

US EPA ARCHIVE DOCUMENT

significant impact on the emissions from wind erosion from agricultural land in the Lamar area. It does not appear that applying further control measures to these or other sources would expedite attainment. Thus, EPA believes the Lamar PM-10 moderate nonattainment area plan has adequately satisfied the RACM (including RACT) requirement.

A more detailed discussion of the individual source contributions, their associated control measures (including available control technology) and an explanation of why certain available control measures were not implemented, can be found in the TSD accompanying EPA's proposed approval of the Lamar moderate PM-10 nonattainment area SIP.

The Lamar PM-10 nonattainment area plan adequately demonstrates that the Lamar area will attain the PM-10 NAAQS by December 31, 1994 and maintain the PM-10 NAAQS through December 31, 1997. Thus, EPA believes the State has met all of the moderate PM-10 nonattainment area requirements for the Lamar moderate PM-10 nonattainment area which were due to EPA on November 15, 1991 and submitted by the State on May 27, 1993. By this action, EPA is approving the Lamar PM-10 moderate nonattainment area plan.

In this document, EPA is also announcing its determination that major stationary sources of precursors of PM-10 do not contribute significantly to PM-10 levels in excess of the NAAQS in Lamar.²

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for a revision to any SIP. Each request for a revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors, and in relation to relevant statutory and regulatory requirements.

Final Action

This document makes final the action proposed on April 6, 1994 (59 FR 16158). As noted elsewhere in this final action, EPA received no public comments on the proposed action. As a direct result, the Regional Administrator has reclassified this action from Table 2 to Table 3 under the processing

² The consequences of this finding are to exclude these sources from the applicability of PM-10 nonattainment area control requirements. Note that EPA's finding is based on the current character of the area including, for example, the existing mix of sources in the area. It is possible, therefore, that future growth could change the significance of precursors in the area.

procedures established at 54 FR 2214, January 19, 1989.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. A future document will inform the general public of these tables. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for 2 years. The EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993. The OMB has exempted this regulatory action from Executive Order 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 8, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide, Volatile organic compounds.

Dated: June 1, 1994.

Nola Y. Cooke,
Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:
Authority: 42 U.S.C. 7401-7671q.

Subpart G—Colorado

2. Section 52.332 is amended by adding paragraph (c) to read as follows:

§ 52.332 Moderate PM-10 nonattainment area plans.

* * * * *

(c) On May 27, 1993, the Governor of Colorado submitted the moderate PM-10 nonattainment area plan for the Lamar area. The submittal was made to satisfy those moderate PM-10 nonattainment area SIP requirements which were due for Lamar on November 15, 1991.

[FR Doc. 94-14015 Filed 6-8-94; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 271

[FRL-4894-6]

New Mexico: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of New Mexico has applied for final authorization of revision to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA), and the Environmental Protection Agency (EPA) has reviewed New Mexico's application and decided 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 New Mexico's hazardous waste program revision subject to the authority retained by EPA in accordance with the Hazardous and Solid Waste Amendments of 1984. New Mexico's application for the program revision is available for public review and comment.

DATES: This final authorization for New Mexico shall be effective August 23, 1994, unless EPA publishes a prior *Federal Register* action withdrawing this immediate final rule. All comments on New Mexico's program revision application must be received by the close of business July 25, 1994.

ADDRESSES: Copies of the New Mexico program revision application and the materials which EPA used in evaluating the revision are available from 8:30 a.m. to 4 p.m., Monday through Friday at the following addresses for inspection and copying: New Mexico Environment Department, 1190 St. Francis Drive, Santa Fe, New Mexico 87502 and USEPA, Region 6 Library, 12th Floor, First Interstate Bank Tower at Fountain

Place, 1445 Ross Avenue, Dallas, Texas 65202, phone (214) 655-6444. Written comments, referring to Docket Number NM-94-1, should be sent to Alima Patterson, Region 6 AR-NM Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Programs Branch, USEPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, (214) 655-8533.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, Region 6 AR-NM Authorization Coordinator, Grants and Authorization Section (6H-HS), RCRA Programs Branch, USEPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, (214) 655-8533.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization 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 through 268, and 270.

B. New Mexico

New Mexico received final authorization January 25, 1985 (see 50 FR 1515), to implement its base hazardous waste management program. New Mexico received authorization for revisions to its program on April 10, 1990 (see 55 FR 4604), July 25, 1990 (see 55 FR 28397), and December 4, 1992 (see 57 FR 45717). The authorized New Mexico RCRA program was incorporated by reference into the Code of Federal Regulations (CFR), effective December 13, 1993 (see 58 FR 52677). New Mexico submitted a final complete program revision application for additional program approvals. Today, New Mexico is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA reviewed New Mexico's application, and made an immediate final decision that New Mexico's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to New Mexico. The public may submit

written comments on EPA's final decision until July 25, 1994. Copies of New Mexico's application for program revision 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 75 days from the date this notice is published, unless an adverse written comment pertaining to the State's revision discussed in this document 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 document containing a response to the comment that either affirms that the immediate final decision takes effect or reverses the decision.

New Mexico'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 Federal Register through December 4, 1992. 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
81	1. Petroleum Refinery Primary and Secondary Oil/Water/Solids separation Sludge Listings (F037 and F038), November 2, 1990 (55 FR 46354-46397), as amended on December 17, 1990 (55 FR 51707). (Checklist 81 and 81.1).	New Mexico Statutes Annotated (NMSA) 1978, Sections 74-4-4A(1) and 74-4-4E (Replacement Pamphlet 1993); New Mexico Hazardous Waste Management Regulations (HWMR), HWMR-7; Part II, Section 201, as amended November 20, 1992.
82	2. Wood Preserving Listings, (55 FR 50450-50490), December 6, 1990. (Checklist 82).	NMSA 1978, Sections 74-4-4A(1) and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART I, PART II, PART III, PART V, PART VI and PART IX, Sections 101, 102, 201, 301, 501 & 502(A) 601, 602(A)(B), 901, and 902, as amended November 20, 1992.
83	3. Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendments, (56 FR 3864-3928), January 31, 1991. (Checklist 83).	NMSA 1978, Sections 74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7 PART I, PART II, PART V, and PART VI, and PART VII, Sections 101, 102, 201, 501, 502, 601, 602, and 701, as amended November 20, 1992.
85	4. Burning of Hazardous Waste in Boilers and Industrial Furnaces, February 21, 1991 (56 FR 7134-7240). (Checklist 85).	NMSA 1978, Sections 74-4-4E (Repl. Pam. 1993); HWMR-7; PART I, PART II, PART V, PART VI, and PART VII. Sections 101, 102, 201, 501, 502, 601, 602 and 701, as amended November 20, 1992.
86	5. Removal of Strontium Sulfide from the List of Hazardous Wastes; Technical Amendment, (56 FR 7567-7568), February 25, 1991. (Checklist 86).	NMSA 1978, Sections 74-4-4A(1) and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART II, Section 201, as amended November 20, 1992.
87	6. Organic Air Emission Standards for process Vents and Equipment Leaks; Technical Amendment, April 26, 1991 (56 FR 19290). (Checklist 87).	NMSA 1978, Section 74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7 PART II, PART V, PART VI and PART IX. Sections 201, 501, 502, 601, 602, and 901, as amended November 20, 1992.
88	7. Administrative Stay for K069 Listing, May 1, 1991 (56 FR 19951). (Checklist 88).	NMSA 1978, Sections 74-4-4A(1) and 74-4-4E (Repl. Pam. 1993); HWMR-7 PART II, Section 201, as amended November 20, 1992.
90	8. Mining Waste Exclusion III, June 13, 1991 (56 FR 27300). (Checklist 90).	NMSA 1978, Sections 74-4-4A(1) and 74-4-4E (Repl. Pam. 1993); HWMR-7 PART II, Section 201, as amended November 20, 1992.
91	9. Wood Preserving Listings, June 13, 1991 (56 FR 27332). (Checklist 91).	NMSA 1978, Sections 74-4-4A(1) and 74-4-4E (Repl. Pam. 1993); HWMR-7 PART II Section 201, as amended November 20, 1992.

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 application for a program revision meets

the statutory and regulatory requirements established by RCRA. Accordingly, New Mexico is granted

final authorization to operate its hazardous waste program as revised. New Mexico 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 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.

D. Codification in Part 272

EPA uses 40 CFR part 272 for codification of the decision to authorize New Mexico's program and for incorporation by reference of those provisions of New Mexico'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 GG until a later date.

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.

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 New Mexico'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 materials 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: May 11, 1994.

Allyn M. Davis,

Acting Regional Administrator.

[FR Doc. 94-13960 Filed 6-8-94; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 931249-3349; I.D. 052794B]

Pacific Coast Groundfish Fishery

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

ACTION: Fishing restrictions; request for comments.

SUMMARY: NMFS announces the end of the "regular" season for sablefish taken with nontrawl gear by vessels with limited entry permits, a 72-hour closure, and reimposition of a daily trip limit of 250 lbs (113 kg) north of 36°00' N. lat. and 350 lbs (159 kg) south of 36°00' N. lat. off Washington, Oregon and California. This action is authorized by the regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP). The daily trip limits are necessary to keep landings within the nontrawl harvest guideline for sablefish. **DATES:** Effective from 0001 hours (local time) June 4, 1994, through December 31, 1994. Comments must be received by June 24, 1994.

ADDRESSES: Submit comments to J. Gary Smith, Acting Regional Director, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN-C15700, Seattle, WA 98115-0070; or Rodney McInnis, Acting Regional Director, Southwest Region, NMFS, 501 West Ocean Blvd., suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140; or Rodney McInnis at 310-980-4040.

SUPPLEMENTARY INFORMATION: The notice of 1994 groundfish fishery specifications and management measures (59 FR 685, January 6, 1994) announced that, in the 1994 limited entry fishery, a daily trip limit of 250 lbs (113 kg) north of 36°00' N. lat. and 350 lbs (159 kg) south of 36°00' N. lat. for the nontrawl sablefish fishery would apply until the first 72-hour closure before the start of the regular season, and again, after a second 72-hour closure after the end of the regular season. The daily trip limits are re-

imposed on the date necessary to extend the nontrawl allocation for sablefish to the end of the year. During the regular season, the only trip limit in effect applies to sablefish smaller than 22 inches (55.9 cm) (total length). The 72-hour closure is authorized at 50 CFR 663.23(b)(2), which also sets a flexible starting date for the regular season (58 FR 16629, March 30, 1993).

The regular season began on May 15, 1994 (59 FR 685, January 6, 1994). The best available data on May 26, 1994, indicate that 1,107 mt of sablefish had been harvested through May 24, 1994, with landings averaging 120 mt per day during the regular season. At that rate, the nontrawl allocation will be reached by June 4, 1994, if landings are not further curtailed. For these reasons, NMFS is closing the limited entry fishery for sablefish caught with nontrawl gear at 0001 hours (local time) June 4, 1994 (the end of the regular season), and reimposing 72 hours later, the 250-lb (113 kg) daily trip limit north of 36°00' N. lat. and the 350-lb (159 kg) daily trip limit south of 36°00' N. lat. on June 7, 1994. This action is intended to leave less than 100 mt to be harvested under the daily trip limits for the rest of the year. The 72-hour closure and these fishing restrictions apply only to vessels operating in the limited entry fishery off Washington, Oregon, and California.

Secretarial Action

NMFS hereby announces the following actions pursuant to 50 CFR 663.23(b)(2)(iii):

(1) From 0001 hours (local time) June 4, 1994, through 2400 hours (local time) June 6, 1994, the taking and retention, possession, or landing of sablefish taken with nontrawl gear by a vessel operating in the limited entry fishery is prohibited.

(2) Beginning at 0001 hours (local time) June 7, 1994, the daily trip limit for sablefish caught with nontrawl gear by a vessel in the limited entry fishery is 250 lbs (113 kg) north of 36°00' N. lat., and 350 lbs (159 kg) south of 36°00' N. lat., through December 31, 1994. These trip limits apply to sablefish of any size.

(3) These restrictions apply to all sablefish caught with nontrawl gear by vessels operating in the limited entry fishery between 3 and 200 nautical miles (nm) offshore of Washington, Oregon, and California. The sablefish trip limits for "open access" gear are not changed. All sablefish caught with nontrawl gear and possessed 0-200 nm offshore, or landed in Washington, Oregon, or California, are presumed to have been taken and retained from the fishery management area (3-200 nm offshore Washington, Oregon, and