US EPA ARCHIVE DOCUMENT

A copy of the docket is also available for review at: Regional Administrator, Attention: Office of Federal Planning (A–1–2), Air and Toxics Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Interested persons may make an appointment with Ms. Virginia Petersen at (415) 744–1265, to inspect the docket at EPA's San Francisco office on weekdays between 9 a.m. and 4 p.m.

Copies of this document and associated documents are also available for inspection at the addresses listed below:

California Air Resources Board, 2020 L Street, Sacramento, California
Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, California
Sacramento Area Council of Governments, 3000 S Street, Suite 300, Sacramento, California
El Dorado County Air Pollution Control District, 2850 Fair Lane Court, Bldg. C, Placerville, California
Feather River Air Quality Management District, 463 Palora Avenue, Yuba City, California
Placer County Air Pollution Control District, 11464 B Avenue, Auburn, California
Yolo-Solano County Air Pollution Control District, 1947 Galileo Court, Suite 103, Davis, California

FOR FURTHER INFORMATION CONTACT: Julia Barrow (415) 744–2434, at the Office of Federal Planning (A–1–2), Air and Toxics Division, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, California, 94105–3901.

SUPPLEMENTARY INFORMATION: On November 6, 1991 (40 CFR 81.305, 56 FR 56694) the Sacramento Metro area was classified as a "Serious" ozone nonattainment area under the Clean Air Act (CAA). A "Serious" ozone classification requires that the area attain the ozone standard as expeditiously as practicable, but not later than 1999.

On November 15, 1994, California submitted the Statewide SIP for ozone attainment. For the Sacramento Metro ozone nonattainment area, the SIP relied on an ozone attainment date of 2005. On December 29, 1994, the State submitted a revision to the SIP which reaffirmed the 2005 attainment date request for a reclassification of the Sacramento Metro area from a "Serious" to a "Severe" ozone nonattainment area pursuant to section 181(b)(3) of the CAA.

Section 181(b)(3) of the CAA provides for "voluntary reclassification" and states that "* * * [t]he Administrator shall grant the request of any State to reclassify a nonattainment area in that State * * * to a higher classification" and that "* * * [t]he Adminstrator shall publish a notice in the **Federal Register** of any such request and of action by the Administrator granting the request." EPA is granting California's request for voluntary reclassification under section 181(b)(3) of the Sacramento Metro area to "Severe" in today's document.

List of Subjects in 40 CFR Part 81

Environmental Protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Oxides of nitrogen, Ozone, Volatile organic compounds.

Dated: February 14, 1995.

Carol M. Browner,

Administrator.

40 CFR part 81 is amended as follows:

PART 81—[AMENDED]

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. Section 81.305 is amended in the table for California—Ozone by revising the entry for "Sacramento Metro Area" to read as follows:

§ 81.305 California.

* * * * *

CALIFORNIA—OZONE

Designated area	Designation		Classification	
	Date[1]	Type	Date[1]	Type
* * * * * * *				
Sacramento Metro Area	May 25, 1995	Non-attainment	May 25, 1995	Severe.
* * * * * * *				

[1] This date is November 15, 1990, unless otherwise noted.

* * * * *

[FR Doc. 95–10099 Filed 4–24–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 271

[FRL–5196–4]

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 authorization of revision to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) reviewed New Mexico's application and determined that its hazardous waste program revision satisfies all of the requirements necessary to qualify for 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 authorization for New Mexico shall be effective July 10, 1995 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 June 10, 1995.

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, Sante Fe, New Mexico 87502, 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 NM–95–1, should be sent to Alima Patterson, Region 6 AR–NM Authorization Coordinator, Grants and Authorization Section (6H–HS), RCRA Programs Branch, 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 AR–NM Authorization Coordinator, Grants and Authorization Section (6H–HS), RCRA Programs Branch, 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. New Mexico

New Mexico received 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), August 23, 1994 (see 59 FR 29734) and December 21, 1994 (see 59 FR 51122). The authorized New Mexico RCRA program was incorporated by reference to the Code of Federal Regulations (CFR), effective December 13, 1993 (see 58 FR 52677). On December 23, 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).

On August 24, 1994, New Mexico promulgated 20 New Mexico Administrative Code (NMAC) 4.1 which adopts the July 1, 1993, version of 40 CFR part 261. Specifically, 20 NMAC 4.1, which became effective 30 days after filing on September 23, 1994, incorporates by reference 40 CFR part 261 at 20 NMAC 4.1.201. This is the version that is referred to in the Attorney General's Statement submitted with this program revision. Also, 20 NMAC 4.1.201 is inclusive of the identification and listing amendments to 40 CFR part 261 promulgated June 13, 1991, at 56 FR 27332; August 18, 1992, at 57 FR 37284; October 15, 1992, at 57 FR 47376; and December 24, 1992, at 57 FR 61492. New Mexico Statutes Annotated (NMSA) 1978, §§ 74–4–4A(1) and 74–4–4E (Replacement Pamphlet 1993) provides New Mexico with authority to adopt federal regulations by reference including the sections on identification and listing.

EPA reviewed New Mexico's application and made an immediate final determination that New Mexico's hazardous waste program revision satisfies all of the requirements necessary to qualify for authorization. Consequently, EPA intends to grant authorization for the additional program modifications to New Mexico. The public may submit written comments on EPA's proposed final decision until June 9, 1995. 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.

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, 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. Toxicity Characteristics Revisions; Technical Corrections, (57 FR 30657–30658) July 10, 1992. (Checklist 108).	New Mexico Statutes Annotated (NMSA) 1978, §§ 74–4–4A(1) and 74–4–4E (Replacement Pamphlet 1993); Hazardous Waste Management, New Mexico Environmental Improvement Board, 20 New Mexico Administrative Code (NMAC) 4.1.201, Subparts II, V, VI, and VIII, .501, .502, .601, .602 and .801 as amended September 23, 1994, effective September 23, 1994.
2. Land Disposal Restrictions for Newly Listed Wastes and Hazardous Debris, (57 FR 37194–37282) August 18, 1992. (Checklist 109).	NMSA 1978, §§ 74–4–4A and 74–4–4E (Repl. Pamp. 1993); 20 NMAC 4.1.101 and 4.1.201 Subparts III, V, VI, VIII and IX, .301, .501, .502, .601, .602, .801 and .901 as amended September 23, 1994, effective September 23, 1994.
3. Coke By-Products Listings, (57 FR 37284–37306) August 18, 1992. (Checklist 110).	NMSA 1978, §§ 74–4–4A(1) and 74–4–4E (Repl. Pamp. 1993); 20 NMAC 4.1.201 as amended September 23, 1994, effective September 23, 1994.
4. Burning of Hazardous Waste in Boilers and Industrial Furnaces; Technical Amendment III, (57 FR 38558–38566) August 25, 1992. (Checklist 111).	NMSA 1978, §§ 74–4–4A and 74–4–4E (Repl. Pamp. 1993); 20 NMAC 4.1.201 as amended September 23, 1994, effective September 23, 1994.
5. Consolidated Liability Requirements, (56 FR 42832) September 16, 1992. (53 FR 33938–33960) September 1, 1988, (56 FR 30200) July 1, 1991 and (57 FR 42832–42844) September 16, 1992. (Checklist 113, 113.1 and 113.2).	NMSA 1978, §§ 74–4–4A(5)(f) and 74–4–4E (Repl. Pamp. 1993); 20 NMAC 4.1.501, Subparts V, and VI, .502, .601 and .602 as amended September 23, 1994, effective September 23, 1994.

Federal citation	State analog
6. Burning of Hazardous Waste in Boilers and Industrial Furnaces, Amendment IV, (57 FR 44999–45001) September 30, 1992. (Checklist 114).	NMSA 1978, §§ 74–4–4A and 74–4–4E (Repl. Pamp. 1993); 20 NMAC 4.1.101, Subparts I, II, V, VI and VII, .102, .201, .501, .502, .601, .602 and .701 as amended September 23, 1994, effective September 23, 1994.
7. Chlorinated Toluene Production Waste Listing, (57 FR 47376–47386) October 15, 1992. (Checklist 115).	NMSA 1978, §§ 74–4–4A(1) and 74–4–4E (Repl. Pamp. 1993); 20 NMAC 4.1.201 as amended September 23, 1994, effective September 23, 1994.
8. Hazardous Soil Case-By-Case Capacity Variance, (57 FR 47772–47776) October 20, 1992. (Checklist 116).	NMSA 1978, §§ 74–4–4A and 74–4–4E (Repl. Pamp. 1993); 20 NMAC 4.1.801 as amended September 23, 1994, effective September 23, 1994.
9. Toxicity Characteristic Amendment, (57 FR 23062–23063) June 1, 1992. (Checklist 117B).	NMSA 1978, §§ 74–4–4A(1) and 74–4–4E (Repl. Pamp. 1993); 20 NMAC 4.1.201 Subparts II, V, VI, and VIII .201, .501, .502, .601, .602 and .801 as amended September 23, 1994, effective September 23, 1994.
10. Liquids in Landfills II, (57 FR 54452–54461) November 18, 1992. (Checklist 118).	NMSA 1978, §§ 74–4–4A and 74–4–4E (Repl. Pamp. 1993); 20 NMAC 4.1.101, Subparts I, II, V, and VI, .102, .501, .502, .601, and .602 as amended September 23, 1994, effective September 23, 1994.
11. Wood Preserving; Amendments to Listings and Technical Requirements, (57 FR 61492–61505) December 24, 1992. (Checklist 120).	NMSA 1978, §§ 74–4–4A, 74–4–4A(1) and 74–4–4E (Repl. Pamp. 1993); 20 NMAC 4.1.201 and 4.1.301, Subparts II, III, V, and VI, .201, .501, .502, .601, and .602 as amended September 23, 1994, effective September 23, 1994.
12. Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case-By-Case Capacity Variance, (58 FR 28506–28511) May 14, 1993. (Checklist 123).	NMSA 1978, §§ 74–4–4A and 74–4–4E (Repl. Pamp. 1993); 20 NMAC 4.1.801 as amended September 23, 1994, effective September 23, 1994.
13. Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated, (58 FR 29860–29887) May 24, 1993. (Checklist 124).	NMSA 1978, §§ 74–4–4A and 74–4–4E (Repl. Pamp. 1993); 20 NMAC 4.1.801 as amended September 23, 1994, effective September 23, 1994.

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 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 section 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 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: April 17, 1995.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 95–10143 Filed 4–24–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7136

[OR–943–1430–01; GP5–083; OR–49219]

Withdrawal of Public Lands for the Galice Creek Recreation Area; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 290.02 acres of Revested Oregon and California Railroad Grant Lands from surface entry and mining for a period of 20 years for the Bureau of Land Management to protect the Galice Creek Recreation Area located in Josephine County. The lands have been and remain open to mineral leasing.

EFFECTIVE DATE: April 25, 1995.

FOR FURTHER INFORMATION CONTACT: Linda Sullivan, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–952–6171.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and