we generally offer interested parties the opportunity to comment on proposed regulations. However, these amendments incorporate changes in internal agency organization and management and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), proposed rulemaking does not apply to the extent these regulations concern agency organization and procedure, and under 5 U.S.C. 553(b)(B), the Secretary has determined that proposed rulemaking is unnecessary.

**Regulatory Flexibility Act Certification**

The Secretary certifies that these regulations would not have a significant economic impact on a substantial number of small entities. The regulations reflect internal departmental changes and would not affect any small entities under the Regulatory Flexibility Act.

**Paperwork Reduction Act of 1995**

These regulations do not contain any information collection requirements.

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**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.access.gpo.gov/nara/index.html>

(Catalog of Federal Domestic Assistance Numbers do not apply.)

**List of Subjects****34 CFR Part 3**

Seals and insignia.

**34 CFR Part 19**

Classified information.

Dated: September 19, 2000.

**Lorraine Lewis,**

*Inspector General.*

**Willie Gilmore,**

*Director, Office of Management.*

For the reasons discussed in the preamble, the Secretary amends title 34 of the Code of Federal Regulations by amending part 3 and removing part 19 as follows:

**PART 3—OFFICIAL SEAL**

1. The authority citation for part 3 continues to read as follows:

**Authority:** 20 U.S.C. 3472 and 3485, unless otherwise noted.

**§ 3.4 [Amended]**

2. Section 3.4 is amended by:

A. Removing "Assistant Secretary for Management and Budget/Chief Financial Officer" and adding, in its place, "Director of Public Affairs" in paragraph (b).

B. Removing "Replicas" and adding, in its place, "In regard to internal use, replicas" in paragraph (c) introductory text.

C. Adding "electronic media" before "motion" in paragraph (c)(4).

D. Adding "internal" after "other"; and removing "of the Office of Administrative Resources Management;" and adding, in its place, "for Management." in paragraph (c)(7).

E. Removing "Reproductions" and adding, in its place, "In regard to internal use, reproductions" in paragraph (d) introductory text.

F. Adding "electronic media" before "motion" in paragraph (d)(7).

G. Adding “internal” after “other”; and removing “of the Office of Administrative Resources”, and adding, in its place, “for” in paragraph (d)(8).

H. Adding “internally” after “only” in paragraph (e) introductory text.

I. Removing “Assistant Secretary for Human Resources and Administration” and adding, in its place, “the Director for Management” in paragraph (e)(3).

## PART 19 [REMOVED]

3. Part 19 is removed.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 271

[FRL-6874-6]

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

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

**ACTION:** Immediate final rule.

**SUMMARY:** Tennessee has applied to EPA for Final authorization of the changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Tennessee’s revision consists of the provisions contained in RCRA Cluster VII. 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 Tennessee’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 November 21, 2000 unless EPA receives adverse written comment by October 23, 2000. 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 Narindar Kumar at the address listed below for contact. You can view and copy Tennessee’s application from 8 a.m. to 4:30 p.m. at the following addresses: Tennessee Department of Environment and Conservation, Division of Solid Waste Management, 5th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243-1535; and EPA Region 4, Library, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303-3104; (404) 562-8190.

**FOR FURTHER INFORMATION CONTACT:** Narindar Kumar, Chief, RCRA Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, The Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW, Atlanta, Georgia 30303-3104; (404) 562-8440.

#### 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 Tennessee’s application to revise its authorized program meets all of the statutory and regulatory requirements established by RCRA. Therefore, we grant Tennessee Final authorization to operate its hazardous waste program with the changes described in the authorization application. Tennessee 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 Tennessee, 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 Tennessee 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. Tennessee 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 Tennessee 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