

US EPA ARCHIVE DOCUMENT

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: September 28, 1994.

Allyn M. Davis,

Acting Regional Administrator.

[FR Doc. 94-24856 Filed 10-6-94; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

[FRL-5086-1]

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 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 December 21, 1994, unless EPA publishes a prior *Federal Register* (FR) action withdrawing this Immediate Final Rule. All comments on New Mexico's program revision application must be

received by the close of business November 21, 1994.

ADDRESSES: Written comments, referring to Docket Number NM-94-2, 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) 665-8533. Copies of the New Mexico 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 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 75202, phone (214) 665-6444.

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) 665-8533.

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), December 4, 1992 (see 57 FR 45717) and August 23, 1994. 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). On July 26, 1994, 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 November 21, 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 notice.

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 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 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 June 30, 1987, June 30, 1990, and June 30, 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
State Availability of Information [HSWA §3006(f)] (AI)	New Mexico Statutes Annotated (NMSA) 1978, §74-4.3 (D) (Replacement Pamphlet 1993); New Mexico Waste Management Regulations (HWMR), §§14-2-1 through 14-2-12 (Cumulative Supplement 1994); HWMR-7; PARTS I and II, §§101 and 102, as amended November 20, 1992.
1. Existing and Newly Regulated Surface Impoundments Requirements, [HSWA §3005(j)] (SR1).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PARTS V, and VI, §§501, 502, 601 and 602, as amended November 20, 1992.
1. Sharing of Information with the Agency for Toxic Substances and Disease Registry [RCRA §3019(b)] (SI).	NMSA 1978, §§74-4-4.2(C) and 74-4-4A(6)E (Repl. Pam. 1993); New Mexico Inspection of Public Records Act NMSA 1978, §§14-2-1 et seq. (Cum. Supp. 1994).
1. Dioxin Waste Listing and Management Standards, [50 FR 1978-2006] January 14, 1985. (Checklist 14).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PARTS II, V, VI, and IX, §§201, 501, 502, 601, 602, and 901, as amended November 20, 1992.
1. Paint Filter Test, [50 FR 18370-18375] April 30, 1985. (Checklist 16)	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PARTS I, II, V, and VI, §§101, 201, 501, 502, 601, 602 and 901, as amended November 20, 1992.
1. HSWA Codification Rule, [50 FR 28702] July 15, 1985. (Checklist 17 A).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PARTS I, II, III, IV, and IX, §§101, 102, 301, 401, 402 and 901, as amended November 20, 1992.
1. Household Waste, [50 FR 28702] July 15, 1985. (Checklist 17 C)	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART II, §201, as amended November 20, 1992.
1. Waste Minimization, [50 FR 28702] July 15, 1985. (Checklist 17 D) .	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART V, §501, as amended November 20, 1992.
1. Location Standards for Salt Domes, Salt beds, Underground Mines and Caves, [50 FR 28702] July 15, 1985. (Checklist 17 E).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PARTS V, and VI, §§501, 502, 601, and 602, as amended November 20, 1992.
0. HSWA Codification Rule; Liquids in Landfills I, [50 FR 28702] July 15, 1985. (Checklist 17 F).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PARTS I, II, V, VI, and IX, §§101, 102, 501, 502, 601, 602 and 901, as amended November 20, 1992.
1. Dust Suppression, [50 FR 28702] July 15, 1985. (Checklist 17 G) ...	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART VII, §701 as amended November 20, 1992.
2. Double Liners, [50 FR 28702] July 15, 1985. (Checklist 17 H)	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PARTS V, and VI, §§501, 502, 601, and 602, as amended November 20, 1992.
3. Ground-Water Monitoring, [50 FR 28702] July 15, 1985. (Checklist 17 I).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART V, §§501 and 502, as amended November 20, 1992.
4. Cement Kilns, [50 FR 28702] July 15, 1985. (Checklist 17 J)	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART VII, §701, as amended November 20, 1992.
5. HSWA Codification Rule; Fuel Labeling, [50 FR 28702] July 15, 1985. (Checklist 17 K).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); PARTS II, and VII, §§201 and 701, as amended November 20, 1992.
6. HSWA Codification Rule; Pre-Construction Ban, [50 FR 28702] July 15, 1985. (Checklist 17 M).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PARTS IX §§901, 902, and 1003, as amended November 20, 1992.
7. Permit Life, [50 FR 28702] July 15, 1985. (Checklist 17 N)	NMSA 1978, §§74-4-4.2, 74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PARTS IX, §§901, 902, 1003, as amended November 20, 1992.
8. HSWA Codification Rule; Omnibus Provision, [50 FR 28702] July 15, 1985. (Checklist 17 O).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART IX, §901, as amended November 20, 1992.
6. Interim Status, [50 FR 28702] July 15, 1985. (Checklist 17 P)	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART IX, §901, as amended November 20, 1992.
7. HSWA Codification Rule; Research and Development Permits, [50 FR 28702] July 15, 1985. (Checklist 17 Q).	NMSA 1978, §§74-4-4.2, 74-4-4A, 74-4-4E and 74-4-10D (Repl. Pam. 1993); HWMR-7; PART IX, §901, as amended November 20, 1992.
8. HSWA Codification Rule; Hazardous Waste Exports, [50 FR 28702] July 15, 1985. (Checklist 17 R).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART III, §301, as amended November 20, 1992.
0. HSWA Codification Rule; Exposure Information, [50 FR 28702] July 15, 1985. (Checklist 17 S).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART IX, §901, as amended November 20, 1992.
1. Listing of TDI, TDA, and DNT Wastes, [50 FR 42936-42943] October 23, 1985. (Checklist 18).	NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART II, §201, as amended November 20, 1992.
2. Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces, [50 FR 49164-49211] November 29, 1985. (Checklist 19).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART II, §201, as amended November 20, 1992.
3. Listing of Spent Solvents, [50 FR 53315-53320] December 31, 1985, and [51 FR 2702] as amended on January 21, 1986. (Checklist 20).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART II, §201, as amended November 20, 1993.
4. Listing of EDB Wastes, [51 FR 5327-5331] February 13, 1986. (Checklist 21).	NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART II, §201, as amended November 20, 1992.
5. Listing of Four Spent Solvents, [51 FR 6537-6542] February 25, 1986. (Checklist 22).	NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pam. 1993); HWMR-7; PART II, §201, as amended November 20, 1992.
6. Generator of 100 to 1000 kg Hazardous Waste, [51 FR 10146-10176] March 24, 1986. (Checklist 23).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PARTS I, II, III, IV, and IX, §§101, 102, 201, 301, 401, and 901, as amended November 20, 1992.
7. Codification Rule, Technical Correction, [51 FR 19176-19177] May 28, 1986. (Checklist 25).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pam. 1993); HWMR-7; PARTS I, V, VI, and IX, §§101, 501, 502, 601, 602, and 901, as amended November 20, 1992.

Federal citation	State analog
28. Standards for Hazardous Waste Storage and Treatment Tank Systems, [51 FR 25422-25486] July 14, 1986. (Checklist 28).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PARTS I, II, III, V, VI, and IX, §§101, 201, 301, 501, 601, and 901, as amended November 20, 1992.
29. Biennial Report Correction, [51 FR 28556] August 8, 1986. (Checklist 30).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PARTS III, V, and VI, §§301, 501, 502, 601 and 602, as amended November 20, 1992.
30. Exports of Hazardous Waste, [51 FR 28664-28664] August 8, 1986. (Checklist 31).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART III, §301, as amended November 20, 1992.
31. Standards for Generators—Waste Minimization Certifications, [51 FR 35190-35194] October 1, 1986. (Checklist 32).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PARTS III, V, and VI, §§301, 501, 502, 601, and 602, as amended November 20, 1992.
32. Listing of EBDC, [51 FR 37725-37729] October 24, 1986. (Checklist 33).	NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART II, §201, as amended November 20, 1992.
33. Land Disposal Restrictions, [51 FR 40572-40654] November 7, 1986. (Checklist 34).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PARTS I, II, III, IV, V, VI, VIII, and IX, §§101, 102, 201, 301, 401, 402, 501, 502, 601, 602, 801 and 901, as amended November 20, 1992.
34. California List Waste Restrictions, [52 FR 25760-25792] July 8, 1987. (Checklist 39).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PARTS III, IV, VI, VIII, and IX, §§301, 501, 502, 601, 602, 801 and 901, as amended November 20, 1992.
35. Exception Reporting for Small Quantity Generators of Hazardous Waste, [52 FR 35894-35899] September 23, 1987. (Checklist 42).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART III, §301, as amended November 20, 1992.
36. Permit Modification, [52 FR 45788] December 1, 1987. (Checklist 44 D).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART IX, §901, as amended November 20, 1992.
37. Permit as a Shield Provision, [52 FR 45788] December 1, 1987. (Checklist 44 E).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART IX, §901, as amended November 20, 1992.
38. Permit Conditions to Protect Human Health and the Environment, [52 FR 45788] December 1, 1987. (Checklist 44 F).	NMSA 1978, §§74-4-4.2(C), 74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART IX, §901, as amended November 20, 1992.
39. Post-Closure Permits, [52 FR 45788] December 1, 1987. (Checklist 44 G).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993), HWMR-7; PART IX, §901, as amended November 1992.
40. Identification and Listing of Hazardous Waste; Technical Correction, [53 FR 27162] July 19, 1988. (Checklist 47).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993), HWMR-7; PARTS I, II, III, IV, and IX, §§101, 102, 201, 301, 401, and 901, as amended November 20, 1992.
41. Farmer Exemptions; Technical Corrections, [53 FR 27164-27165] July 19, 1988. (Checklist 48).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993), HWMR-7; PART III, §301, as amended November 20, 1992.
42. Land Disposal Restrictions for First Third Scheduled Wastes, [53 FR 31138-31222] August 17, 1988, as amended on February 27, 1989, at [54 FR 8264-8266] (Checklist 50).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993), HWMR-7; PARTS I, II, III, IV, V, VI, VIII, and IX, §§101, 102, 201, 301, 401, 402, 501, 502, 601, 602, 801, and 901, as amended November 20, 1992.
43. Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems, [53 FR 34079-34087] September 2, 1988. (Checklist 52).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993), HWMR-7; I, II, III, V, VI, and IX, §§101, 102, 201, 301, 501, 502, 601, 602, and 901, as amended November 20, 1992.
44. Land Disposal Restrictions Amendments to First Third Scheduled Waste, [54 FR 18836-18838] May 2, 1989. (Checklist 62).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993), HWMR-7; PARTS V, VI, VII, and VIII, §§501, 502, 601, 602, 701, and 801, as amended November 20, 1992.
45. Land Disposal Restrictions for Second Third Scheduled Wastes, [54 FR 26594-26652] June 23, 1989. (Checklist 63).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993), HWMR-7; PARTS V, VI, and VIII, §§501, 502, 601, 602, and 801, as amended November 20, 1992.
46. Land Disposal Restrictions; Correction to the First Third Scheduled Wastes, [54 FR 36967] September 6, 1989, as amended on June 13, 1990, at [55 FR 23935] (Checklist 66).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993), HWMR-7; PART VIII, §801, as amended November 20, 1992.
47. Reportable Quantity Adjustment Methyl Bromide Production Wastes, [54 FR 41402-41408] October 6, 1989. (Checklist 68).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993), HWMR-7; PART II, §201, as amended November 20, 1992.
49. Reportable Quantity Adjustment, [54 FR 50968-50979] December 11, 1989. (Checklist 69).	NMSA §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART II, §201, as amended November 20, 1992.
50. Toxicity Characteristic Revisions, [55 FR 11798-11877] March 29, 1990, as amended on June 29, 1990, at [55 FR 26986-26998] (Checklist 74).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PARTS II, V, VI, and VIII, §§201, 501, 502, 601, 602, and 801, as amended November 20, 1992.
51. Listing of 1,1-Dimethyldiazine Production Wastes, [55 FR 18496-18506] May 2, 1990. (Checklist 75).	NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993), HWMR-7; PART II, §201, as amended November 20, 1993.
52. HSWA Codification Rule, Double Liners; Correction, [55 FR 19262-19264] May 9, 1990. (Checklist 77).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PARTS V, and VI, §§501, 502, 601, and 602, as amended November 20, 1994.
53. Land Disposal Restrictions for Third Third Scheduled Wastes, [55 FR 22520-22720] June 1, 1990. (Checklist 78).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PARTS V, VI, and VIII, §§501, 502, 601, 602 and 801, as amended November 20, 1992.
54. Organic Air Emission Standards for Process Vents and Equipment Leaks, [55 FR 25454-25519] June 21, 1990. (Checklist 79).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PARTS II, V, VI, and IX, §§201, 501, 601, 602, and 901 as amended November 20, 1992.
55. Wood Preserving Listings; Technical Corrections, [56 FR 30192-30198], July 1, 1991. (Checklist 92).	NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993); NWMR-7; PART II, §201, as amended November 20, 1992.
56. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Corrections and Technical Amendments 1, [56 FR 32688-32852], July 17, 1991. (Checklist 94).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART IX, §901, as amended November 20, 1992.

Federal citation	State analog
7. Land Disposal Restrictions for Electric Arc Furnace Dust (K061), [56 FR 41164-41178], August 19, 1991. (Checklist 95).	NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART II, §201, as amended November 20, 1992.
3. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendments II, [56 FR 42504-42517], August 27, 1991. (Checklist 96).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART II, §201, as amended November 20, 1992.
9. Exports of Hazardous Waste; Technical Correction, [56 FR 43704-43705], September 4, 1991. (Checklist 97).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART III, §301, as amended November 20, 1992.
3. Coke Ovens Administrative Stay, [56 FR 43874-43877], September 5, 1991. (Checklist 98).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART VII, §701, as amended November 20, 1992.
1. Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations, [56 FR 66365-66369], December 23, 1991. (Checklist 99).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART V, §§501, and 502, as amended November 20, 1992.
2. Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units, [57 FR 3462-3497], January 29, 1992. (Checklist 100).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART IX, §901, as amended November 20, 1992.
3. Administrative Stay for the Requirement that Existing Drip Pads Be Impermeable [57 FR 5859-5861]; February 18, 1992] (Checklist 101).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PARTS V, and VI, §§501, 502, 601 and 602, as amended November 20, 1992.
4. Second Correction to the Third Land Disposal Restrictions, [57 FR 8086-8089], March 6, 1992. (Checklist 102).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PARTS II, III, V, VI, VII, VIII, and IX, §§201, 301, 501, 502, 601, 602, 701, 801, and 901, as amended November 20, 1992.
5. Hazardous Debris Case-by-Case Capacity Variance, [57 FR 20766-20770], May 15, 1992. (Checklist 103).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART VIII, §801, as amended November 20, 1992.
3. Used Oil Filter Exclusion, [57 FR 21524-21534], May 20, 1992. (Checklist 104).	NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART II, §201, as amended November 20, 1992.
7. Recycled Coke By-Product Exclusion, [57 FR 27880-27888], June 22, 1992. (Checklist 105).	NMSA 1978, §§74-4-4A(1) and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART II, §201, as amended November 20, 1992.
3. Lead-bearing Hazardous Materials Case-by-Case Capacity Variance, [57 FR 28628-28632], June 26, 1992. (Checklist 106).	NMSA 1978, §§74-4-4A and 74-4-4E (Repl. Pamp. 1993); HWMR-7; PART VIII, §801, as amended November 20, 1992.

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

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.

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 2 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 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

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: September 28, 1994.

Allyn M. Davis,

Acting Regional Administrator.

[FR Doc. 94-24855 Filed 10-6-94; 8:45 am]

BILLING CODE 5560-50-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 403

[OBS-001-FC]

Medicare Program; Information, Counseling, and Assistance Grants Program

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule with comment period.

SUMMARY: This rule establishes, for fiscal years 1994 and beyond, a minimum level of funding for grants made to States, Commonwealths, and Territories to provide individuals eligible to receive benefits under the Medicare program with information, counseling, and assistance related to obtaining adequate and appropriate health insurance coverage. It also sets forth the following in regulations: A description of the methodology used to determine the total amount of the grant award; the conditions for eligibility for the grant; limitations on the use of grant funds in certain circumstances;