

US EPA ARCHIVE DOCUMENT

Classification Update #3

PART 133—TOLLS FOR USE OF CANAL

1. The authority citation for part 133 continues to read as follows:

Authority: 22 U.S.C. 3791–3792, 3794.

2. Section 133.1 is revised to read as follows:

§ 133.1 Rates of Toll.

The following rates of toll shall be paid by vessels using the Panama Canal:

Up to 15.24 meters (50 feet)	\$500, i.e., approximately 194 PC/UMS Net Tons at the current laden rate.
More than 15.24 meters (50 feet) up to 24.38 meters (80 feet)	\$750, i.e., approximately 291 PC/UMS Net Tons at the current laden rate.
More than 24.38 meters (80 feet) up to 30.48 meters (100 feet)	\$1,000, i.e., approximately 389 PC/UMS Net Tons at the current laden rate.
More than 30.48 meters (100 feet)	\$1,500, i.e., approximately 583 PC/UMS Net Tons at the current laden rate.

(e) Vessels with structural features which render the application of paragraph (d) of this section unreasonable or impractical, as determined by the Panama Canal Commission, shall have a PC/UMS Net Tonnage or displacement tonnage determined and shall have the toll assessed in accordance with paragraphs (a), (b) or (c) of this section, provided that tonnage determination results in tonnage greater than the equivalent of 583 PC/UMS Net Tons.

PART 135—RULES FOR MEASUREMENT OF VESSELS

1. The authority citation for part 135 continues to read as follows:

Authority: 22 U.S.C. 3791–3792, 3794.

2. Section 135.1 is amended by adding at the end thereof two new sentences to read as follows:

§ 135.1 Scope.

* * * Vessels measuring not more than 30.48 meters (100 feet) in length overall are not required to be measured. If the Panama Canal Commission determines the toll provided in § 133.1 (d) will apply, the vessel need not be assigned a PC/UMS Net Tonnage.

Dated: April 23, 1998.

John A. Mills,
Secretary.

[FR Doc. 98–11269 Filed 4–27–98; 8:45 am]

BILLING CODE 3640–04–P

(a) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, \$2.57 per PC/UMS Net Ton—that is, the Net Tonnage determined in accordance with part 135 of this chapter.

(b) On vessels in ballast without passengers or cargo, \$2.04 per PC/UMS Net Ton.

(c) On other floating craft including warships, other than transports, colliers,

hospital ships and supply ships, \$1.43 per ton of displacement.

(d) On small vessels which, under paragraphs (a) through (c), would be assessed a toll of less than \$1,500, a minimum toll based upon their length overall in accordance with the following table:

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 272

[FRL–5988–2]

New Mexico: Final Authorization and Incorporation by Reference of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: New Mexico has revised its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The EPA has reviewed New Mexico's changes to its program and has made a decision, subject to public review and comment, that New Mexico's hazardous waste program revisions satisfy 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's decision to approve New Mexico's hazardous waste program revisions will take effect as provided below. New Mexico's program revisions are available for public review and comment.

The EPA uses part 272 of Title 40 Code of Federal Regulations (CFR) to provide notice of the authorization status of State programs, and to incorporate by reference EPA's approval of those provisions of the State statutes and regulations that EPA will enforce under RCRA sections 3008, 3013 and 7003. Thus, EPA intends to incorporate the New Mexico Authorized State Program by reference in 40 CFR part 272. The purpose of this action is to

incorporate by reference EPA's approval of recent revisions to New Mexico's program.

DATES: Final authorization for New Mexico's program revisions shall be effective July 13, 1998 unless EPA publishes a prior FR action withdrawing this immediate final rule. All comments on New Mexico's program revisions must be received by the close of business May 28, 1998. The incorporation of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 13, 1998 in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

ADDRESSES: Copies of New Mexico's program revisions and materials EPA used in evaluating the revisions are available for copying from 8:30 a.m. to 4 p.m. Monday through Friday, at the following addresses: New Mexico Environment Department, 1190 St Francis Drive, Santa Fe, New Mexico 87502, Phone number: (505) 827–1558; EPA Region 6 Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–6444. Written comments referring to Docket Number NM98–1 should be sent to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD–G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–8533.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD–G), Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Phone number: (214) 665–8533.

SUPPLEMENTARY INFORMATION:**I. Authorization of State Initiated Changes****A. Background**

States with final authorization under section 3006(b) of the RCRA, 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. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616, November 8, 1984, hereinafter HSWA) allow States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

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 through 266, 268, 270, 273, and 279.

B. New Mexico

The State of New Mexico received final authorization to implement its base hazardous waste management program, on January 25, 1985, (50 FR 1515). New Mexico received authorization for revisions to its program on April 10, 1990 (55 FR 4604); July 25, 1990 (55 FR 28397); December 4, 1992 (57 FR 45717); August 23, 1994 (59 FR 29734); December 21, 1994 (59 FR 51122); July 10, 1995 (60 FR 20238); January 2, 1996 (60 FR 53708) as affirmed by EPA in the **Federal Register** notice published on January 26, 1996 (61 FR 2450); and March 10, 1997 (61 FR 67474). The authorized New Mexico RCRA program was incorporated by reference to the CFR, effective December 13, 1993 (58 FR 52677); August 21, 1995 (60 FR 32113); and November 18, 1996 (61 FR 49265).

With respect to today's document, New Mexico has made conforming changes to make its regulations internally consistent relative to the revisions made for the above listed authorizations. New Mexico has also changed its regulations to make them more consistent with the Federal requirements. The EPA has reviewed these changes and has made an immediate final decision, in accordance with 40 CFR 271.21(b)(3), that New Mexico's hazardous waste program

revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA grants final authorization for the additional program modifications to New Mexico's hazardous waste program. As explained in the Proposed Rule section of today's FR, the public may submit written comments on EPA's immediate final decision until June 12, 1998. Copies of New Mexico's program revisions are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this document.

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

New Mexico is authorized to carry out, in lieu of the Federal program, the State-initiated changes to Title 20, Chapter 4, Part 1, New Mexico Annotated Code (20 NMAC 4.1), Sections 4.1.300 and 4.1.301 (analogous to 40 CFR Part 262) and 4.1.901.A.1 (analogous to 40 CFR 124.6(a)). The State regulations were effective November 1, 1995. In addition, EPA is authorizing changes to 4.1.1109 which was effective November 1, 1995. This provision does not have a direct analog in the Federal RCRA regulations however, none of these provisions are considered broader in scope than the Federal program. This is so because these provisions were either previously authorized as part of New Mexico's base authorization or have been added to make the State's regulations internally consistent with changes made for the other authorizations listed in the first paragraph of this section. The EPA has reviewed these provisions and has determined that they are consistent with and no less stringent than the Federal requirements. Additionally, this authorization does not affect the status of State permits and those permits issued by EPA because no new substantive requirements are a part of these revisions.

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

C. Decision

I conclude that New Mexico's program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, New Mexico is granted final authorization to

operate its hazardous waste program as revised assuming no adverse comments are received, as discussed above.

New Mexico now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. New Mexico 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.

II. Incorporation by Reference**A. Background**

Effective December 13, 1993, August 21, 1995 and November 18, 1996, EPA incorporated by reference New Mexico's then authorized hazardous waste program (58 FR 52677, 60 FR 32113 and 61 FR 49265). Effective March 10, 1997 (61 FR 67474), EPA granted authorization to New Mexico for additional program revisions. In this document, EPA is incorporating the currently authorized State hazardous waste program in New Mexico.

The EPA provides both notice of its approval of State programs in 40 CFR part 272 and incorporates by reference therein the State statutes and regulations that EPA will enforce under sections 3008, 3013 and 7003 of RCRA. This effort will provide clearer notice to the public of the scope of the authorized program in New Mexico. Such notice is particularly important in light of HSWA, (PL 98-616). Revisions to State hazardous waste programs are necessary when Federal statutory or regulatory authority is modified. Because HSWA extensively amended RCRA, State programs must be modified to reflect those amendments. By incorporating by reference the authorized New Mexico program and by amending the CFR whenever a new or different set of requirements is authorized in New Mexico, the status of Federally approved requirements of the New Mexico program will be readily discernible.

The Agency will only enforce those provisions of the New Mexico hazardous waste management program for which authorization approval has been granted by EPA. This document incorporates by reference provisions of State hazardous waste statutes and regulations and clarifies which of these provisions are included in the authorized and Federally enforceable program.

B. New Mexico Authorized Hazardous Waste Program

The EPA is incorporating by reference the New Mexico authorized hazardous waste program in subpart GG of 40 CFR part 272. The State statutes and regulations are incorporated by reference at § 272.1601(b)(1) and the Memorandum of Agreement, the Attorney General's Statement and the Program Description are referenced at § 272.1601(b)(5), (b)(6) and (b)(7), respectively.

The Agency retains the authority under sections 3007, 3008, 3013 and 7003 of RCRA to undertake enforcement actions in authorized States. With respect to such an enforcement action, the Agency will rely on Federal sanctions, Federal inspection authorities, and the Federal Administrative Procedure Act rather than the authorized State analogues to these requirements. Therefore, the Agency does not intend to incorporate by reference for purposes of enforcement such particular, authorized New Mexico enforcement authorities. Section 272.1601(b)(2) of 40 CFR lists those authorized New Mexico authorities that are part of the authorized program but are not incorporated by reference.

The public also needs to be aware that some provisions of the State's hazardous waste management program are not part of the Federally authorized State program. These non-authorized provisions include:

(1) provisions that are not part of the RCRA subtitle C program because they are "broader in scope" than RCRA subtitle C (see 40 CFR 271.1(i));

(2) Federal rules for which New Mexico is not authorized, but which have been incorporated into the State regulations because of the way the State adopted Federal regulations by reference.

State provisions which are "broader in scope" than the Federal program are not part of the State's authorized program and are not incorporated by reference in 40 CFR part 272. Section 272.1601(b)(3) of 40 CFR lists for reference and clarity the New Mexico provisions which are "broader in scope" than the Federal program and which are not, therefore, part of the authorized program being incorporated by reference. "Broader in scope" provisions will not be enforced by EPA; the State, however, will continue to enforce such provisions.

New Mexico has adopted but is not authorized for the Federal rules published in the **Federal Register** from January 28, 1983 through March 20,

1984 (48 FR 3977, 48 FR 39611, 48 FR 52718, 49 FR 5308, and 49 FR 10490); amendments to the Toxicity Characteristic Rule as published on October 5, 1990 (55 FR 40834), February 1, 1991 (56 FR 3978), February 13, 1991 (56 FR 5910) and April 2, 1991 (56 FR 13406); amendments to the F037 and F038 listings as published on May 13, 1991 (56 FR 21955); amendments to 40 CFR parts 260, 261, 264, 265 and 266 relative to the Recycled Used Oil Management Standards, as published on September 10, 1992 (57 FR 41565) and May 3, 1993 (58 FR 26420); amendments to the Boilers and Industrial Furnace Rule as published on November 9, 1993 (58 FR 59598); amendments to 40 CFR part 261 addressing Conditional Exemption for Scale Treatability Studies as published on February 18, 1994 (59 FR 8362) and amendments to 40 CFR part 264 regarding Letter of Credit as published on June 10, 1994 (59 FR 29958). Therefore, these Federal amendments included in New Mexico's adoption by reference of the Federal code at Title 20, Chapter 4, Part 1, New Mexico Administrative Code (20 NMAC 4.1), Subparts I, II, V, VI, and VII are not Federally enforceable.

Since EPA cannot enforce a State's requirements which have not been reviewed and approved according to the Agency's authorization standards, it is important that EPA clarify any limitations on the scope of a State's approved hazardous waste program. Thus, in those instances where a State's method of adopting Federal law by reference has the effect of including unauthorized requirements, EPA will provide this clarification by: (1) incorporating by reference the relevant State legal authorities according to the requirements of the Office of Federal Register; and (2) subsequently identifying in 272.1601(b)(4) any requirements which, while adopted and incorporated by reference, are not authorized by EPA, and therefore are not Federally enforceable. Thus, notwithstanding the language in the New Mexico hazardous waste regulations incorporated by reference at 272.1601(b)(1), EPA would only enforce the State provisions that are actually authorized by EPA. With respect to HSWA requirements for which the State has not yet been authorized, EPA will continue to enforce the Federal HSWA standards until the State receives specific HSWA authorization from EPA.

C. HSWA Provisions

As noted above, the Agency is not amending 40 CFR part 272 to include HSWA requirements and prohibitions

that are immediately effective in New Mexico and other States. Section 3006(g) of RCRA provides that any requirement or prohibition of HSWA (including implementing regulations) takes effect in authorized States at the same time that it takes effect in nonauthorized States. Thus, EPA has immediate authority to implement a HSWA requirement or prohibition once it is effective. A HSWA requirement or prohibition supercedes any less stringent or inconsistent State provision which may have been previously authorized by EPA (50 FR 28702, July 15, 1985).

Because of the vast number of HSWA statutory and regulatory requirements taking effect over the next few years, EPA expects that many previously authorized and incorporated by reference State provisions will be affected. The States are required to revise their programs to adopt the HSWA requirements and prohibitions by the deadlines set forth in 40 CFR 271.21, and then to seek authorization for those revisions pursuant to 40 CFR part 271. The EPA expects that the States will be modifying their programs substantially and repeatedly. Instead of amending the 40 CFR part 272 every time a new HSWA provision takes effect under the authority of RCRA section 3006(g), EPA will wait until the State receives authorization for its analog to the new HSWA provision before amending the State's 40 CFR part 272 incorporation by reference. In the interim, persons wanting to know whether a HSWA requirement or prohibition is in effect should refer to 40 CFR 271.1(j), as amended, which lists each such provision.

The incorporation by reference of State authorized programs in the CFR should substantially enhance the public's ability to discern the current status of the authorized State program and clarify the extent of Federal enforcement authority. This will be particularly true as more State program revisions to adopt HSWA provisions are authorized.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments and the private sector. Under sections 202 and 205 of the UMRA, EPA generally must prepare a written statement of economic and regulatory alternatives analyses for proposed and final rules with Federal mandates, as defined by the UMRA, that may result in expenditures to State,

local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. The sections 202 and 205 requirements do not apply to today's action because it is not a "Federal mandate" and because it does not impose annual costs of \$100 million or more.

Today's rule contains no Federal mandates for State, local or tribal governments or the private sector for two reasons. First, today's action does not impose new or additional enforceable duties on any State, local or tribal governments or the private sector because it merely grants authorization for existing requirements with which regulated entities must already comply under State law. Second, the Act also generally excludes from the definition of a "Federal mandate" duties that arise from participation in a voluntary Federal program. The requirements being authorized and codified today are the result of New Mexico's voluntary participation in accordance with RCRA subtitle C.

Even if today's rule did contain a Federal mandate, this rule will not result in annual expenditures of \$100 million or more for State, local, and/or tribal governments in the aggregate, or the private sector because today's action grants authorization as well as incorporating by reference an existing State program that EPA previously authorized. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA.

The requirements of section 203 of UMRA also do not apply to today's action. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, section 203 of UMRA requires EPA to develop a small government agency plan. This rule contains no regulatory requirements that might significantly or uniquely affect small governments. The Agency recognizes that although small governments may be hazardous waste generators, transporters, or own and/or operate treatment, storage, and disposal facilities, this codification incorporates into the CFR New Mexico's requirements which have already been authorized by EPA under 40 CFR part 271 and, thus, small governments are not subject to any additional significant or unique requirements by virtue of this authorization and codification.

Certification Under the Regulatory Flexibility Act

The EPA has determined that this authorization and codification will not have a significant economic impact on

a substantial number of small entities. Such small entities which are hazardous waste generators, transporters, or which own and/or operate treatment, storage, or disposal facilities are already subject to the state requirements authorized by EPA under 40 CFR part 271. The EPA's authorization and codification does not impose any additional burdens on these small entities. This is because EPA's codification would simply result in an administrative change, rather than a change in the substantive requirements imposed on small entities.

Therefore, EPA provides the following certification under the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act. Pursuant to the provision at 5 U.S.C. 605(b), I hereby certify that this codification will not have a significant economic impact on a substantial number of small entities. This codification incorporates New Mexico's requirements into the CFR which have been authorized by EPA under 40 CFR part 271. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Submission to Congress and the Comptroller General

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. The EPA submitted a report containing this rule 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 of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 6 of Executive Order 12866.

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, Federal agencies must consider the paperwork burden imposed by any information request contained in a proposed rule or a final rule. This rule will not impose any information requirements upon the regulated community.

List of Subjects in 40 CFR Part 272

Environmental Protection, Administrative practice and procedure, Confidential business information, Hazardous waste transportation, Hazardous waste, Incorporation by reference, 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 19, 1998.

Lynda F. Carroll,

Acting Deputy Regional Administrator, Region 6.

40 CFR part 272 is amended as follows:

PART 272—APPROVED STATE HAZARDOUS WASTE MANAGEMENT PROGRAMS

1. The authority citation for part 272 continues to read as follows:

Authority: Sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

2. Subpart GG is amended by revising § 272.1601 to read as follows:

§ 272.1601 New Mexico State-Administered Program: Final Authorization.

(a) Pursuant to section 3006(b) of RCRA, 42 U.S.C. 6926(b), New Mexico has final authorization for the following elements as submitted to EPA in New Mexico's base program application for final authorization which was approved by EPA effective January 25, 1985. Subsequent program revision applications were approved effective on April 10, 1990, July 25, 1990, December 4, 1992, August 23, 1994, December 21, 1994, July 10, 1995, January 2, 1996, March 10, 1997 and June 13, 1998.

(b) State Statutes and Regulations.

(1) The New Mexico statutes and regulations cited in this paragraph are incorporated by reference as part of the hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(i) The EPA Approved New Mexico Statutory Requirements Applicable to the Hazardous Waste Management Program, dated September 1997.

(ii) The EPA Approved New Mexico Regulatory Requirements Applicable to the Hazardous Waste Management Program, dated September 1997.

(2) The following statutes and regulations concerning State

enforcement, although not incorporated by reference, are part of the authorized State program:

(i) New Mexico Statutes 1978 Annotated, Inspection of Public Records Act, Chapter 14, Article 2, (1994 Cumulative Supplement), Sections 14-2-1 *et seq.*

(ii) New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4, (1993 Replacement Pamphlet), Sections 74-4-4 (except 74-4-4C), 74-4-4.1, 74-4-4.2C through 74-4-4.2F, 74-4-4.2G(1),

74-4-4.2H, 74-4-4.2I, 74-4-4.3 (except 74-4-4.3A(2) and 74-4-4.3F), 74-4-4.7B, 74-4-4.7C, 74-4-5, 74-4-7, 74-4-10, 74-4-10.1 (except 74-4-10.1C), 74-4-11 through 74-4-14.

(iii) Title 20, Chapter 4, Part 1, New Mexico Administrative Code (20 NMAC 4.1), effective November 11, 1995, Subpart IX, Section 4.1.901 (except 4.1.901.B.1 through 4.1.901.B.6); and Subpart X, Sections 4.1.1101, 4.1.1105, 4.1.1106, and 4.1.1109.

(3)(i) The following statutory provisions are broader in scope than the

Federal program, are not part of the authorized program, and are not incorporated by reference:

(ii) New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4, (1993 Replacement Pamphlet), Sections 74-4-3.3 and 74-4-4.2J.

(4) *Unauthorized State Provisions* (i) The State's adoption of the Federal rules listed below is not approved by EPA and are, therefore, not enforceable:

Federal requirement	Federal Register reference	Publication date
Biennial Report	48 FR 3977	01/28/83
Permit Rules; Settlement Agreement	48 FR 39611	09/01/83
Interim Status Standards; Applicability	48 FR 52718	11/22/83
Chlorinated Aliphatic Hydrocarbon Listing (F024)	49 FR 5308	02/10/84
National Uniform Manifest	49 FR 10490	03/20/84
Recycled Used Oil Management Standards	57 FR 41566: Amendments to 40 CFR Parts 260, 261 and 266. 58 FR 26420: Amendments to 40 CFR Parts 261, 264 and 265.	09/10/92 05/03/93
Revision of Conditional Exemption for Small Scale Treatability Studies	59 FR 8362	02/18/94
Letter of Credit Revision	59 FR 29958	06/10/94

(ii) Additionally, New Mexico has adopted but is not authorized to implement the HSWA rules that are

listed below in lieu of EPA. The EPA will continue to enforce the Federal HSWA standards for which New Mexico

is not authorized until the State receives specific authorization from EPA.

Federal requirement	Federal Register reference	Publication date
Toxicity	55 FR 40834	10/05/90
Characteristic	56 FR 3978	02/01/91
Hydrocarbon Recovery Operations	56 FR 13406	04/02/91
Toxicity	56 FR 5910	02/13/91
Characteristic Chlorofluorocarbon Refrigerants		
Revisions to the Petroleum Refining Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038).	56 FR 21955	05/13/91
Boilers and Industrial Furnaces; Administrative Stay and Interim Standards for Bevill Residues.	58 FR 59598	11/09/93

(5) Memorandum of Agreement. The Memorandum of Agreement between EPA Region 6 and the State of New Mexico signed by the EPA Regional Administrator on December 11, 1996, is referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(6) Statement of Legal Authority. "Attorney General's Statement for Final Authorization," signed by the Attorney General of New Mexico on January 1985, and revisions, supplements and addenda to that Statement dated April 13, 1988; September 14, 1988; July 19, 1989; July 23, 1992; February 14, 1994; July 18, 1994; July 20, 1994; August 11, 1994; November 28, 1994; August 24, 1995; and January 12, 1996, are

referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

(7) Program Description. The Program Description and any other materials submitted as part of the original application or as supplements thereto are referenced as part of the authorized hazardous waste management program under subtitle C of RCRA, 42 U.S.C. 6921 *et seq.*

3. Appendix A to part 272 is amended by revising the listing for "New Mexico" to read as follows:

* * * * *

New Mexico

The statutory provisions include:

New Mexico Statutes 1978 Annotated, Hazardous Waste Act, Chapter 74, Article 4 (1993 Replacement Pamphlet), Sections 74-4-2, 74-4-3 (except 74-4-3L, 74-4-3O and 74-4-3R), 74-4-3.1, 74-4-4.2A, 74-4-4.2B, 74-4-4.2G introductory paragraph, 74-4-4.2G(2), 74-4-4.3F, 74-4-4.7 (except 74-4-4.7B and 74-4-4.7C), 74-4-9 and 74-4-10.1C, as published by the Michie Company, Law Publishers, 1 Town Hall Square, Charlottesville, Virginia 22906-7587.

The regulatory provisions include:

Title 20, Chapter 4, Part 1, New Mexico Annotated Code (20 NMAC 4.1), effective November 11, 1995, Subpart I, Sections 4.1.101 and 4.1.102; Subpart II, Section 4.1.200; Subpart III, Sections 4.1.300 and 4.1.301; Subpart IV,

Sections 4.1.400 and 4.1.401; Subpart V, Sections 4.1.500 and 4.1.501; Subpart VI, Sections 4.1.600 and 4.1.601; Subpart VII, Section 4.1.700; Subpart VIII, Section 4.1.800; Subpart IX, Sections 4.1.900, 4.1.901.B.1 through 4.1.901.B.6; and Subpart X, Section 4.1.1103. Copies of the New Mexico regulations can be obtained from the New Mexico Commission of Public Records, State Records Center and Archives, State Rules Division, 404 Montezuma Avenue, Santa Fe, NM 87501-2502.

* * * * *

[FR Doc. 98-11280 Filed 4-27-98; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96-171; RM-8846, RM-9145]

Radio Broadcasting Services; Indian Springs, NV, Mountain Pass, CA, Kingman, AZ, St. George, UT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Claire B. Benezra, substitutes Channel 257C for Channel 257A at Indian Springs, NV, and modifies the construction permit of Station KPXC to specify operation on the higher powered channel. To accommodate the allotment at Indian Springs, Channel 259B is substituted for Channel 258B at Mountain Pass, CA, Channel 261C2 is substituted for Channel 260C2 at Kingman, AZ, and Channel 260C is substituted for Channel 259C at St. George, UT. The licenses of Stations KHYZ, KGMN and KZEZ are modified respectively. See 61 FR 44287, August 28, 1996. At the request of Indian Springs Broadcasting Company and Calvin J. and Lois A. Mandel, Channel 272C is allotted to Indian Springs. With this action, this proceeding is terminated.

DATES: Effective June 1, 1998. A filing window for Channel 272C at Indian Springs, NV, will not be opened at this time. Instead, the issue of opening a filing window for this channel will be addressed by the Commission in a subsequent order.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report

and Order, MM Docket No. 96-171, adopted April 8, 1998, and released April 17, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW, Washington, DC 20036.

Channel 257C can be allotted to Indian Springs in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.2 kilometers (13.2 miles) southwest to accommodate petitioner's desired transmitter site. Channel 272C can be allotted to Indian Springs with a site restriction of 18.4 kilometers (11.4 miles) northwest to avoid a short-spacing to Station KFMS-FM, Channel 270C, Las Vegas, Nevada. Channel 261C2 can be allotted to Kingman, Arizona, at Station KGMN's licensed transmitter site. Channel 260C can be allotted to St. George, Utah, at Station KZEZ's licensed transmitter site. Channel 259B can be allotted to Mountain Pass, California, at Station KHYZ's licensed transmitter site. The coordinates for Channel 257C at Indian Springs, NV, are 36-25-18 N; 115-48-35 W. The coordinates for Channel 272C at Indian Springs are 36-41-41; 115-48-37. The coordinates for Channel 261C2 at Kingman, AZ, are 35-06-37; 113-52-55. The coordinates for Channel 260C at St. George, UT, are 36-50-49; 113-29-28. The coordinates for Channel 259B at Mountain Pass, CA, are 35-29-27; 115-33-27. Concurrence by the Mexican government in the allotments at Kingman and Mountain Pass has been received since both communities are located within 320 kilometers (199 miles) of the U.S.-Mexican border.

List of Subjects in 47 CFR Part 73

Radio broadcasting.
Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by removing Channel 260C2 and adding Channel 261C1 at Kingman.

3. Section 73.202(b), the Table of FM Allotments under California, is amended by removing Channel 258B

and adding Channel 259B at Mountain Pass.

4. Section 73.202(b), the FM Table of Allotments under Nevada, is amended by removing Channel 257A and adding Channel 257C and Channel 272C at Indian Springs.

5. Section 73.202(b), the FM Table of Allotments under Utah, is amended by removing Channel 259C and adding Channel 260C at St. George.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98-11097 Filed 4-27-98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222 and 227

[Docket No. 961217358-6358-01; I.D. 041995B]

RIN 0648-XX77

Threatened Fish and Wildlife; Change in Listing Status of Steller Sea Lions Under the Endangered Species Act; Correction

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

ACTION: Final rule; correction.

SUMMARY: This document corrects the preamble to a final rule (I.D. 041995B) published in the *Federal Register* of May 5, 1997, regarding the Change in the Listing Status of Steller Sea Lions under the Endangered Species Act. This correction clarifies the scope of this final rule.

DATES: April 27, 1998.

FOR FURTHER INFORMATION CONTACT: Margot Bohan, NMFS/FPR, 301-713-2322.

SUPPLEMENTARY INFORMATION:

Need for Correction

As published, a description was inappropriately inserted in the last sentence of the summary section describing the populations affected by this listing change. This error changed the intent of the final rule by appearing to focus only on the U.S. population segment of Steller sea lions, as opposed to focusing on the Steller sea lion species throughout its entire range.

Accordingly, the publication of the final rule FR Doc. 97-11668, that