Vessel	No.	Masthead lights, arc of visibility; Rule 21(A)	Side lights, arc of visibility; Rule 21(B)	Stern light, arc of visibility; Rule 21(C)	Side lights, distance inboard of ship's sides in meters; § 3(b), Annex I	Stern light, distance forward of stern in meters; Rule 21(C)	Forward anchor light, height above hull in meters; § 2(K), Annex I	Anchor lights, relationship of aft light to forward light in meters; § 2(K), Annex I
Keokuk	YTB 771				3.11	13.00		
Wapato	YTB 788				3.10	12.88		
Palatka	YTB 801				2.80	13.00		

§ 706.2 [Amended]

3. Paragraph 14, Table Four of § 706.2 is amended by adding the following vessels:

Vessel No.	Distance in meters of aux. masthead light below minimum required height. Annex 1, sec. 2(a)(i)
YTB 771	3.89
YTB 788	3.76
YTB 801	3.89

Date: May 5, 1992.

Approved:

J.E. Gordon,

Rear Admiral, JAGC, U.S. Navy, Judge Advocate General.

[FR Doc. 92-12490 Filed 5-29-92; 8:45 am]

BILLING CODE 3810-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL-4136-8]

Hazardous Waste Management System; Definition of Hazardous Waste; "Mixture" and Derived-from" Rules

AGENCY: Environmental Protection Agency.

ACTION: Interim final rule; technical corrections.

SUMMARY: On March 3, 1992 (57 FR 7628), the Environmental Protection Agency (EPA) announced the interim final repromulgation of 40 CFR 261.3, including the "mixture" and "derived-from" rules. These rules are part of the definition of hazardous waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The rules define "hazardous waste" to include mixtures of hazardous waste with other solid waste and the residue from managing listed hazardous waste. Today's notice restores language to 40 CFR 261.3 that the Agency inadvertently omitted from the interim final rulemaking.

DATES: This rule is effective on June 1, 1992.

FOR FURTHER INFORMATION CONTACT: Ms. Marilyn Goode, Office of Solid Waste (OS-332), U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 260-6551.

SUPPLEMENTARY INFORMATION: On May 19, 1980, EPA promulgated regulations to govern the management of hazardous waste under RCRA, including the "mixture" and "derived-from" rules at 40 CFR 261.3. On December 6, 1991, the United States Court of Appeals for the District of Columbia ruled that the Agency had failed to give sufficient notice and opportunity for comment in promulgating the "mixture" and "derived-from" rules. The court therefore vacated the rules and remanded them to the Agency (*Shell Oil* v. *EPA*, No. 80-1532 *et al.* (D.C. Cir., December 6, 1991)). At the invitation of the court, EPA reinstated 40 CFR 261.3 on an interim basis under section 553(b)(3)(B) of the Administrative Procedure Act (APA). This interim final rule was published on March 3, 1992 (57 FR 7628).

In reinstating the "mixture" and "derived-from" rules, the Agency neglected to include certain changes to 40 CFR 261.3 that had been promulgated in 1991. The first change was an amendment to 40 CFR 261.3(d)(1) which EPA promulgated on January 31, 1991 (55 FR 3876). This amendment clarified that wastes exhibiting a hazardous characteristic at the point of generation may still be subject to the land disposal restrictions of 40 CFR part 268, even if the wastes no longer exhibit the characteristic at the point of land disposal.

The second change was an amendment to 40 CFR 261.3(c)(2)(ii)(B) which the Agency promulgated on July 17, 1991 (56 FR 32692). This amendment reflected the fact that on February 21, 1991, EPA has provided an exclusion from the definition of solid waste for coke and coal tar from the iron and steel industry that is used as a fuel and that contains or is produced from decanter tank tar sludge, EPA Hazardous Waste K087. The process of producing coke and coal tar from such decanter tank tar sludge in a coke oven was likewise excluded from regulation in that notice (56 FR 7206-7207). The conforming amendment published on July 17, 1991 deleted the cross-reference in 40 CFR 261.3(c)(2)(ii)(B) to wastes from burning coke and coal tar from the iron and steel industry that contain EPA Hazardous Waste No. K087.

The third change was an amendment to 40 CFR 261.3(c)(2)(ii), promulgated by the Agency on August 19, 1991 (56 FR 41176-41177). This amendment provided an exclusion from the "derived-from" rule for certain residues resulting from treating EPA Hazardous Waste No. K061 by high temperature metal recovery (40 CFR 261.3(c)(2)(ii)(C)).

The omission of these amendments in the March 3, 1992 interim final rule was unintentional. Today's notice restores all of the regulatory amendments described above which were mistakenly excluded from the March 3, 1992 reinstatement of 40 CFR 261.3. In addition, EPA is today deleting an outdated reference in 40 CFR 261.3(a)(2)(i) to the Extraction Procedure Toxicity Characteristic, and replacing it with a reference to the Toxicity Characteristic, which has replaced the Extraction Procedure Toxicity Characteristic see (55 FR 11798, March 29, 1990).

Because this rulemaking action simply restores omitted text from a preexisting rule and makes other minor technical corrections, public comment is unnecessary (see 5 U.S.C. 553(b)(B)). For the same reasons, the Agency believes that there is good cause for making these changes effective immediately (see 5 U.S.C. 553(d)(3)).

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Dated: May 14, 1992.

Don R. Clay,

Assistant Administrator for Solid Waste and Emergency Response.

Technical Corrections

In rule document number 91–4255, beginning on page 7628 is the **Federal Register** published on Tuesday, March 3, 1992, make the following corrections:

PART 261—[AMENDED]

§ 261.3 [Corrected]

1. On page 7632, second column, in § 261.3(a)(2)(i), lines 17 and 18, change "Extraction Procedure Toxicity characteristic" to "Toxicity Characteristic".

§ 261.3 [Corrected]

2. On page 7633, third column, in § 261.3(c)(2)(ii)(B), line 3, change "§ 261.6(a)(3)(v) through (ix)" to "§ 261.6(a)(3)(v) through (viii)".

§ 261.3 [Corrected]

3. On page 7633, third column, in § 261.3(c)(2)(ii), add paragraph § 261.3(c)(2)(ii)(C) to read as follows:

(C) Nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061 waste, in units identified as rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations or industrial furnaces (as defined in 40 CFR 260.10(6), (7), and (12), that are disposed in Subtitle D units, provided that these residues meet the generic exclusion levels identified below for all constituents, and exhibit no characteristics of hazardous waste. Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and/or when the process or operation generating the waste changes. The generic exclusion levels are:

Constituent	Maximum for any single composite sample (mg/1)
Antimony	0.063
Arsenic	0.055
Barium	6.3
Beryllium	0.0063
Cadmium	0.032
Chromium (total)	0.33
Lead	0.095
Mercury	0.009
Nickel	0.63
Selenium	0.16
Silver	0.30
Thallium	0.013
Vanadium	1.26

For each shipment of K061 HTMR residues sent to Subtitle D unit that meets the generic exclusion levels for all constituents, and does not exhibit any characteristic, a notification and certification must be sent to the appropriate Regional Administrator (or delegated representative) or State authorized to implement part 268 requirements. The notification must include the following information: (*1*) The name and address of the subtitle D unit receiving the waste shipment; (*2*) the EPA hazardous waste number and treatability group at the initial point of generation; (*3*) treatment standards applicable to the waste at the intital point of generation. The certification must be signed by an authorized representative and must state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

§ 261.3 [Corrected]

4. On page 7633, third column, in § 261.3(d)(1), line 4, add the following at the end of the line:

(However, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of part 268, even if they no longer exhibit a characteristic at the point of land disposal.)

[FR Doc. 92–12740 Filed 5–29–92; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 271

[FRL 4138-8]

Tennessee; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Tennessee has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Tennessee's revisions consist of the Toxicity Characteristic Leaching Procedure (TCLP) Rule, a component of HSWA Cluster II, 3006(f) Availability of Information (AOI), and Non-HSWA Cluster IV. The Environmental Protection Agency (EPA) has reviewed Tennessee's application and has made a decision, subject to public review and comment, that Tennessee's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Tennessee's hazardous waste program revisions. Tennessee's applications for the TCLP, 3006(f) AOI, and Non-HSWA Cluster IV program revisions are available for public review and comment.

DATES: Final authorization for Tennessee shall be effective July 31, 1992 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Tennessee's program revision applications must be received by the close of business, July 1, 1992.

ADDRESSES: Copies of Tennessee's program revision applications are available during 8 am–4 pm at the following addresses for inspection and copying: Tennessee Department of Environment and Conservation, Solid Waste Management Division, 701 Broadway, Nashville, Tennessee 37219; (615) 741–3424 and U.S. EPA Region IV, Library, 345 Courtland Street, NE, Atlanta, Georgia 30365; (404) 347–4216. Written comments should be sent to Narindar Kumar at the address listed below.

FOR FURTHER INFORMATION CONTACT: Narindar Kumar, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE, Atlanta, Georgia 30365; (404) 347–2234.

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. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98–616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority.

States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–268, 124 and 270.

B. Tennessee

Tennessee initially received final authorization for its base RCRA program effective on February 5, 1985. Tennessee received authorization for revisions to its program on August 11, 1987, (52 FR 22443). On October 1, 1991, and November 6, 1991, Tennessee submitted program revision applications for additional program approval. Today, Tennessee is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Tennessee's applications and has made an immediate final decision that Tennessee's hazardous waste program satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Tennessee. The public may submit written comments on EPA's immediate final decision until July 1, 1992. Copies of Tennessee's application for program revisions are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of Tennessee's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

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 this 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.

Tennessee is today seeking authority to administer the following Federal requirements promulgated on November 8, 1984, for the 3006(f) Availability of Information component of Non-HSWA Cluster I; on March 24, 1990 for the Toxicity Characteristic revision of HSWA Cluster II, and from July 1, 1987–June 30, 1988 for Non-HSWA Cluster IV.

Federal requirement	FR reference	Federal promulgation date	State authority
List (phase I) of hazardous constituents for groundwater monitoring	52 FR 25942	7/9/87	68–46–106(a)(1), 68–46–107(b)(2), 68-46-107(d), (1 and 3).
Identification and listing of hazardous waste	52 FR 26012	7/10/87	68–46–104(7), 68–46–106(a)(1), 68-46-107(d)(1).
Listing of spent pickle liquor; clarification	52 FR 28697	8/3/87	68–46–104(7), 68–46–106(a)(1), 68-46-107(d)(1).
Liability requirements for hazardous waste facilities; corporate guarantee	52 FR 44314	11/18/87	68–46–107(d).
Hazardous waste miscellaneous units	52 FR 46946	12/10/87	68–46–106(a), (1–3), 68–46–107(d), (3, 4, and 6).
Technical correction identification and listing of hazardous waste	53 FR 13382	4/22/88	68–46–104(7), 68–46–106(a)(1), 68-46-107(d)(1).
Toxicity characteristic	55 FR 11798	3/29/90	68–46–104(7), 68–46–106(a)(1), 68–46–107(a), 68–46–107(d), (1 and 3).
3006(f) Availability of information	HSWA § 3006(f)	11/8/84	68–46–109, 10–7–301(6), 10–7–503, 10–7–504, 10–7–505.

Tennessee is not authorized to operate the Federal program on Indian Lands. This authority remains with EPA unless provided otherwise in a future statute or regulation.

C. Decision

I conclude that Tennessee's application for program revisions meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Tennessee is granted final authorization to operate its hazardous waste program as revised.

Tennessee now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. Tennessee 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.

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 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 Tennessee'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.

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: May 27, 1992.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 92-12744 Filed 5-29-92; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 920109-2009]

Pacific Coast Groundfish Fishery

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

ACTION: Notice of fishing restrictions, and request for comments.

SUMMARY: NMFS announces the end of the "regular" season for sablefish taken with nontrawl gear and reimposition of a daily trip limit of 250 pounds. This action is authorized by the regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP). The 250-pound daily trip limit is necessary to keep landings within the nontrawl harvest guideline for this species while extending the fishery as long as possible during the year.

DATES: Effective from 0001 hours (local time) May 27, 1992, until modified, superseded, or rescinded. Comments will be accepted through June 16, 1992.

ADDRESSES: Submit comments to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE, BIN C15700-Bldg. 1, Seattle, Washington 98115-0070; or Charles E. Fullerton, Director, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Blvd., suite 4200, Long Beach, California 90802-4213.

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

SUPPLEMENTARY INFORMATION: The notice of 1992 groundfish fishery specifications and management measures (57 FR 1654, January 15, 1992) announced a two-tier scheme of trip landing limits for the nontrawl sablefish fishery that began in January and was intended to extend until the beginning of the regular nontrawl sablefish season. (During the regular season, the only trip limit applies to sablefish smaller than 22 inches (total length).) The fishing year began with a 500-pound daily trip limit which was increased to 1,500 pounds on March 1, 1992, with the stipulation that if 440 metric tons (mt) of the 3,612 mt designated for the nontrawl sablefish fishery was taken prior to the beginning of the regular season, the 500-pound daily trip limit would be reimposed. On March 20, 1992, the 440 mt was projected to have been exceeded, and the daily trip limit was reduced to 500 pounds (57 FR 10429, March 26, 1992). Landings continued at an unexpectedly high rate, and, at its April 1992 meeting, the Pacific Fishery Management Council (Council) recommended further reduction of the daily trip limit to 250 pounds. Accordingly, on April 17, 1992, the 500-pound daily trip limit was reduced to 250 pounds so that most of the remainder of the harvest guideline would be available for the regular season (57 FR 14666, April 22, 1992). The trip limits preceding the regular season were intended to allow small incidental catches to be landed and to allow small fisheries to operate year-round (57 FR 1654, January 15, 1992). At its April meeting, the Council also recommended that the 250-pound daily trip limit be reimposed at the end of the regular season, on the date necessary to extend the nontrawl sablefish fishery as long as possible during the year (57 FR 14666, April 22, 1992).

The regular season began on May 12, 1992 (57 FR 11271, April 2, 1992.) The best available data indicate that through May 12, 1992, 1,207 mt of sablefish were harvested, and at least 1,900 mt had been harvested from January 1, 1992, through May 17, 1992. At the rate of harvest during the regular season, the harvest guideline of 3,612 mt is projected to be reached by May 29, 1992, if landings are not further curtailed. For these reasons, NMFS is reimposing a 250-pound daily trip limit at 0001 hours (local time) May 27, 1992, ending the regular season. This regulatory action is intended to leave approximately 300 mt remaining from the 3,612-mt harvest guideline to be harvested under the 250-pound daily trip limit. All other provisions for sablefish caught with nontrawl gear remain in effect. All weights are in round weight or round weight equivalents.

Secretarial Action

The Secretary of Commerce (Secretary) having concurred with the Council's recommendation to reimpose a 250-pound daily trip limit at the end of the regular season (57 FR 14666, April 22, 1992), hereby announces:

(1) Following the regular season, at 0001 hours (local time) May 27, 1992, the daily trip limit for sablefish caught with nontrawl gear is 250 pounds until modified, superseded, or rescinded. This trip limit applies to sablefish of any size.

(2) These restrictions apply to all sablefish caught with nontrawl gear between 3 and 200 nautical miles offshore of Washington, Oregon, and California. All sablefish caught with nontrawl gear and possessed 0-200 nautical miles offshore, or landed in Washington, Oregon, or California are presumed to have been taken and retained from the fishery management area (3-200 nautical miles offshore Washington, Oregon, and California) unless otherwise demonstrated by the person in possession of those fish.

Classification

The determination to reduce the limit for the nontrawl sablefish fishery is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Director, Northwest Region (see **ADDRESSES**) during business hours until June 16, 1992.

This action is taken under the authority of 50 CFR 663.23(c) and sections III.B.1. and III.B.2. of the appendix to 50 CFR part 663, and is in compliance with Executive Order 12291. The public had opportunities to comment on this action at the time the notice of annual specifications was published on January 15, 1992, and after the subsequent notices adjusting the nontrawl sablefish trip limit, discussed above.

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fisheries, Fishing, and Recordkeeping and reporting requirements.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 26, 1992.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 92-12685 Filed 5-26-92; 4:54 pm]

BILLING CODE 3510-22-M