Dated: July 18, 1991.

H.D. Robinson,
Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc. 91-18014 Filed 7-29-91; 8:45 am]
BILLING CODE 4910-14-M

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33 CFR Part 165

[CGD7 90-52]

RIN 2115-AD88

Regulated Navigation Area; Sparkman Channel, Tampa, FL

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard has designated Sparkman Channel, Tampa, Florida, a regulated navigation area. A pipeline crossing the channel at the southern entrance creates a ridge in the outer quarters of the channel and limits water depths to 37 feet over the pipeline in the center of the channel and to an average of 32 feet in the outer quarters of the channel. To ensure safe navigation in the channel, this rule establishes vessel draft restrictions, limits meeting and passing situations, and requires vessels with drafts greater than 30 feet to transit near the center of the channel.

EFFECTIVE DATE: The regulation is effective July 30, 1991.

FOR FURTHER INFORMATION CONTACT: Lieutenant Paul J. MacDonald, Coast Guard Marine Safety Office, Tampa, Florida (813) 228-2194.

SUPPLEMENTARY INFORMATION: The Coast Guard published an interim final rule, "Regulated Navigation Area; Sparkman Channel, Tampa, FL", on 25 January 1991 at 56 FR 2850. One comment was received. A public hearing was not requested and one was not held.

Regulatory History

The interim final rule designated Sparkman Channel as a regulated navigation area and restricted maximum draft to 35.5 feet. Vessels with a draft of 34.5 feet, but not over 35.5 feet, may transit Sparkman Channel only when the tide is at least one foot above mean low water. Vessels with a draft of 30 feet or greater must transit as near as possible to the center of the channel. Meeting or overtaking between vessels requiring pilotage is not allowed.

These restrictions are necessary to protect deep draft vessels from an area of hard bottom at the location of a 48 inch sewage pipeline crossing and to protect the environment from oil and chemical spills which may result from ship damage. The pipeline has restricted dredging in the channel, and creates a ridge in the outer quarters where water depths go from 37 feet to an average of 32 feet within an approximate 300 foot section of the channel. This situation reduces the safe navigable channel to 200 feet.

Discussion of Comment

The comment pointed out that the water depth over the pipeline at center channel was incorrectly stated in the interim final rule as 34 feet, when in fact the most recent soundings show 37 feet. The commenter requested that the maximum draft be increased by 6 inches. The Coast Guard agrees that the depth over the pipeline at center channel is 37 feet and that a maximum draft of 34 feet 6 inches at mean low water and 35 feet 6 inches at plus one foot tide and greater is within the safety margins intended by this rule. This final rule reflects the change. A purpose for the regulation has been added to the language of the final rule. The rule has also been reworded to clarify the boundaries of the regulated navigation area.

Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1989). Changes to the rule as a result of the comment will impose no new cost or burden. Therefore, the Coast Guard certifies under Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

The Coast Guard has reviewed this rule and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.b.2 of Commandant Instruction (COMDINST) M16475.1B. A Categorical Exclusion Determination statement has been prepared and is included as part of the rulemaking docket.

Federalism

This rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Security measures, Waterways, Regulated navigation areas, and Limited access areas.

In consideration of the foregoing, part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5, 49 CFR 1.46.

2. Section 165.752 is added to read as follows:

§ 165.752 Sparkman Channel, Tampa, Florida—regulated navigation area.

(a) A regulated navigation area is established to protect vessels from limited water depth in Sparkman Channel caused by an underwater pipeline. The regulated navigation area is in Sparkman Channel between the lines connecting the following points (referenced in NAD 83):

	Latitude	Longitude		Latitude	Longitude
1:	27-56-20.5 N	082-26-42.0 W	to	27-56-19.3 N	82-26-37.5 W
2:	27-55-32.0 N	082-26-54.0 W	to	27-55-30.9 N	82-26-49.1 W

(b) Ships requiring Federal or State pilotage shall not meet or overtake other like vessels in Sparkman Channel.

(c) Vessels having a draft of more than 35.5 feet may not transit Sparkman Channel.

(d) Vessels having a draft of 34.5 feet, but not over 35.5 feet, may transit Sparkman Channel only when the tide is at least one foot above mean low water.

(e) Vessels with a draft of 30 feet or greater shall transit as near as possible to the center of the channel.

Dated: May 13, 1991.

Robert E. Kramek,

Rear Admiral, U.S. Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc. 91-17983 Filed 7-29-91; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3969-4]

Approval and Promulgation of State Implementation Plans; OR

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: By this notice, EPA is approving numerous revisions to the Oregon state implementation plan (SIP) as submitted by the State of Oregon Department of Environmental Quality on May 31, 1986 and July 11, 1986. This action will result in an updated SIP, rescinding provisions which are no longer needed, revising and updating certain rules and sections of the SIP and adding rules which were not previously included in the SIP. These revisions were submitted to satisfy the requirements of section 110 of the Clean Air Act (hereinafter referred to as the Act).

EFFECTIVE DATE: July 30, 1991.

ADDRESSES: Copies of the materials submitted to EPA may be examined during normal business hours at:

Public Information Reference Unit, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Air Programs Branch, Docket OR3-1-5157, Environmental Protection Agency, 1200 Sixth Avenue, AT-082, Seattle, Washington 98101.

State of Oregon, Department of Environmental Quality, 811 SW., Sixth, Portland, Oregon 97504.

FOR FURTHER INFORMATION CONTACT: David Bray, Air Programs Branch, AT-082, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101, telephone: (206) 553-4253, FTS: 399-4253.

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Air Act of 1970 required states to submit state implementation plans (SIPs) to EPA which provided for implementation, maintenance and enforcement of the national ambient air quality standards. The SIP contains statutes, rules, strategies, and programs which demonstrate a state's ability to attain and/or maintain compliance with the national ambient air quality standards (NAAQS) in all areas. In 1972, the Oregon Environmental Quality Commission adopted the initial Oregon SIP which was approved by EPA on May 31, 1972 (37 FR 10888). As a result of the Clean Air Act Amendments of 1977, the Oregon Department of Environmental Quality (ODEQ) submitted a revised SIP on June 27, 1979, and July 6, 1979, portions of which were approved by EPA on June 24, 1980 (45 FR 42265).

Since 1972 ODEQ has been responsible for developing revisions and additions to the SIP as needed to maintain the NAAQS. During the past 16 years there have been numerous SIP revisions submitted by ODEQ, some of which have been approved by EPA and some of which have yet to be acted upon. As a result, the contents of the EPA-approved Oregon SIP were often in question. To rectify this problem, ODEQ undertook a several-year effort to revise and reorganize its entire SIP.

On May 30, 1986, the State of Oregon Department of Environmental Quality (ODEQ) submitted to EPA a request to rescind the existing SIP and replace it with an updated SIP. Additionally, on July 11, 1986, ODEQ submitted the "Specific Air Pollution Control Rules for the Medford-Ashland Air Quality Maintenance Area" (OAR 340-30-015, 030, 031, 040 and 055).

EPA reviewed the numerous amendments to the Oregon SIP and found that the revisions met the criteria in accordance with section 110 of the Clean Air Act and 40 CFR part 51. On November 3, 1988 (53 FR 44487) EPA provided a 30-day public comment period on its proposed approval of the ODEQ request. No comments were received.

II. Summary of Action

EPA is today approving numerous revisions to the Oregon SIP as submitted by ODEQ on May 30, 1986 and July 11, 1986.

Specifically EPA is approving revisions to the following sections of Volume 2 [The Federal Clean Air Act Implementation Plan (and Other State Regulations)] and section 3 [Statewide Regulatory Provisions—Chapter 340]:

Section 1 Introduction
Section 2 General Administration
Section 3 Statewide Regulatory Provisions, Subsection 3.1 Oregon Administrative Rule—Chapter 340
- OAR 340-14-005 to 050 Procedures for Issuance of Permits
- OAR 340-20-046 Records, Maintaining and Reporting
- OAR 340-20-047 "State of Oregon Clean Air Act, Implementation Plan"
- OAR 340-30-015(2) Specific Air Pollution Control Rules for the Medford-Ashland Air Quality Maintenance Area
- OAR 340-31-105 PSD Definitions

Section 4 Control Strategies for Nonattainment Areas
Section 5 Control Strategies for Attainment and Nonattainment Areas
Section 6 Ambient Air Quality Monitoring Program
Section 8 Public Involvement
Section 9 Plan Revisions and Reporting

EPA is approving the deletion of the following provisions of section 3.1:

- OAR 340-11-005 to 035 Rules of Practice and Procedure
- OAR 340-13-005 to 035 Wilderness, Recreational, and Scenic Area Rules
- OAR 340-20-100 to 135 Rules for Indirect Sources
- OAR 340-24-005 to 040 Motor Vehicle Rules
- OAR 340-24-311 and 337 Motor Vehicle Noise Rules
- OAR 340-25-055 to 080 Reduction of Animal Matter
- OAR 340-28-001 to 090 Specific Air Pollution Control Rules for Clackamas, Columbia, Multnomah, and Washington Counties
- OAR 340-31-045 Particle Fallout
- OAR 340-31-050 Calcium Oxide (Lime Dust)

In addition to the May 30, 1986, submittal, EPA is also approving revisions to the Specific Air Pollution Control Rules for Medford-Ashland Air Quality Maintenance Area" (OAR 340-30-015, 030, 031, 040 and 055) which were submitted to EPA on July 11, 1986.

There are two revisions which were submitted to EPA on May 30, 1986, that will not be processed in this rulemaking action. Instead EPA will prepare separate **Federal Register** Notices of Rulemaking proposing action on OAR 340-25-150 to 205 Kraft Pulp Mills and OAR 340-25-305 to 325 Board Products Industries.

On February 24, 1986, ODEQ submitted extensive revisions to the ozone control strategy for the Portland-Vancouver Air Quality Maintenance Area (section 4.3) and certain implementing rules (OAR 340-22-100 to 220, OAR 340-20-155(i) Table 1, and

OAR 340–20–241). These revisions supersede the respective sections in the May 30, 1986 submittal (even though they predate that submittal). EPA will not be acting on these provisions in this rulemaking, but instead, will prepare a separate Federal Register Notice of Rulemaking if warranted pursuant to the Clean Air Act Amendments of 1990.

On August 5, 1985, and December 5, 1986, ODEQ submitted extensive revisions to title 14, 34, and 38 of Lane Regional Air Pollution Authority's (LRAPA) rules. Since portions of these submittals supersede parts of the May 30, 1986 submittal, EPA will take action on all of these requested revisions to the LRAPA rules in a separate Federal Register Notice of Rulemaking.

III. Administrative Review

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). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years and has been extended.

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

The Agency has reviewed this request for revision of the federally-approved state implementation plan for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

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 September 30, 1991. 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 42 U.S.C. 7607(b)(2).)

Under 5 U.S.C. 605(b), I certify that this revision will not have a significant economic impact on a substantial number of small entities (see 46 FR 8709).

List of Subjects in 40 CFR Part 52

Air Pollution control, Carbon monoxide, Hydrocarbons, Incorporation By Reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and Recordkeeping requirements, Sulfur oxides.

Dated May 29, 1991.

Dana A. Rasmussen,

Regional Administrator.

Note: Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1, 1982.

Title 40, chapter I of part 52 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. 7401–7642.

Subpart MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c)(87) to read as follows:

§ 52.1970 Identification of plan.

* * * * *

(c) * * *

(87) On May 30, 1986, the Director of the Department of Environmental Quality submitted revisions to Volume 2 "The Federal Clean Air Act Implementation Plan (and Other State Regulations)" and on July 11, 1986 a revised Section 3 "Statewide Regulatory Provisions" 'Subsection 3.1 Oregon Administrative Rule—Chapter 340' (OAR 340–30–015, 030, 031, 040, and 055) as revisions to the Oregon State Implementation Plan.

(i) Incorporation By Reference.

(A) May 30, 1986 letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(B) July 11, 1986 letter from the Director of the Department of Environmental Quality to EPA Region 10 submitting amendments to the Oregon state implementation plan.

(C) Volume 2 "The Federal Clean Air Act Implementation Plan (and Other State Regulations)" Section 1 (Introduction); Section 2 (General Administration); Section 3 (Statewide Regulatory Provisions) Introduction; Section 4 (Control Strategies for Nonattainment Areas) Introduction; Section 5 (Control Strategies for Attainment and Nonattainment Areas) Introduction and Section 5.2 (Prevention of Significant Deterioration); Section 6 (Ambient Air Quality Monitoring Program); Section 8 (Public Involvement); and Section 9 (Plan Revisions and Reporting), dated January 1986, as adopted by the Environmental Quality Commission on April 25, 1986.

(D) Volume 2 "The Federal Clean Air Act Implementation Plan (and Other State Regulations)," Section 3 (Statewide Regulatory Provisions), Subsection 3.1 Oregon Administrative Rule—Chapter 340 (OAR 340–14–005 to 050 [Procedures for Issuance, Denial, Modification, and Revocation of Permits] dated 10–1–89, OAR 340–20–046 [Records; Maintaining and Reporting] effective 10–1–72, OAR 340–20–047 [State of Oregon Clean Air Act Implementation Plan] effective 9–30–85, OAR 340–30–015 [Wood Waste Boilers] effective 10–29–80, and OAR 340–31–105 [Definitions]) effective 9–8–81.

(E) Volume 2 "The Federal Clean Air Act Implementation Plan (and Other State Regulations)," Section 3 "(Statewide Regulatory Provisions)", Subsection 3.1 Oregon Administrative Rule—Chapter 340, Division 30 (Specific Air Pollution Control Rules for the Medford-Ashland Air Quality Maintenance Area), Section 015 (Wood Waste Boilers); Section 030 (Wood Particle Dryers at Particleboard Plants); Section 031 (Hardboard Manufacturing Plants); Section 040 (Charcoal Processing Plants); and Section 055 (Source Testing) as adopted by the Environmental Quality Commission on June 13, 1986.

3. Section 52.1977 is added as follows:

§ 52.1977 Content of approved State submitted Implementation Plan.

The following sections of the State air quality control plan (as amended on the dates indicated) have been approved and are part of the current State Implementation Plan.

State of Oregon Air Quality Control Program

Volume 2—The Federal Clean Air Act Implementation Plan (and Other State Regulations)

Section

1. Introduction (1–86)
2. General Administration (1–86)
   2.1 Agency Organization (1–86)
   2.2 Legal Authority (1–86)
   2.3 Resources (1–86)
   2.4 Intergovernmental Cooperation and Consultation (1–86)

2.5 Miscellaneous Provisions (1–86)
3. Statewide Regulatory Provisions
3.1 Oregon Administrative Rules—Chapter 340 (1–86)

Division 12—Civil Penalties

Sec. 030 Definitions (11–8–84)
Sec. 035 Consolidation of Proceedings (9–25–74)
Sec. 040 Notice of Violation
Sec. 045 Mitigating and Aggravating Factors (11–8–88)
Sec. 050 Air Quality Schedule of Civil Penalties (11–8–84)
Sec. 070 Written Notice of Assessment of Civil Penalty; When Penalty Payable (11–8–84)
Sec. 075 Compromise or Settlement of Civil Penalty by Director (11–8–84)

Division 14—Procedures for Issuance, Denial, Modification, and Revocation of Permits (4–15–72)

Sec. 005 Purpose (4–15–72)
Sec. 007 Exception (10–15–73)
Sec. 010 Definitions (4–15–72)
Sec. 015 Type, Duration, and Termination of Permits (12–16–76)
Sec. 020 Application for a Permit (4–15–72)
Sec. 025 Issuance of a Permit (4–15–72)
Sec. 030 Renewal of a Permit (4–15–72)
Sec. 035 Denial of a Permit (4–15–72)
Sec. 040 Modification of a Permit (4–15–72)
Sec. 045 Suspension or Revocation of a Permit (4–15–72)
Sec. 050 Special Permits (4–15–72)

Division 20—General

Sec. 001 Highest and Best Practicable Treatment and Control Required (3–1–72)
Sec. 003 Exceptions (3–1–72)

Registration

Sec. 005 Registration in General (9–1–70)
Sec. 010 Registration Requirements (9–1–70)
Sec. 015 Re-registration (9–1–70)

Notice of Construction and Approval of Plans

Sec. 020 Requirement (9–1–70)
Sec. 025 Scope (3–1–72)
Sec. 030 Procedure (9–1–72)
Sec. 032 Compliance Schedules (3–1–72)

Sampling, Testing, and Measurement of Air Contaminant Emissions

Sec. 035 Program (9–1–70)
Sec. 037 Stack Heights & Dispersion Techniques (4–25–86)
Sec. 040 Methods (9–11–70)
Sec. 045 Department Testing (9–1–70)
Sec. 046 Records; Maintaining and Reporting (10–1–72)
Sec. 047 State of Oregon Clean Air Act, Implementation Plan (9–30–85)

Air Contaminant Discharge Permits

Sec. 140 Purpose (1–6–86)
Sec. 145 Definitions (1–6–76)
Sec. 150 Notice Policy (1–6–76)
Sec. 155 Permit Required (5–31–83)
Sec. 160 Multiple-Source Permit (1–6–76)
Sec. 165 Fees (5–31–83, 3–14–86)
Sec. 170 Procedures For Obtaining Permits (1–11–74)
Sec. 175 Other Requirements (6–29–79)
Sec. 180 Registration Exemption (6–29–79)
Sec. 185 Permit Program For Regional Air Pollution Authority (1–6–76)

Conflict of Interest

Sec. 200 Purpose (10–13–78)
Sec. 205 Definitions (10–13–78)
Sec. 210 Public Interest Representation (10–13–78)
Sec. 215 Disclosure of Potential Conflicts of Interest (10–13–78)

New Source Review

Sec. 220 Applicability (9–8–81)
Sec. 225 Definitions (10–16–84)
Sec. 230 Procedural Requirements (10–16–84)
Sec. 235 Review of New Sources and Modifications for Compliance With Regulations (9–8–81)
Sec. 240 Requirements for Sources in Nonattainment Areas (4–18–83)
Sec. 245 Requirements for Sources in Attainment or Unclassified Areas (Prevention of Significant Deterioration) (10–16–85)
Sec. 250 Exemptions (9–8–81)
Sec. 255 Baseline for Determining Credit for Offsets (9–8–81)
Sec. 260 Requirements for Net Air Quality Benefit (4–18–83)
Sec. 265 Emission Reduction Credit Banking (4–18–83)
Sec. 270 Fugitive and Secondary Emissions (9–8–81)
Sec. 275 Repealed
Sec. 276 Visibility Impact (10–16–85)

Plant Site Emission Limits

Sec. 300 Policy (9–8–81)
Sec. 301 Requirement for Plant Site Emission Limits (9–8–81)
Sec. 305 Definitions (9–8–81)
Sec. 310 Criteria for Establishing Plant Site Emission Limits (9–8–81)
Sec. 315 Alternative Emission Controls (9–8–81)
Sec. 320 Temporary PSD Increment Allocation (9–8–81)

Stack Heights and Dispersion Techniques

Sec. 340 Definitions (4–18–83)
Sec. 345 Limitations (4–18–83)

Division 21—General Emission Standards for Particulate Matter

Sec. 005 Definitions (1–16–84)
Sec. 010 Special Control Areas (7–11–70)
Sec. 015 Visible Air Contaminant Limitations (7–11–70)
Sec. 020 Fuel Burning Equipment Limitations (9–1–82)
Sec. 025 Refuse Burning Equipment Limitations (1–16–84)
Sec. 027 Municipal Waste Incinerator in Coastal Areas (1–16–84)
Sec. 030 Particulate Emission Limitations for Sources Other Than Fuel Burning and Refuse Burning Equipment (3–1–72)

Particulate Emissions From Process Equipment

Sec. 035 Applicability (3–1–72)
Sec. 040 Emission Standard (3–1–72)
Sec. 045 Determination of Process Weight (3–1–72)

Fugitive Emissions

Sec. 050 Definitions (3–1–72)
Sec. 055 Applicability (3–1–72)
Sec. 060 Requirements (3–1–72)

Upset Conditions

Sec. 065 Introduction (3–1–72)
Sec. 070 Scheduled Maintenance (3–1–72)
Sec. 075 Malfunction of Equipment (3–1–72)

Woodstove Certification

Sec. 100 Definitions (6–26–84)
Sec. 105 Requirements for Sale of New Woodstoves in Oregon (6–26–84)
Sec. 110 Exemptions (6–26–84)
Sec. 115 Emissions Performance Standards and Certification (6–26–84)
Sec. 120 Testing Criteria and Procedures (6–26–84)
Sec. 125 General Certification Procedures (6–26–84)
Sec. 130 Changes in Woodstove Design (6–26–84)
Sec. 135 Labelling Requirements (6–26–84)
Sec. 140 Permanent Label (6–26–84)
Sec. 145 Contents of Permanent Label (6–26–84)
Sec. 150 Removable Label (6–26–84)
Sec. 155 Label Approval (6–26–84)
Sec. 160 Laboratory Accreditation Requirements (6–26–84)
Sec. 165 Accreditation Criteria (6–26–84)
Sec. 170 Application for Laboratory Accreditation (6–26–84)
Sec. 175 On-Site Laboratory Inspection and Stove Testing Proficiency Demonstration (6–26–84)
Sec. 180 Accreditation Application Deficiency, Notification and Resolution (6–26–84)
Sec. 185 Final Department Review and Certificate of Accreditation (6–26–84)
Sec. 190 Civil Penalties, Revocation, and Appeals (6–26–84)

Division 22—General Gaseous Emissions, Sulfur Content of Fuels

Sec. 005 Definitions (3–1–72)
Sec. 010 Residual Fuel Oils (8–25–77)
Sec. 015 Distillate Fuel Oils (3–1–72)
Sec. 020 Coal (1–29–82)
Sec. 025 Exemptions (3–1–72)

General Emission Standards for Sulfur Dioxide

Sec. 050 Definitions (3–1–72)
Sec. 055 Fuel Burning Equipment (3–1–72)
Sec. 300 Reid Vapor Pressure for Gasoline, except that in Paragraph (6) only sampling procedures and test methods specified in 40 CFR Part 80 are approved (6–15–89)

Division 23—Rules for Open Burning

Sec. 022 How to Use These Open Burning Rules (9–8–81)
Sec. 025 Policy (9–8–81)
Sec. 030 Definitions (6–16–84)
Sec. 035 Exemptions, Statewide (6–16–84)
Sec. 040 General Requirements Statewide (9–8–81)
Sec. 042 General Prohibitions Statewide (6–16–84)
Sec. 043 Open Burning Schedule (6–16–84)
Sec. 045 County Listing of Specific Open Burning Rules (9–8–81)

Open Burning Prohibitions

Sec. 055 Baker, Clatsop, Crook, Curry, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Lincoln, Malheur, Morrow, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco and Wheeler Counties (9–8–81)
Sec. 060 Benton, Linn, Marion, Polk, and Yamhill Counties (6–16–84)
Sec. 065 Clackamas County (6–16–84)
Sec. 070 Multnomah County (6–16–84)
Sec. 075 Washington County (6–16–84)
Sec. 080 Columbia County (9–8–81)
Sec. 085 Lane County (6–16–84)
Sec. 090 Coos, Douglas, Jackson and Josephine Counties (9–8–81)
Sec. 100 Letter Permits (6–16–84)
Sec. 105 Forced Air Pit Incinerators (9–8–81)
Sec. 110 Records and Reports (9–8–81)
Sec. 115 Open Burning Control Areas (6–16–84)

Division 24—Visible Emissions Motor Vehicle Emission Control Inspection Test Criteria, Methods and Standards

Sec. 300 Scope (4–1–85)
Sec. 301 Boundary Designations (9–9–88)
Sec. 305 Definitions (4–1–85)
Sec. 306 Publicly Owned and Permanent Fleet Vehicle Testing Requirements (12–31–83)
Sec. 307 Motor Vehicle Inspection Program Fee Schedule (8–1–81)
Sec. 310 Light Duty Motor Vehicle Emission Control Test Method (9–9–88)
Sec. 315 Heavy Duty Gasoline Motor Vehicle Emission Control Test Method (12–31–83)
Sec. 320 Light Duty Motor Vehicle Emission Control Test Criteria (9–9–88)
Sec. 325 Heavy Duty Gasoline Motor Vehicle Emission Control Test Criteria (9–9–88)
Sec. 330 Light Duty Motor Vehicle Emission Control Cutpoints or Standards (8–1–81) Subpart (3) (9–12–86)
Sec. 335 Heavy Duty Gasoline Motor Vehicle Emission Control Emission Standards (9–12–86)
Sec. 340 Criteria for Qualifications of Persons Eligible to Inspect Motor Vehicles and Motor Vehicle Pollution Control Systems and Execute Certificates (12–31–83)
Sec. 350 Gas Analytical System Licensing Criteria (9–9–88)

Division 25—Specific Industrial Standards Construction and Operation of Wigwam Waste Burners

Sec. 005 Definitions (3–1–72)
Sec. 010 Statement of Policy (3–1–72)
Sec. 015 Authorization to Operate a Wigwam Burner (3–1–72)
Sec. 020 Repealed
Sec. 025 Monitoring and Reporting (3–1–72)

Hot Mix Asphalt Plants

Sec. 105 Definitions (3–1–73)
Sec. 110 Control Facilities Required (3–1–73)
Sec. 115 Other Established Air Quality Limitations (3–1–73)
Sec. 120 Portable Hot Mix Asphalt Plants (4–18–83)
Sec. 125 Ancillary Sources of Emission—Housekeeping of Plant Facilities (3–1–73)

Primary Aluminum Plants

Sec. 255 Statement of Purpose (6–18–82)
Sec. 260 Definitions (6–18–82)
Sec. 265 Emission Standards (6–18–82)
Sec. 270 Special Problem Areas (12–25–73)
Sec. 275 Highest and Best Practical Treatment and Control Requirement (12–25–73)
Sec. 280 Monitoring (6–18–82)
Sec. 285 Reporting (6–18–82)

Regulations for Sulfite Pulp Mills

Sec. 350 Definitions (5–23–80)
Sec. 355 Statement of Purpose (5–23–80)
Sec. 360 Minimum Emission Standards (5–23–80)
Sec. 365 Repealed
Sec. 370 Monitoring and Reporting (5–23–80)
Sec. 375 Repealed
Sec. 380 Exceptions (5–23–80)

Laterite Ore Production of Ferronickel

Sec. 405 Statement of Purpose (3–1–72).
Sec. 410 Definitions (3–1–72)
Sec. 415 Emission Standards (3–1–72)
Sec. 420 Highest and Best Practicable Treatment and Control Required (3–1–72)
Sec. 425 Compliance Schedule (3–1–72)
Sec. 430 Monitoring and Reporting (3–1–72)

Division 26—Rules for Open Field Burning (Willamette Valley)

Sec. 001 Introduction (7–3–84)
Sec. 003 Policy (3–7–84)
Sec. 005 Definitions (3–7–84)
Sec. 010 General Requirement (3–7–84)
Sec. 011 Repealed
Sec. 012 Registration, Permits, Fees, Records (3–7–84)
Sec. 013 Acreage Limitations, Allocations (3–7–84)
Sec. 015 Daily Burning Authorization Criteria (3–7–84)
Sec. 020 Repealed
Sec. 025 Civil Penalties (3–7–84)
Sec. 030 Repealed
Sec. 031 Burning by Public Agencies (Training Fires) (3–7–84)
Sec. 035 Experimental Burning (3–7–84)
Sec. 040 Emergency Burning, Cessation (3–7–84)
Sec. 045 Approved Alternative Methods of Burning (Propane Flaming) (3–7–84)

Division 27—Air Pollution Emergencies

Sec. 005 Introduction (10–24–83)
Sec. 010 Episode State Criteria for Air Pollution Emergencies (10–24–83)
Sec. 012 Special Conditions (10–24–83)
Sec. 015 Source Emission Reduction Plans (10–24–83)
Sec. 020 Repealed
Sec. 025 Regional Air Pollution Authorities (10–24–83)

Division 30—Specific Air Pollution Control Rules for the Medford-Ashland Air Quality Maintenance Area

Sec. 005 Purposes and Application (4–7–78)
Sec. 010 Definitions (5–6–81)
Sec. 015 Wood Waste Boilers (10–29–80, 6–13–86)
Sec. 020 Veneer Dryer Emission Limitations (1–28–80)
Sec. 025 Air, Conveying Systems (4–7–78)
Sec. 030 Wood Particle Dryers at Particleboard Plants (5–6–81)
Sec. 031 Hardwood Manufacturing Plants (5–6–81)
Sec. 035 Wigwam Waste Burners (10–29–80)
Sec. 040 Charcoal Producing Plants (4–7–78)
Sec. 043 Control of Fugitive Emissions (4–18–83)
Sec. 044 Requirement for Operation and Maintenance Plans (4–18–83)
Sec. 045 Compliance Schedules (4–18–83)
Sec. 050 Continuous Monitoring (4–7–83)
Sec. 055 Source Testing (4–7–78)
Sec. 060 Repealed
Sec. 065 New Sources (4–7–78)
Sec. 070 Open Burning (4–7–78)

Division 31—Ambient Air Quality Standards

Sec. 005 Definitions (3–1–72)
Sec. 010 Purpose and Scope of Ambient Air Quality Standards (3–1–72)
Sec. 015 Suspended Particulate Matter (3–1–72)
Sec. 020 Sulfur Dioxide (3–12–72)
Sec. 025 Carbon Monoxide (3–1–72)
Sec. 030 Ozone (1–29–82)
Sec. 035 Hydrocarbons (3–1–72)
Sec. 040 Nitrogen Dioxide (3–1–72)
Sec. 045 Repealed
Sec. 050 Repealed
Sec. 055 Ambient Air Quality Standard for Lead (1–21–83)

Prevention of Significant Deterioration

Sec. 100 General (6–22–79)
Sec. 110 Ambient Air Increments (6–2–79)
Sec. 115 Ambient Air Ceilings (6–22–79)
Sec. 120 Restrictions on Area Classifications (6–22–79)
Sec. 125 Repealed
Sec. 130 Redesignation (6–22–79)

3.2 Lane Regional Air Pollution Authority Regulations

Title 11 Policy and General Provisions
11–005 Policy (8–2–72)
11–010 Construction and Validity (8–2–72)
11–015 Definitions (6–29–79)
.013 Air Conveying Systems (3–11–82)
Title 12 General Duties and Powers of Board and Director
12–005 Duties and Powers of Board of Directors (6–29–79)
12–010 Duties and Function of the Program Director (6–29–79)
12–015 Civil Penalties (8–2–72)
12–020 Advisory Committee (8–2–72)
12–025 Confidential Information (8–2–72)
12–025 Conflict of Interest (9–9–88)
Title 13 Enforcement Procedures (6–29–79)
Title 20 Indirect Sources
20–100 Policy and Jurisdiction (11–18–75)
20–110 Definitions (6–29–79)
20–115 Indirect Sources Required to Have Indirect Source Construction Permits (6–29–79)
20–120 Establishment of an Approved Regional Parking and Circulation Plan(s) by a City, County or Regional Planning Agency (6–29–79)
20–125 Information and Requirements Applicable to Indirect Source(s) Construction Permit Applications Where An Approved Regional Parking and Circulation Plan is on File (6–29–79)
20–129 Information and Requirements Applicable to Indirect Source(s) Construction Permit Application Where

No Approved Regional Parking and Circulation Plan is On File (6–29–79)
20–130 Issuance or Denial of Indirect Source Construction Permits (6–29–79)
20–135 Permit Duration (11–18–75)
Title 21 Registration, Reports & Test Procedures
21–005 Registration of Sources (8–2–72)
21–010 Authority to Construct (6–29–79)
21–015 Submission of Plans & Specifications (8–2–72)
21–020 Notice of Approval (8–2–72)
21–025 Deviation from Approved Plans or Specifications (8–2–72)
21–030 Order Prohibiting Construction—Order Posting (6–29–79)
21–035 Notice of Completion (8–2–72)
21–040 Compliance Schedule (8–2–72)
21–045 Source Emission Tests (8–2–72)
21–050 Upset Conditions (8–2–72)
21–055 Records (8–2–72)
21–060 Restart of Existing Sources (8–2–72)
Title 22 Permits, except for Definition Number 7 "Dispersion Techniques" and Definition Number 11 "Good Engineering Practice Stack Height" (4–13–82)
Title 31 Ambient Air Standards
31–005 General (8–2–72)
31–015 Suspended Particulate Matter (8–2–72)
31–025 Sulfur Dioxide (8–2–72)
31–030 Carbon Monoxide (8–2–72)
31–035 Ozone (7–12–83)
31–040 Hydrocarbons (8–2–72)
31–045 Nitrogen Dioxide (8–2–72)
Title 32 Emission Standards
32–005 General (6–29–79)
32–010 Restriction in Emission of Visible Air Contaminant (6–29–79)
32–025 Exceptions—Visible Air Contaminant Standards (8–2–72)
32–030 Particulate Matter Weight Standards (8–2–72)
32–035 Particulate Matter Weight Standards—Existing Sources (8–2–72)
32–040 Particulate Matter Weight Standards—News Sources (8–2–72)
32–045 Process Weight Emission Limitations (8–2–72)
32–055 Particulate Matter Size Standard (8–2–72)
32–060 Airborne Particulate Matter (8–2–72)
32–065 Sulfur Dioxide Emission Limitations (8–2–72)
32–100 Plant Site Emission Limits Policy (9–14–82)
32–101 Requirement for Plant Site Emission Limits (9–14–82)
32–102 Criteria for Establishing Plant Site Emission Limits (9–14–82)
32–103 Alternative Emission Controls (Bubble) (9–14–82)
32–104 Temporary PSD Increment Allocation (9–14–82)
32–800 Air Conveying Systems (1–8–85)
32–990 Other Emissions (8–2–72)
Title 33 Prohibited Practices and Control of Special Classes
33–020 Incinerator and Refuse Burning Equipment (8–2–72)
33–025 Wigwam Waste Burners (8–2–72)
33–030 Concealment and Masking of Emissions (8–2–72).
33–045 Gasoline Tanks (8–2–72)
33–055 Sulfur Content of Fuels (8–2–72)
33–060 Board Products Industries (8–2–72)
33–065 Charcoal Producing Plants (5–15–79)
33–070 Kraft Pulp Mills (9–14–82)
Title 36 Rules for Open Outdoor Burning (1–30–80)
Title 42 Rules of Practice and Procedure—Hearing Procedure (6–29–79)
Title 44 Rules of Practice and Procedure (6–29–79)
Title 45 Rules of Practice and Procedure—Decision and Appeal (6–29–79)
Title 51 Air Pollution Emergencies
51–005 Introduction (8–2–72)
51–010 Episode Criteria (8–2–72)
51–015 Emission Reduction Plans (8–2–72)
51–020 Preplanned Abatement Strategies (8–2–72)
51–025 Implementation (8–2–72)
51–026 Effective Date (8–2–72)
4. Control Strategies for Nonattainment Areas (1–86)
4.1 Portland-Vancouver AQMA-Total Suspended Particulate (12–19–80)
4.2 Portland-Vancouver AQMA-Carbon Monoxide (7–16–82)
4.3 Portland-Vancouver AQMA-Ozone (7–16–82)
4.4 Salem Nonattainment Area-Carbon Monoxide (7–79)
4.5 Salem Nonattainment Area-Ozone (9–19–80)
4.6 Eugene-Springfield AQMA-Total Suspended Particulate (1–30–81)
4.7 Eugene-Springfield AQMA-Carbon Monoxide (6–20–79)
4.8 Medford-Ashland AQMA-Ozone (1–85)
4.9 Medford-Ashland AQMA-Carbon Monoxide (8–82)
4.10 Medford-Ashland AQMA-Particulate Matter (4–83)
4.11 Grants Pass Nonattainment-Carbon Monoxide (10–84)
5. Control Strategies for Attainment and Nonattainment Areas (1–86)
5.1 Statewide Control Strategies for Lead (1–83)
5.2 Visibility Protection Plan (10–24–86)
5.3 Prevention of Significant Deterioration (1–86)
6. Ambient Air Quality Monitoring Program
6.1 Air Monitoring Network (1–86)
6.2 Data Handling and Analysis Procedures (1–86)
6.3 Episode Monitoring (1–86)
7. Emergency Action Plan (1–86)
8. Public Involvement (1–86)
9. Plan Revisions and Reporting (1–86)
OAR Chapter 629–43–043 Smoke Management Plan Administrative Rule (12–12–86)
Directive 1–4–1–601 Operational Guidance for the Oregon Smoke Management Program (12–86)

[FR Doc. 91–17951 Filed 7–29–91; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 271

[FRL-3978-2]

Indiana: Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Indiana has applied for final authorization of revisions to its authorized hazardous waste program under the Resource Conservation and Recovery Act of 1976 as amended (hereinafter "RCRA" or the "Act"). The Environmental Protection Agency (EPA) has reviewed Indiana's application and has reached a decision, subject to public review and comment, that Indiana's hazardous waste program revisions satisfy all the requirements necessary to qualify for final authorization. Thus, EPA intends to grant final authorization to Indiana to operate its revised program, subject to authority retained by EPA under the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter "HSWA").

DATES: *Effective date:* Final authorization of Indiana's application shall be effective September 30, 1991 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule.

All comments on Indiana's program revision application must be received by 4:30 p.m. central standard time on August 14, 1991.

ADDRESSES: Copies of Indiana's program revision application are available for inspection and copying, from 8:30 a.m. to 4:30 p.m., at the following addresses: Indiana Department of Environmental Management, Hazardous Waste Management Branch, 105 South Meridian Street, Indianapolis, Indiana 46206, Contact: Michael Dalton, (317) 232–8884; U.S. EPA Headquarters Library, PM 211A, 401 M Street SW., Washington, DC 20460, phone (202) 382–5926; U.S. EPA Region V, Waste Management Division, Office of RCRA, 230 South Dearborn Street, Chicago, Illinois 60604, Contact: George Woods, (312) 886–6134. Written comments on Indiana's application should be sent to George Woods, at the address listed below.

FOR FURTHER INFORMATION CONTACT: George Woods, Indiana Regulatory

Specialist, U.S. Environmental Protection Agency, Region V, Waste Management Division, Office of RCRA, Program Management Branch, Regulatory Development Section, 5HR-JCK-13, 230 South Dearborn, Chicago, Illinois 60604, (312) 886-6134 (FTS 886-6134).

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is at least equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. For further explanation see section C of this notice.

In accordance with 40 CFR 271.21(a), 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. Indiana

Indiana initially received final authorization for its base RCRA program effective January 31, 1986 (51 FR 3953-3954, January 31, 1986). Indiana received authorization for revisions to its program effective December 31, 1986 (51 FR 39752-39754, October 31, 1986) January 19, 1988 (53 FR 128-129, January 5, 1988), and September 11, 1989 (54 FR 29557-29559, July 13, 1989). On November 1, 1988, Indiana submitted a program revision application for additional program approvals covering both the non-HSWA and HSWA Cluster I Portions of the Subtitle C Tank Standards, and for provisions of Non-HSWA Cluster III. On November 19, 1990, the Indiana Attorney General certified that, in his opinion, the laws of the State of Indiana provide adequate authority to carry out this revised program, and that the specific authorities provided are contained in statutes or regulations lawfully adopted and in effect as of November 19, 1990.

EPA has reviewed Indiana's application and has made an immediate final decision, subject to public review and comment, that Indiana's hazardous waste management program revisions are equivalent to the Federal program revisions listed below and satisfy all the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization to Indiana for its additional program revisions.

On September 30, 1991 (unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule), Indiana will be authorized to carry out, in lieu of the Federal program, those provisions of the State's regulations which were modified and originally codified at title 320, article 4, rule 1 (320 IAC 4.1) of the Indiana Administrative Code, effective June 19, 1988 (see **Indiana Register,** Volume 11, Number 10, pages 3153-3199, July 1, 1988). Because Indiana's hazardous waste management rules found at 320 IAC 4.1 were repealed and simultaneously recodified at title 329, article 3 (329 IAC 3) of the Indiana Administrative Code, effective July 1, 1988 (see **Indiana Register,** Volume 11, Number 10, pages 3199 and 3210 through 3519, July 1, 1988), the modified rules are designated herein under the recodified citations and have the 329 IAC 3 prefix. These State rules are being recognized as analogous to the following provisions of the Federal Program:

Federal requirement	Analogous state authority
• Standards for Hazardous Waste Storage and Treatment Tank Systems, July 14, 1986 (51 FR 25422, as amended August 15, 1986 (51 FR 29430). (Note: These provisions cover both HSWA and non-HSWA portions of the Subtitle C Tank Standards.)	Indiana Administrative Code, Title 329, Article 3, Rule 1-7; 3-4(a)(8); 9-5(a)(1), 9-5(d) (2) and (3); 16-4(b)(6); 16-6(b) (4); 19-4(b) (3) and (6); 21-1(2)(C); 22-1(b); 24-1(a) and (b); 24-2(a) (b) (c) and (d); 24-3(a) (b) (c) (d) (e) (f) and (g); 24-4(a) (b) (c) (d) (e) and (f); 24-4(f)(1)-(4); 24-4(g) (h) and (i); 24-5(a) (b) and (c); 24-6(a) (b) and (c); 24-7(1)-(6); 24-8(a) (b) and (c); 24-9(a) and (b); 24-10(a) and (b); 24-11(1) and (2); 24-12(a) (b) (c) (d) (e) and (f); 34-5(b) (5) and (13); 34-7(1)-(10); 38-3(e); 41-6(b) (4); 44-4(b)(6); 46-1(b)(3); 47-1(b) (3); 49-1(a) and (b); 49-2(a) (b) (c) and (d); 49-3(a) (b) (c) (d) (e) (f) and (g); 49-4(a) (b) (c) (d) (e) and (f); 49-4(f)(1)-(4); 49-4(g) (3) and (4); 49-4(h) and (i); 49-5(a) (b) and (c); 49-6(a) (b) (c) and (d); 49-7(1)-(6); 49-8(a) (b) and (c); 49-9(1) and (2); and 49-10(a) and (b). (Effective July 1, 1988.)
• Radioactive Mixed Waste, July 3, 1986 (51 FR 24504).	IC 13-7-1-22. (Effective July 1, 1988.)
• Liability Coverage—Corporate Guarantee, July 11, 1986 (51 FR 25350).	Indiana Administrative Code, Title 329, Article 3, Rule 22-24(a) (2) and (3); 22-24(b) (3); 22-24(g) (1) (A) and (B); 22-24(g) (2); 47-8(a) (3); 47-8(b) (3); 47-8(g) (1) (A) and (B); 47-8(g) (2); 47-8-10(g); and 47-8-10(h) (2). (Effective July 1, 1988.)
• Listing of Spent Pickle Liquor, 40 CFR 261.32, as amended May 28, 1986, and September 22, 1986 (51 FR 19320 and 51 FR 33612).	Indiana Administrative Code, Title 329, Article 3, Rule 6-3. (Effective July 1, 1988.)
• Interim Status Standards for Owners/Operators of Hazardous Waste TSD Facilities, March 19, 1987 (52 FR 8708).	Indiana Administrative Code, Title 329, Article 3, Rule 25-7(a) (1) and (2); 25-7(a)(2) (A) and (B); 25-7(a)(2) (C) (i) (ii) (iii) (iv) and (v); 25-7(b) (b) (1) (2) and (3). (Effective July 1, 1988.)
• Development of Corrective Action Programs After Permitting Hazardous Waste Land Disposal Facilities, June 22, 1987 (52 FR 23447) as amended September 9, 1987 (52 FR 33936).	Indiana Administrative Code, Title 329, Article 3, Rule 34-5(c)(7); and 34-5(c) (8)(E). (Effective July 1, 1988.)

EPA shall administer any RCRA hazardous waste permits, or portions of permits, that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of Indiana's authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization. EPA has previously suspended issuance of permits for other provisions on January 31, 1986, on January 19, 1988, and on September 11, 1989, the effective dates of Indiana's final authorizations for the RCRA base program and for two approved revisions to Indiana's authorized program.

Indiana is not authorized to operate the Federal Program on Indian lands. This authority shall remain with EPA unless provided otherwise in a future statute or regulation.

C. Effect of HSWA on Indiana's Authorization

Prior to the Hazardous and Solid Waste Amendments to RCRA, a State with final authorization would have administered its hazardous waste program instead of, or entirely in lieu of, the Federal program. Except for enforcement provisions not applicable here, EPA no longer directly applied the Federal requirements in the authorized State, and EPA could not issue permits for any facilities the State was authorized to permit. When new, more stringent, Federal requirements were promulgated or enacted, the State was obligated to obtain equivalent authority within specified time frames. New Federal requirements usually did not take effect in an authorized State until the State adopted the requirements as State law.

In contrast, under the amended section 3006(g) of RCRA, 42 U.S.C. 6926(g), new HSWA requirements and prohibitions take effect in authorized States at the same time as they take effect in nonauthorized States. EPA directly carries out those requirements and imposes those prohibitions in authorized and non-authorized States, including the issuance of full or partial HSWA permits, until EPA grants the State authorization to do so. States must still, in accordance with the deadlines specified in paragraphs 40 CFR 271.21(e)(2) (ii) through (v), adopt HSWA-related provisions as State law in order to retain final authorization. In the interim, the HSWA provisions apply in authorized States.

As a result of the HSWA, there will be a dual State/Federal regulatory program in Indiana. To the extent HSWA does not affect the authorized State program, the State program will operate in lieu of the Federal program. To the extent HSWA-related requirements are in effect, EPA will administer and enforce those HSWA requirements in Indiana until the State is authorized for them. Among other things, this will entail the issuance of Federal RCRA permits for those HSWA requirements for which the State is not yet authorized, in addition to any State permits.

Indiana is being authorized to implement only those HSWA requirements addressed in the July 14, 1986, FR notice, as amended August 15, 1986, (51 FR 25422 and 51 FR 29430.) Once EPA authorizes Indiana to carry out further HSWA requirements or prohibitions, the State program in those areas will operate in lieu of the Federal provisions or prohibitions. Until that time, the State may assist EPA's implementation of the HSWA under a Cooperative Agreement. Any effective State requirement that is more stringent or broader in scope than a Federal HSWA provision will continue to remain in effect; thus, regulated handlers must comply with any more stringent State requirements.

EPA has published a **Federal Register** notice that explains in detail the HSWA and its effect on authorized States. That notice was published at 50 FR 28702–28755, July 15, 1985.

D. Decision

I conclude that Indiana's application for this program revision meets all the statutory and regulatory requirements established by RCRA. Accordingly, EPA grants Indiana final authorization to operate its hazardous waste program as revised. Indiana now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the other aspects of the RCRA program. This responsibility is subject to the limitations of this program revision application and previously approved authorities. Indiana 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.

E. Codification in Part 272

EPA codifies authorized RCRA State programs in part 272 of 40 CFR. The purpose of codification is to provide notice to the public of the scope of the authorized program in each State. Codification of these revisions to the Indiana program will be published later in a separate **Federal Register** notice.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 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 Indiana's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

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 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, and 6974(b)).

Dated: February 22, 1991.

Valdas V. Adamkus,

Regional Administrator.

Editorial Note: This document was received in the Office of the Federal Register on July 23, 1991.

[FR Doc. 91-17793 Filed 7-29-91; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 681

[Docket No. 910494-1094]

Western Pacific Crustacean Fisheries

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Emergency interim rule; effective date extension of closure of the lobster fishery in the Northwestern Hawaiian Islands.

SUMMARY: The Secretary of Commerce (Secretary) extends an emergency rule now in effect that closes the lobster fishery in the Northwestern Hawaiian Islands (NWHI). An extended closure of the fishery is needed to protect the lobster spawning stock from heavy fishing pressure during the summer peak spawning period. In addition, this extension will allow the Western Pacific Fishery Management Council to complete an amendment to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region (FMP) that would establish a seasonal closure, a limited entry plan, and an annual harvest quota, without a lapse in protection to the lobster stock.

EFFECTIVE DATE: The emergency interim regulations published on May 13, 1991, are extended from 0000 hours local time August 13, 1991, to 2400 hours local time November 10, 1991.

ADDRESSES: Copies of the environmental assessment prepared for the emergency rule may be obtained from, and comments should be addressed to R.V. Fullerton, Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Fisheries Management Division, Southwest Region, NMFS, Terminal Island, California (213) 514-6660, (FTS) 795-6660, or Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, Honolulu, Hawaii (808) 523-1368, (FTS) 551-1974.

SUPPLEMENTARY INFORMATION: Under the emergency action authority of section 305(c) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), the Secretary issued an emergency rule (56 FR 21961, May 13, 1991) temporarily amending the FMP and its implementing regulations. The rule, which become effective at 0000 hours local time May 8, 1991, closes the NWHI lobster fishery in response to the low level of lobster spawning stock biomass, which may be at or near the level at which recruitment failure could occur. The catch per unit of effort (CPUE) of legal lobster from January through April 1991 was 0.63 legal lobsters per trap-haul. This CPUE is the lowest recorded during the period since 1984 when data records become available. The closure is intended to increase the biomass of spawning lobster by prohibiting the harvest of lobsters before the during the summer peak spawning period. Also, it is intended to delay the opening of the fishery while Amendment 7 to the FMP is being prepared. That amendment, if approved, would establish a seasonal closure, a limited entry program, and a process to set an annual harvest quota.

Because the same circumstances still exist in the fishery as when the emergency rule took effect, the Secretary extends for 90 days the effective dates of the rule under section 305(c)(3)(B) of the Magnuson Act.

The emergency rule is exempt from the normal review procedures of Executive Order 12291 as provided in section 8(a)(1) of that order. The rule was reported to the Director of the Office of Management and Budget with an explanation of why following the procedures of that order was impracticable.

List of Subjects in 50 CFR Part 681

Fisheries, Fishing, Reporting and recordkeeping.

Dated: July 24, 1991.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 91-18004 Filed 7-29-91; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 56, No. 146
Tuesday, July 30, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1240

[Docket No. FV-91-272]

Honey Research, Promotion and Consumer Information Order; Order Directing That a Referendum Be Conducted; Determination of Representative Period for Voter Eligibility; and Designation of a Referendum Agent To Conduct the Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Order for referendum.

SUMMARY: This document directs that a referendum be conducted among eligible honey producers and importers to determine: (1) Whether they favor continuance of the Honey Research, Promotion, and Consumer Information Order (Order); and, (2) whether they favor termination of the authority for producers and importers to obtain a refund of assessments.

DATES: For purposes of determining voter eligibility, the representative production period is from January 1, 1990, to December 31, 1990. The referendum will be conducted from August 1 through August 31, 1991.

ADDRESSES: Copies of the text of the aforesaid Order may be examined in the Office of the Docket Clerk, Marketing Order Administration Branch, F&V, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Sheila A. Young, (202) 475-3930, at the above address.

SUPPLEMENTARY INFORMATION: This order directs that a referendum be conducted among honey producers and importers under the Honey Research, Promotion and Consumer Information Order (Order) (7 CFR part 1240), as amended. The Order is effective under the Honey Research, Promotion and Consumer Information Act (Act), as amended (7 U.S.C. 4601-4612). The referendum is to be conducted among the producers and importers of honey who, during the period January 1, 1990, through December 31, 1990 (which period is hereby determined to be the representative period for purposes of this referendum), were engaged in the production or importation of honey to ascertain whether producers and importers favor continuance of the Order and/or termination of the refund of assessment provisions.

The Act, as amended, provides that the Secretary shall conduct a referendum to determine if honey producers and importers favor, (1) The continuation of the Order, and (2) termination of the authority for honey producers and importers to obtain a refund of assessments.

The Act requires the Secretary to terminate the Order if its continuance is not favored by the requisite majority of voting producers and importers, who produced and imported more than 50 percent of the volume of honey produced and imported by those voting in the referendum.

In the event the termination of the refund provisions is favored by more than 50 percent of the producers and importers voting in the referendum, who produced and import4ed more than 50 percent of the volume of honey produced and imported by those voting in the referendum, the Order would be amended to reflect that decision.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the ballot materials that will be sued in the referendum herein ordered have been submitted to and approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581-0093. It has been estimated that it will take an average of 10 minutes for each of the approximately 6,000 producers and importers of honey to participate in the voluntary referendum balloting.

Ms. Sheila A. Young, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, is hereby designated the referendum agent of the Secretary of Agriculture to conduct this referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with the Honey Research, Promotion and Consumer Information Order," as amended in 1991 (7 CFR 1240.200). Ballots will be mailed to all eligible honey producers and importers of record on or before August 1, 1991.

Honey producers and importers not receiving ballots for the referendum may obtain them from State Agricultural Stabilization and Conservation Service Offices, and some of their county and local offices, and from the referendum agent. Ballots must be postmarked no later then August 31, 1991, to be counted.

List of Subjects in 7 CFR Part 1240

Honey, Agricultural research, Reporting and recordkeeping requirements, Market development, and Consumer information.

Authority: Honey Research, Promotion and Consumer Information Act, as amended, 7 U.S.C. 4601-4612.

Dated: July 19, 1991.

JoAnn R. Smith,

Assistant Secretary for Marketing and Inspection Services.

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Rural Electrification Administration

7 CFR Part 1703

Rural Development: Loan and Grant Program

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to amend 7 CFR chapter XVII by revising part 1703, subpart B, Rural Economic Development Loan and Grant Program. Policies, requirements and procedures contained in this subpart implement a rural economic development zero interest loan and grant program established by section 313 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*) (the "RE Act"). The program provides funds to RE Act Borrowers for the purpose of promoting rural economic development and job creation projects. This proposed revision would establish a method of documenting REA's selection process, permit REA to establish the maximum size of the loan or grant, permit