

US EPA ARCHIVE DOCUMENT

SUMMARY: Due to adverse comments, the EPA is withdrawing its direct final rule approving Missouri's "Compliance Monitoring Usage" rule (10 CSR 10-6.280) as a revision to Missouri's State Implementation Plan.

EFFECTIVE DATE: This withdrawal is effective March 28, 1996.

FOR FURTHER INFORMATION CONTACT: Joshua A. Tapp at (913) 551-7606.

SUPPLEMENTARY INFORMATION: The EPA's direct final rule approving Missouri rule 10 CSR 10-6.280 (Compliance Monitoring Usage) was published in the Federal Register on February 6, 1996 (61 FR 4352). This document stated that if adverse or critical comments were received by March 7, 1996, the effective date of the approval would be delayed and timely notice would be published in the Federal Register. Due to receiving adverse comments within the comment period, the EPA is withdrawing the final rule and will address all public comments received during the comment period in a subsequent action based on the proposed rule action also published on February 6, 1996 (61 FR 4391). EPA will not institute a second comment period on this document.

For additional information see the direct final rule and proposed rule located in the Federal Register citations mentioned above.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 18, 1996.

Dennis Grams,

Regional Administrator.

[FR Doc. 96-7603 Filed 3-27-96; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

[FRL-5447-6]

Louisiana: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Louisiana has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency

(EPA) has reviewed Louisiana's application and determined that its hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Unless adverse written comments are received during the review and comment period provided for public participation in this process, EPA intends to approve Louisiana's hazardous waste program revision subject to the authority retained by EPA in accordance with Hazardous and Solid Waste Amendments of 1984. Louisiana's application for the program revision is available for public review and comment.

DATES: This authorization for Louisiana shall be effective June 11, 1996 unless EPA publishes a prior Federal Register (FR) action withdrawing this immediate final rule. All comments on Louisiana's program revision application must be received by the close of business May 12, 1996.

ADDRESSES: Copies of the Louisiana program revision application and the materials which EPA used in evaluating the revision are available for inspection and copying from 8:30 a.m. to 4 p.m., Monday through Friday at the following addresses: Louisiana Department of Environmental Quality, H.B. Garlock Building, 7290 Bluebonnet, Baton Rouge, Louisiana 70810, phone (504) 765-0617 and U.S. EPA, Region 6 Library, 12th Floor, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2733, phone (214) 665-6444. Written comments, referring to Docket Number LA-95-5, should be sent to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8533.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8533.

SUPPLEMENTARY INFORMATION:

A. Background

States authorized under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA or the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. Revisions to State hazardous waste programs are necessary when

Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 124, 260-268, and 270.

B. Louisiana

Louisiana initially received final authorization on February 7, 1985 (see 50 FR 3348), to implement its base hazardous waste management program. Louisiana received authorization for revisions to its program on January 29, 1990 (see 54 FR 48889), October 25, 1991 (see 56 FR 41958), and Corrections at (56 FR 51762), effective January 23, 1995 (see 59 FR 55368-55371), and Corrections at (see 60 FR 18360), March 8, 1995 (see 59 FR 66200) and January 2, 1996 (see 60 FR 53707). On December 11, 1995, Louisiana submitted a final complete program revision application for additional program approvals. Today, Louisiana is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

In 1983, the Louisiana legislature adopted Act 97, which amended and reenacted Louisiana Revised Statutes 30:1051 et seq., the Environmental Affairs Act. This Act created the Louisiana Department of Environmental Quality (LDEQ), which has lead agency jurisdictional authority for administering the RCRA Subtitle C program in the State.

EPA reviewed Louisiana's application and made an immediate final decision that Louisiana's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant authorization for the additional program modifications to Louisiana. The public may submit written comments on EPA's proposed final decision until May 12, 1996. Copies of LDEQ's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

Approval of LDEQ's program revision shall become effective 75 days from the date this notice is published, unless an adverse written comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse written comment is received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to the comment which either affirms that the immediate final decision takes effect or reverses the decision.

Louisiana's program revision application includes State regulatory

changes that are equivalent to the rules promulgated in the Federal RCRA implementing regulations in 40 CFR parts 124, 260–262, 264, 265, 266, and

270 that were published in the FR from July 1, 1987, through June 30, 1993. This proposed approval includes the provisions that are listed in the chart

below. This chart also lists the State analogs that are being recognized as equivalent to the appropriate Federal requirements.

Federal citation	State analog
1. Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification (Amendment to the Bevill Exclusion), [53 FR 35412] September 13, 1988 (Checklist 53). 2. Permit Modifications for Hazardous Waste Management Facilities, [53 FR 37912] September 28, 1988. (Checklist 54).	Louisiana Revised Statutes (LRS) 30: § 2180 et seq, as amended June 14, 1991, effective June 14, 1991; Louisiana Hazardous Waste Regulations (LHWR) § 4901.C, as amended March 20, 1995; effective March 20, 1995, § 4901.G Table 6, as amended September 20, 1995; effective September 20, 1995, § 105.D17.A-F, as amended September 20, 1994; effective September 20, 1994. LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 323.B as amended September 20, 1995; effective September 20, 1995, § 1513.D, as amended November 20, 1992; effective November 20, 1992, § 3511.C, as amended March 20, 1995; effective March 20, 1995, § 3523.D, as amended November 20, 1992; effective November 20, 1992, § 4381.C, as amended March 20, 1995; effective March 20, 1995, § 4391.D, as amended July 20, 1995, effective July 20, 1992, § 109, as amended October 20, 1994; effective October 20, 1994 § 307.A, as amended March 20, 1995; effective March 20, 1995, § 309.L.2, as amended September 20, 1994; effective September 20, 1994, § 321.B.C, as amended March 20, 1995; effective March 20, 1995, § 322, as amended September 20, 1995; effective September 20, 1995, § 3115.A, B, as amended November 20, 1992; effective November 20, 1992, and § 2707.D, as amended July 20, 1990; effective July 20, 1990.
3. Identification and Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes, [53 FR 43878] October 31, 1988. (Checklist 56).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 4901.F.Table 4, as amended September 20, 1994; effective September 20, 1994, § 3105.Table 1, as amended September 20, 1995; effective September 20, 1995, § 4901.E.Table 3, as amended September 20, 1994; effective September 20, 1994, §§ 3105 Table 1, and 4901.E, as amended September 20, 1995, effective September 20, 1995, and LHWR Chapter 31.Table 1, as amended September 20, 1994; effective September 20, 1994.
4. Identification and Listing of Hazardous Waste; Removal of Strontium Sulfide From the List of Hazardous Waste, [53 FR 43881] October 31, 1988. (Checklist 57).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 4901.F.Table 4, as amended September 20, 1994; effective September 20, 1994, § 3105.Table 1, as amended September 20, 1995; effective September 20, 1995, § 4901.E.Table 3, as amended September 20, 1994; effective September 20, 1994, §§ 3105 Table 1, and 4901.E, as amended September 20, 1995, effective September 20, 1995, and LHWR Chapter 31.Table 1, as amended September 20, 1994; effective September 20, 1994.
5. Changes to Interim Status Facilities for Hazardous Waste Management Permits; Procedures for Post-Closure Permitting, [54 FR 9596] March 7, 1989. (Checklist 61).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 105, as amended September 20, 1995; effective September 20, 1995, § 301.B, as amended November 20, 1992; effective November 20, 1992, § 323.A, as amended October 20, 1994; effective October 20, 1994, § 701, as amended November 20, 1992; effective November 20, 1992, § 705.A, B, as amended July 20, 1990; effective July 20, 1990, § 322, as amended September 20, 1995, effective September 20, 1995, §§ 109, 305.A, and 503, as amended October 20, 1994; effective October 20, 1994, and § 706, as amended July 20, 1990; effective July 20, 1990, § 4303.A, B, as amended March 20, 1995; effective March 20, 1995, and § 4305.C-E, as amended October 20, 1994; effective October 20, 1994.
6. Delay of Closure Period for Hazardous Waste Management Facilities, [54 FR 33376] August 14, 1989. (Checklist 64).	LRS 30: 2180 et seq, as amended June 14, 1991 effective June 14, 1991; LHWR §§ 1519.A–B, and 3511.D, as amended March 20, 1995; effective March 20, 1995, § 3513.A–E, as amended September 20, 1994; effective September 20, 1994, § 3705.A, 4313, 4381.D.2, 4381.D.2.a–b and 4383.A–E, as amended March 20, 1995; effective March 20, 1995 § 4401.A.3–4, as amended August 20, 1987; effective August 20, 1987, and § 322, as amended September 20, 1995; effective September 20, 1995.
7. Reportable Quantity Adjustment Methyl Bromide Production Wastes, [54 FR 41402] October 6, 1989. (Checklist 68).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 4901.C, as amended March 20, 1995; effective March 20, 1995, Chapter 49.App A.Tbl 8–10, as amended September 20, 1995, effective September 20, 1995, § 4901.B.Tbl 1, as amended September 20, 1994; effective September 20, 1994, §§ 4901.G.Tbl 6, and 3105, Tbl 1, as amended September 20, 1995; effective September 20, 1995.
8. Reportable Quantity Adjustment (F024 & F025), [54 FR 50986] December 11, 1989. (Checklist 69).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 4901.C, as amended March 20, 1995; effective March 20, 1995, Chapter 49.App A.Tbl 8–10, as amended September 20, 1995, effective September 20, 1995, § 4901.B.Tbl 1, as amended September 20, 1995; effective September 20, 1995.
9. Toxicity Characteristics Revisions, [55 FR 11798] March 29, 1990, and Toxicity Characteristics Revisions (Correction 1), [55 FR 26986] June 29, 1990. (Checklists 74 and 74.1).	LRS 30: 2180 et seq, as amended June 14, 1991; effective June 14, 1991; LHWR § 105.D.15, as amended September 20, 1994; effective September 20, 1994, § 105.D.19, as amended March 20, 1995; effective March 20, 1995, §§ 105.D.39, and 105.D.40, as amended September 20, 1994; effective September 20, 1994, § 4903.E.1, and 4903.E.2, as amended November 20, 1992; effective November 20, 1992, § 4901.B.Tbl.1, as amended September 20, 1994, effective September 20, 1994 § Chapter 49.App.B, as amended September 20, 1995; effective September 20, 1995, § 2503.N.1, as amended March 20, 1995; effective March 20, 1995, § 4462.D.1., as amended September 20, 1994; effective September 20, 1994; § 4481.A, as amended April 20, 1991; effective April 20, 1991, and Chapter 49.App.B, as amended September 20, 1995; effective September 20, 1995.
10. Listing of 1,1-Dimethylhydrazine Production Waste, [55 FR 18496] May 2, 1990. (Checklist 75).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 4901.C, as amended March 20, 1995; effective March 20, 1995, Chapters 49.App.A.Tbl.8, and 4901.G.Tbl.6, as amended September 20, 1995; effective September 20, 1995.

Federal citation	State analog
11. Toxicity characteristics; Hydrocarbon Recovery Operations, [55 FR 40834], October 5, 1990, Correction 1, Included on Checklist 80 [56 FR 3978] February 1, 1991, and Correction 2 Includes on Checklist 80, [56 FR 13406]. (Checklists 80, 80.1, and 80.2).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 105.D.42.a-b, as amended September 20, 1994; effective September 20, 1994.
12. Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038), [55 FR 46354] November 2, 1990, and Correction 1, at [55 FR 51707] December 17, 1980. (Checklists 81 and 81.1).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 4901.B.2-B.2.c.ii, as amended March 20, 1995; effective March 20, 1995.
13. Wood Preserving Listings, [55 FR 50450] December 6, 1990. (Checklist 82).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991, LHWR §§ 4901.B Table 1, 4901.G.Table 6, and 3105. Table 1, as amended September 20, 1994; effective September 20, 1994, § 105.D.45, as amended March 20, 1995; effective March 20, 1995, § 4901.B.3.a-c.xii, as amended March 20, 1995; effective March 20, 1995, § 535.A-C, as amended March 20, 1995; effective March 20, 1995, § 109.drip Pad, as amended October 20, 1994; effective October 20, 1994, § 1109.E.1.e. & E.1.c.ii, as amended March 20, 1995; effective March 20, 1995, § 1901, as amended December 20, 1992; effective December 20, 1992, §§ 2801.A-B, 2803.A-D, 2805.A-P, 2807.A-B, 2809.A-D, and 2804, as amended September 20, 1995; effective September 20, 1995, § 4431.A & A.3, as amended December 20, 1992; effective December 20, 1992, and Chapter 49 App. A Table 8, as amended September 20, 1994; effective September 20, 1994.
14. Toxicity Characteristic; Chloroflourocarbon Refrigerants, [56 FR 5910] February 13, 1991. (Checklist 84).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 105.D.41, as amended September 20, 1994; effective September 20, 1994.
15. Removal of Strontium Sulfide from the List of Hazardous Waste; Technical Amendment, [56 FR 7567] February 25, 1991, (Checklists 86).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991, LHWR § 4901.F.Table 4, as amended September 20, 1994; effective September 20, 1994, § 3105.Table 1, as amended September 20, 1995, effective September 20, 1995, § 4901.E.Table 3, as amended September 20, 1994; effective September 20, 1994, §§ 3105 Table 1, and 4901.E, as amended September 20, 1995, effective September 20, 1995, and LHWR Chapter 31. Table 1, as amended September 20, 1994; effective September 20, 1994.
16. Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment, [56 FR 19290] April 26, 1991. (Checklist 87).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 1701, as amended July 20, 1991; effective July 20, 1991 §§ 1705.A, and 1709.F.3, as amended September 20, 1994; effective September 20, 1994, §§ 1713.B.4.b, and 1719.B.1, as amended July 20, 1991; effective July 20, 1991, § 1519.B.7, as amended October 20, 1994; effective October 20, 1994, §§ 4357.B.3, 4549.B, 4557, and 4559, as amended September 20, 1994; effective September 20, 1994, § 4565, as amended July 20, 1991; effective July 20, 1991, § 4589, as amended July 20, 1992, effective July 20, 1992, §§ 536.E and 530.D.2, as amended November 20, 1992; effective November 20, 1992.
17. Administrative Stay for K069 Listing, [56 FR 1995] May 1, 1991. (Checklist 88).	LRS 30: et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §§ 4901.B Table 1 and 4901.C, as amended September 20, 1994; effective September 20, 1994.
18. Revision to F037 and F038 Listings, [56 FR 21955] May 1, 1991. (Checklist 89).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §§ 4901.B Table 1 and 4901.C, as amended September 20, 1994; effective September 20, 1994.
19. Mining Exclusion III, [56 FR 27300] June 13, 1991. (Checklist 90).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 105.D.17, as amended September 20, 1994; effective September 30, 1994.
20. Administrative Stay for F032, F034, and F035 Listings, [56 FR 27332] June 13, 1991. (Checklist 91).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 4901.B.Table 1, as amended September 20, 1995; effective September 20, 1995, § 2805.A, as amended December 20, 1992; effective December 20, 1992.
21. Wood Preserving Listing: Technical Correction, [56 FR 30192] July 1, 1991. (Checklist 92).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 4901.B.3.b-B.3.b.iv, as amended March 20, 1995; effective March 20, 1995, § 1109.E.1.a-E.1.e, as amended March 20, 1995; effective March 20, 1995, §§ 2801.A-B, 2803.A-D, 2804, 2805.A-B, E, M, 2807.A, and 2809.A-C, as amended September 20, 1995; effective September 20, 1995, § 532.A.3, A.3.n-p, as amended March 20, 1995; effective March 20, 1995.
22. Exports of Hazardous Waste; Technical Correction, [56 FR 43704] September 4, 1991. (Checklist 97).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 1113.D, G, as amended September 20, 1995; effective September 20, 1995.
23. Coke Ovens Administrative Stay, [56 FR 43754] September 5, 1991. (Checklist 98).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 3001.A, as amended September 20, 1995; effective September 20, 1995.
24. Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations at Hazardous Waste Facilities, [56 FR 66365] December 23, 1991. (Checklist 99).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 109, as amended September 20, 1995; effective September 20, 1995, and § 4369.A-A.3.d, as amended March 20, 1995; effective March 20, 1995.

Federal citation	State analog
25. Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units, [57 FR 3462] January 29, 1992. (Checklist 100).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §§ 307.A-3. and 525.B-C, as amended March 20, 1995; effective March 20, 1995, §§ 322, and 533.B,D, as amended September 20, 1995; effective September 20, 1995, and § 527.C-C.1.d, E, as amended March 20, 1995; effective March 20, 1995, § 109, as amended September 20, 1995; effective September 20, 1995, §§ 1504.A-D, 1509.B.4, 1529.B.9, 2903.C-F, J-K, 2904.A-B, and 2906.A-C.4, as amended March 20, 1995; effective March 20, 1995, §§ 2907.E.2, and 2911.B.2-B.4, as amended October 20, 1994; effective October 20, 1994, § 2303.C-C.5.J, L, as amended September 20, 1994; effective September 20, 1994, §§ 2304.A-B, 2306.A-C.4, 2309.C, 2503.C-H, L-L.4, M-M.2, 2405.A-B, 2507.D-D.2, and 2508.A-C-C.4, as amended March 20, 1995; effective March 20, 1995, § 2521.B.2, as amended September 20, 1995; effective September 20, 1995, §§ 4317.B.3, 4320.A-D, and 4357.B.6, as amended September 20, 1995; effective September 20, 1995, §§ 4462.A, C-C.2, F-G, 4449.A-C, 4451.A-C.4, 4455.B-B.2, 4457.B-B.3, 4476, 4474.A-C, 4472.A-C.4, 4470, 4512.A, C-C.2, F-I, 4497.A-C, 4498.A-C.4, and 4502.A-C, as amended March 20, 1995; effective March 20, 1995, and § 2521.B.2, as amended September 20, 1995; effective September 20, 1995.
26. Used Oil Filter Exclusion, [57 FR 21524] May 20, 1992. (Checklist 104).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR § 105.D, as amended September 20, 1995; effective September 20, 1995.
27. Coke By-Product Exclusion, [57 FR 27880] June 22, 1992. (Checklist 105).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991 LHWR §§ 105.D, and 3001.A, as amended September 20, 1995; effective September 20, 1995.
28. Used Oil Filter Exclusion; Technical Correction, [57 FR 29220] July 1, 1992. (Checklist 107).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991 LHWR § 105.D.46, as amended March 20, 1995; effective March 20, 1995.
29. Toxicity Characteristics Revision; Technical Correction, [57 FR 30657] July 10, 1992. (Checklist 108).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991 LHWR §§ 105.D.16, 105.D.19, and 4512.D.1, as amended March 20, 1995; effective March 20, 1995, and § 109 Haz.Waste.2.a, as amended October 20, 1994; effective October 20, 1994.
30. Coke By-Product Listings, [57 FR 37284] August 18, 1992. (Checklist 110).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991 LHWR § 4901.B.Table 1, as amended September 20, 1994; effective September 20, 1994, and §§ 105.D.44, 4901.C, and 4901.G.Table 6, as amended March 20, 1995; effective March 20, 1995.
31. Recycled Used Oil Management Standards, [57 FR 41566] September 10, 1992. (Checklist 112).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWR §§ 109 used oil, 109 haz.waste.2.e-e.ii, and 4105.C.3-C.4, as amended March 20, 1995; effective March 20, 1995, § 4105.B.4, as amended September 20, 1994; effective September 20, 1994, §§ 4105.E, 3001.B.1, 4001, 4003-4003.B.2.c, 4003.C, 4003.D-D.2, 4003.E-E.4, 4003.F, 4003.G, 4003.H, 4003.I, 4005, 4005.Table 1, 4007.A, 4007.B, 4007.C-C.2.c, 4009.A-A.4, 4009.B-B.5, 4011.A, 4011.B, 4013-4013.D.4, 4015.A, 4015.B, 4015, 4017-C.3, 4019.A, 4019.B, 4021.B-B.2, 4023.A, 4023.B, 4025.A-A.4, 4025.B, 4025.C, 4025.D-D.5, 4027.A, 4027.B, 4029.A, 4029.B, 4083.B, 4031.A-A.4, 4031.B, 4031.C-C.5, 4033.A, 4033.B-B.2, 4033.C-C.2, 4033.D, 4035, 4035.A, 4035.B, 4035.C-C.2, 4035.D-D.2, 4035.E-F.2, 4035.G-G.2, 4035.H-H.4, 4037.A-B.5, 4037.C, 4037.D, 4039, 4041.A-A.2, 4041.B-B.5, 4043.A, 4043.B, 4045.A-A.5, 4045.A.6.a-A.6.B, 4045.b-b.6.i.VII, 4047.a, 4047.B-B.2, 4047.C-C.2, 4049-4049.H.2.b, 4051-4051.B.3, 4053.A-C, 4055-4055.B.3, 4057, 4059, 4061.A-A.2, 4061.B-B.5, 4061.C, 4063.A-B, 4065.A, 4067.A, 4067.B-B.3, 4067.C-D, 4071.A-B, 4073.A-B, 4075, 4079-4079.B, 4085.A-C, 4087.A-B, 4089, 4091.A, 4091.B, 4093, 105.D.46, 105.D.47, 1501.C.2, 105.D.4, 4001 "used oil", 4003.B.2, 4003.B.2.b, 4003.B.2.c, 4003.C, 4003.C.1, 4003.C.1.a, 4003.C.1.b, 4003.C.2, 4003.C.3, 4003.D.1, 4003.E.3.b, 4003.E.4, 4003.I, 4005.Table 1, note, 4007.C.3, 4011.A, 4013, 4015, 4015.A, 4015.B, 4015.C, 4025.A.4, 4025.D.4, 4029.A, 4029.B, 4031.B, 4031.B, 4035, 4035.D.1.b, 4035.D.1.c, 4043.A, 4045.B.6.h.iii, 4049, 4049.A, 4049.C.1.a, 4049.C.2, 4061.B.1, 4069-4069.G.4, 4077.A-C.4, 4081.A-B, 4083.A-B, and 4085.A, as amended March 20, 1995, effective March 20, 1995.
32. Financial Responsibility for Third-Party Liability, Closure and Post-Closure, [57 FR 42832] September 16, 1992, [53 FR 33938], September 1, 1988, and [56 FR 30200] July 1, 1991. (Checklists 113, 113.1, and 113.2).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR §§ 3703.A.8, 3707.F.10, 4403.E.10, 4407.E.11, as amended July 20, 1992; effective July 20, 1992, §§ 4411.a-b.7.c, 4411.F.6, 4411.G-G.3, 4411.H-H.5, 4411.I-I.4, 4411.J-J.4, 4411.K, as amended May 20, 1993; effective May 20, 1993, §§ 3719.B, 3719.F-G, 3719.H.1-H.2, 3719.L, 3719.M.1-2, 3719.N.1-2, and 4399.A.8, as amended July 20, 1992; effective July 20, 1992, §§ 3719.I, 1.b.iv, and 3719J.2.d, as amended March 20, 1995; effective March 20, 1995, and § 3719.K, as amended July 20, 1992; effective July 20, 1992.
33. Chlorinated Toluene Production Waste Listing, [57 FR 47376] October 15, 1992. (Checklist 115).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR §§ 4901.C.Table 2, and 4901.G.Table 6, as amended March 20, 1995; effective March 20, 1995.
34. "Mixture" and "Derived-From" Rules; Response to Court Remand, [57 FR 7628] March 3, 1992, [57 FR 23062] June 1, 1992, and [57 FR 49287] October 20, 1992. (Checklists 117A, 117.A.1, and 117A.2).	LRS 30: 2180 st seq., as amended June 14, 1991, effective June 14, 1991; LHWR §§ 109.haz. waste, 109.haz. waste.1, 109.haz. waste.2, and 109.haz. waste.2.a, as amended October 20, 1994; effective October 20, 1994, § 109.haz. waste.2.c, as amended March 20, 1995; effective March 20, 1995, § 109.haz. waste.2.d, as amended October 20, 1994; effective October 20, 1994, §§ 4905.A.1, 4905.A.2, 4905.A.3, 49805.A.4, and 4905.A.5, as amended July 20, 1992; effective July 20, 1992, §§ 109.haz. waste.3, 109.haz. waste.3.a, 109.haz. waste.b, 109.haz.waste.3.c, 109.haz. waste.4, and 109.haz. waste.5, as amended October 20, 1994; effective October 20, 1994, §§ 105.D.33, 105.D.33.a, and 105.D.33.b, as amended September 20, 1994; effective September 20, 1994, § 105.D.33.C, as amended March 20, 1995; effective March 20, 1995, and §§ 109.haz. waste.6, 109.haz. waste.6.a, and 109.haz. waste.6.b, as amended October 20, 1994; effective October 20, 1994.

Federal citation	State analog
35. Toxicity Characteristic Revision, [57 FR 23062] June 1, 1992. (Checklist 117B).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWB §§ 105.D.16, 105.D.19, and 4512.D.1, as amended March 230, 1995; effective March 20, 1995, and § 109 haz.waste.2.a, as amended October 20, 1994; effective October 20, 1994.
36. Liquids in Landfills II, [57 FR 54452] November 18, 1992. (Checklist 118).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWB §§ 1519.C.3, 2515.A.2, 2515.B, 2515. C.1.b, 2515.F, 2515.F.1, 2515.F.1.a, 2515.F.1.b-c, 2515.F.2, 2515.F.2.a-b, 2515.E, 2515.E.1-2, 2519.B-C, 4313.F.3, 4507.A.2, 4507.B, 4507.C.1.b, 4507.F, 4507.F.1, 4507.F.1.a-c, 4507.F.2, 4507.F.2.a-b, 4507.G, 4507.G.2, 4511.B, and 4511.C, as amended March 20, 1995; effective March 20, 1995.
37. Toxicity Characteristic Revision; TCLP, [57 FR 55114] November 24, 1992, and [58 FR 6854] February 2, 1993. (Checklists 119 and 119.1).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWB §§ Chapters 49, App.B.8.2, 49, App.B.8.2.2, 49, App.B.8.2.2.5, 49 App.B.8.2.2.5.1, 49, App.B.8.2.2.5.2, 49, App.B.8.2.2.5.3, 49, App.B.8.2.2.5.4, and 49, App.B.8.4, as amended September 20, 1995.
38. Wood Preserving; Amendments to Listings and Technical Requirements, [57 FR 61492] December 24, 1992. (Checklist 120).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWB § 4901.B. Table 1, as amended September 20, 1994; effective September 20, 1994, § 105.D.44, as amended March 20, 1995; effective March 20, 1995, 4901.B.Table 1, as amended September 20, 1994; effective September 20, 1994, § 2801.A, as amended December 20, 1992; effective December 20, 1992, §§ 2804, 2804.A-B, 2805.C.3, 2805.I, 2803.A, 2803.B, 2805.A.4, 4591, 2805 J, 2805.C, 2805.B, and 2805.C, as amended September 20, 1995; effective September 20, 1995.
39. Corrective Action Management Units and Temporary Units; Corrective Action Provisions Under Subtitle C, [58 FR 8658] February 16, 1993. (Checklist 121).	LRS 30:2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWB §§ 109, 109 "landfills", 109 "misc. unit", 109 "remediation waste", 4301.C, 3322.B, 2601.A, 2601.A.1-2, 2601.B.1, 2601.B.1.a-b, 2601.B.2, 2601.C, 2601.C.1-7, 2601.D, 2601.E, 2601.E.1-3, 2601.E.3.a-b, 2601.E.4, 2601.E.4a, 2601.e.4.a.i, 2601.E.4.a.ii, 2601.E.4.b, 2601.E.4.b.i-iii, 2601.E.4.c, 2601.E.4.c.i, ii, iii, iv, v, and vi, 2601.E.4.d, 2601.F, 2601.G, 2601.H, 2603.A-B, 2603.B.1-2, 2603.C, 2603.C.1-7, 2603 D, and 2603.E-G, as amended March 20, 1995, effective March 20, 1995, § 109.Interim Status, as amended October 20, 1994; effective October 20, 1994, §§ 105, and 4301.A & C, as amended September 20, 1994; effective September 20, 1994, and § 4307, as amended March 20, 1994; effective March 20, 1994.
40. Recycled Used Oil Management Standards; Technical Amendments and Corrections, [58 FR 26420] May 3, 1993, and [58 FR 33341] June 17, 1993. (Checklists 122 and 122.1).	LRS 30: 2180 et seq, as amended June 14, 1991, effective June 14, 1991; LHWB §§ 109 used oil, 109 haz. waste.2.e-e.ii, and 4105.C.3-C.4, as amended March 20, 1995; effective March 20, 1995, § 4105.B.4, as amended September 20, 1994; effective September 20, 1994, §§ 4105.E, 3001.B.1, 4001, 4003-4003.B.2.c, 4003.C, 4003.D-D.2, 4003.E-E.4, 4003.F, 4003.G, 4003.H, 4003.I, 4005, 4005.Table 1, 4007.A, 4007.B, 4007.C-C.2.c, 4009.A-A.4, 4009.B-B.5, 40011.A, 4011.B., 4013-4013.D.4, 4015.A, 4015.B, 4015, 4017-C.3, 4019.A, 4019.B, 4021.A, 4021.B-B.2, 4023.A, 4023.B, 4025.A-A.4, 4025.B, 4025.C, 4025.D-D.5, 4027.A, 4027.B, 4029.A, 4029.B, 4083.B, 4031.A-A.4, 4031.B, 4031.C-C.5, 4033.A, 4033.B-B.2, 4033.C-C.2, 4033.D, 4035, 4035.A, 4035.B, 4035.C-C.2, 4035.D-D.2, 4035.E-F.2, 4035.G-G.2, 4035.H-H.4, 4037.A-B.5, 4037.C, 4037.D, 4039, 4041.A-A.2, 4041.B-B.5, 4043.A, 4043.B, 4045.A-A.5, 4045.A.6.a-A.6.B, 4045.b-b.6.i.VII, 4047.a, 4047.B-B.2, 4047.C-C.2, 4049-4049.H.2.b, 4051-4051.B.3, 4053.A-C, 4055-4055.B.3, 4057, 4059, 4061, 4061.A-A.2, 4061.B-B.5, 4061.C, 4063.A-B, 4065.A, 4065.A, 4067.A, 4067.B-B.3, 4067.C-D, 4071.A-B, 4073.A-B, 4075, 4079-4079.B, 4085.A-C, 4087.A-B, 4089, 4091.A, 4091.B, 4093, 105.D.46, 105.D.47, 1501.C.2, 105.D.4, 4001 "used oil", 4003.B.2, 4003.B.2.b, 4003.B.2.c, 4003.C, 4003.C.1, 4003.C.1.a, 4003.C.1.b, 4003.C.2., 4003.C.3, 4003.D.1, 4003.E.3.b, 4003.E.4., 4003.I, 4005.Table 1, note, 4007.C.3, 4011.A, 4013, 4015, 4015.A, 4015.B, 4015.C, 4025.A.4, 4025.D.4, 4029.A, 4029.B, 4031.B, 4031.B, 4035, 4035.D.1.b, 4035.D.1.c, 4043.A, 4045.B.6.h.iii, 4049, 4049.A, 4049.C.1.a, 4049.C.2, 4061.B.1, 4069-4069.G.4, 4077.A-C.4, 4081.A-B, 4083.A-B, and 4085.A, as amended March 20, 1995, effective March 20, 1995.

Louisiana is not authorized to operate the Federal program on Indian lands, This authority remains with EPA.

C. Decision

I conclude that Louisiana's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Louisiana is granted final authorization to operate its hazardous waste program as revised. Louisiana now has responsibility for permitting treatment, storage, and disposal facilities 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. Louisiana also has

primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

D. Codification in Part 272

EPA uses 40 CFR part 272 for codification of the decision to authorize Louisiana's program and for incorporation by reference of those provisions of Louisiana's Statutes and regulations that EPA will enforce under sections 3008, 3013, and 7003 of RCRA. Therefore, EPA is reserving amendment of 40 CFR part 272, subpart T until a later date.

Compliance with Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Louisiana's program, thereby eliminating duplicative requirements for handlers of

hazardous waste in the State. This authorization does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

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

Authority: This notice 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: March 20, 1996.

Jane N. Saginaw,

Regional Administrator.

[FR Doc. 96-7604 Filed 3-27-96; 8:45 am]

BILLING CODE 6560-50-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 677

[Docket No. 960311066-6066-01; I.D. 030596C]

RIN 0648-A167

North Pacific Fisheries Research Plan; Fee Refund

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Interim final rule; request for comments.

SUMMARY: NMFS issues an interim final rule that will discontinue the 1995 North Pacific Fisheries Research Plan (Research Plan) fee collection process, authorize the issuance of annual Federal processor permits without regard to payment of Research Plan fees, and refund all fees collected (approximately \$5.6 million) by NMFS under the Research Plan, along with accrued interest. A refund procedure is outlined that describes how Research Plan refund recipients will be identified, how the refunds will be calculated, and how and when refund checks will be disbursed. This action is necessary to respond to the North Pacific Fishery Management Council's (Council) vote at its December 1995 meeting to repeal the Research Plan. It is intended to terminate the

collection of fees authorized by the Research Plan.

DATES: Effective March 25, 1996.

Comments must be received on or before April 29, 1996, (See **ADDRESSES**).

ADDRESSES: Comments on the interim final rule may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, Room 453, 709 W. 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel.

FOR FURTHER INFORMATION CONTACT: Kim S. Rivera, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

A final rule implementing the Research Plan was published in the Federal Register on September 6, 1994 (59 FR 46126), under the authority of section 313 of the Magnuson Fishery Conservation and Management Act (Magnuson Act), as amended by section 404 of the High Seas Driftnet Fisheries Enforcement Act, Public Law 102-582. The Research Plan includes a fee collection program to pay for the costs of observer coverage for all fisheries under the Council's jurisdiction, except salmon fisheries. Full implementation of the Research Plan was delayed until 1997 (60 FR 66755, December 26, 1995) after the Council requested additional time to reconsider certain elements of the Research Plan that it had previously adopted. At its December 1995 meeting, the Council voted to repeal the Research Plan and its associated fee-based funding mechanism and requested NMFS to develop rulemaking for an alternative to the Research Plan and to refund the Research Plan fees collected in 1995.

As a result of the Council's action, NMFS intends to halt the administrative process necessary for full implementation of the Research Plan. This includes the billing of Research Plan fee assessments, collection of fee payments, and the requirement for Research Plan fees to be fully paid prior to issuance of Federal processor permits. Furthermore, NMFS will refund all monies, including accrued interest, deposited in the North Pacific Fishery Observer Fund (Observer Fund) to the processors that were billed and made direct payments to NMFS. Refund checks will be issued as soon as administratively possible.

Without the fee collection process in place, a justification for a semiannual Federal processor permit no longer exists. Therefore, the requirement is revised and the Federal processor permit will be issued annually.

In 1995, fee assessments were billed for the first four bimonthly billing periods and over \$5.6 million was collected from Research Plan processors. Two more bimonthly fee assessments were scheduled to complete the 1995 billings. They will not be issued. Regulations at § 677.6(b) are revised to indicate that 1995 fee assessments were required only through August 31, 1995. To be consistent with the revised 1995 billing period, regulations at § 677.6(d) also are changed to indicate a January 1 through August 31, 1995, period.

Beginning in 1996, Federal processor permits will be issued for the entire calendar year rather than for a semiannual period. As a result, Federal processor permits issued in 1996 will be effective for the period January 1, 1996, through December 31, 1996. Regulations at § 677.4(b)(1) and (c)(1) will be revised to indicate that the Federal processor permits are issued annually and regulations at § 677.4(e) will be revised to indicate that the duration of an issued Federal processor permit is for the period January 1 through December 31. Issuance of Federal processor permits will not depend upon payment of past due Research Plan fees. Regulations at § 677.4(c)(2) are revised to remove language requiring payment of Research Plan fees as a condition of Federal processor permit issuance.

NMFS intends to refund in its entirety the \$5.6 million collected under the Research Plan and the interest earned on fee payments deposited in the Observer Fund. Refunds will be issued to Research Plan processors using a procedure set forth in a new paragraph at § 677.6(g). Reference to refunds at § 677.6(d)(3)(ii) is no longer applicable and is removed.

NMFS collected fees only from processors. NMFS did not collect fees directly from fishermen and does not have the necessary information to provide refunds to fishermen. NMFS expects processors to refund to fishermen any Research Plan fees collected from fishermen. NMFS encourages fishermen who paid Research Plan fees to one or more processors to coordinate directly with those processors to obtain their portion of the Research Plan refund.

Classification

The Assistant Administrator for Fisheries, NOAA (AA) finds that relieving certain conditions specified at § 677.4(b)(1), (c), and (e) for processor permit issuance and at § 677.6 (b) and (d) for 1995 fee assessments removes a regulatory burden. Given that the Research Plan has not been fully