

for nondisplacement vessels 20 meters or more in length but less than 100 gross tons, and is allowing such nondisplacement vessels to overtake other vessels when otherwise safe. All other navigational regulations will remain in force. This regulation specifically provides that it does not preempt any state or local law or regulation setting a lower speed limit applicable to nondisplacement vessel in areas under the jurisdiction of such state or local authority. (The Canadian Coast Guard Central Region is also stipulating that the higher speed limit will not be applicable to certain harbors areas in Canada, particularly the harbor of Windsor, Ontario.) Each vessel operator shall submit a schedule to the Captain of the Port Detroit at least thirty days in advance for each anticipated excursion. The schedule shall contain an itinerary for each excursion including dates, arrival and departure times, all destination points, and the nature of the excursion, i.e., passengers, no passengers, etc. The vessel operator must then confirm each excursion with the Captain of the Port Detroit between three and seven working days prior to the intended date of the departure. This will give the Captain of the Port time to anticipate potential conflicts with scheduled marine events, and allow timely notice through a Broadcast Notice to Mariners. Any excursion schedule not submitted within the thirty day time frame may be subject to Captain of the Port disapproval. These special provisions for nondisplacement vessels will apply only during daylight hours, defined as sunrise to sunset. The Captain of the Port or Commander, Ninth Coast Guard District may revoke approval of operations at the increased speed for the remainder of the navigation season due to an operator's failure to comply with any of these requirements.

Drafting Information

The principal persons involved in drafting this document are Lieutenant (junior grade) Katherine E. Weathers and Commander M. Eric Reeves, Project Managers, and Commander Robert G. Blythe, Project Counsel.

Environment

The Coast Guard has considered the environmental impact of this regulation and concluded that, under section 2.B.2.c. of Coast Guard Commandment Instruction M16475.1B, it is categorically excluded from further environmental documentation.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This regulation does not impose any new regulatory requirements in an area not heretofore regulated by the Federal Government, and does not impose any requirements or restrictions on State or local authorities. This regulation specifically provided that it does not preempt any state or local law or regulation setting a lower speed limit applicable to nondisplacement vessel in areas under the jurisdiction of such state or local authority.

Regulatory Evaluation

This temporary final rule is not considered a significant regulatory action under Executive Order 12866 and is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034 of February 26, 1979).

Small Entities

The economic impact of this regulation is expected to be so minimal that a full evaluation is unnecessary. In fact, the Coast Guard is making this amendment in part in order to avoid causing the existing regulations to have an unintended economic impact on a new mode of commercial operation. Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Collection of Information

The regulation will impose no collection of information requirements under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

List of Subjects in 33 CFR Part 162

Navigation (water), Waterways.

Regulations

In consideration of the foregoing, the Coast Guard is amending part 162 of title 33, Code of Federal Regulations as follows:

1. The authority citation for part 162 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR. 1.46.

2. A temporary § 162.T139 is added as follows:

§ 162.T139 Nondisplacement vessels under 100 gross tons.

(a) Notwithstanding §§ 162.134 and 162.138(a), nondisplacement vessels 20 meters or more in length but under 100 gross tons may operate in the nondisplacement mode at speeds not more than 40 miles per hour, and may overtake other vessels—

(1) during daylight hours (sunrise to sunset),

(2) when conditions otherwise safely allow, and

(3) when approval has been granted by the Coast Guard Captain of the Port or District Commander prior to each transit of the area.

(b) Except for provisions on overtaking other vessels, the provisions in § 162.134 continue to apply.

(c) Each vessel operator wishing to operate under the provisions of this section shall submit a schedule to the Captain of the Port Detroit at least thirty days in advance for each anticipated excursion.

(d) The schedule shall contain an itinerary for each excursion including dates, arrival and departure times, all destination points, and the nature of the excursion.

(e) The vessel operator must confirm each excursion with the Captain of the Port Detroit no less than three and no more than seven working days prior to the intended date of departure.

(f) The Captain of the Port Detroit or Commander, Ninth Coast Guard District may deny approval for all future operations during the navigation season due to an operator's failure to comply with any of these requirements.

(g) This temporary section does not preempt any state or local law or regulation setting a lower speed limit applicable to nondisplacement vessel in areas under the jurisdiction of such state or local authority.

(h) This section becomes effective on 12:01 a.m. on April 1, 1994 and terminates on 12 midnight on November 30, 1994.

Dated: March 25, 1994.

Rudy K. Peschel,

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

[FR Doc. 94-8373 Filed 4-6-94; 8:45 am]

BILLING CODE 4910-14-M

**ENVIRONMENTAL PROTECTION
AGENCY****40 CFR Part 271**

[FRL-4860-2]

**North Dakota; Final Authorization of
State Hazardous Waste Management
Program**AGENCY: Environmental Protection
Agency.

ACTION: Immediate final rule.

SUMMARY: The State of North Dakota has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed North Dakota's application and has made a decision, subject to public review and comment, that North Dakota's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve North Dakota's hazardous waste program revisions. North Dakota's application for program revision is available for public review and comment.

DATES: Final authorization for North Dakota shall be effective on June 6, 1994 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on North Dakota's program revision application must be received by the close of business by May 9, 1994.

ADDRESSES: Copies of North Dakota's program revision application are available during regular business hours at the following addresses for inspection and copying: Division of Waste Management, Department of Health and Consolidated Laboratories, 1200 Missouri Avenue, Bismarck, North Dakota 58502-5520 and US EPA Region VIII Library, 999 18th Street, suite 144, Denver, Colorado 80204-2466. Written comments should be sent to: Marcella DeVargas (HWM-WM), U.S. Environmental Protection Agency, 999 18th Street, suite 500, Denver, Colorado 80202-2466, Phone 303/293-1670.

FOR FURTHER INFORMATION CONTACT: Marcella DeVargas, Waste Management Branch, U.S. EPA, 999 18th Street, suite 500, Denver, Colorado 80202-2466, Phone: 303/293-1670.

SUPPLEMENTARY INFORMATION:**A. Background**

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or the "the Act"), 42 U.S.C. 6929 (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. Modification to the Federal program, due to statutory and regulatory changes, requires subsequent modifications to the State authorized program. Until the State is authorized for such modifications, EPA is responsible for implementing and enforcing the modification in the State. Further, if the State law which forms the basis of the federally authorized State program is amended, the State must promptly seek revision authorization for those provisions. Until the amendments to State law are authorized by EPA, the regulated community must ensure compliance with both the federally authorized State program and the non-authorized Federal program. The regulated community may also need to comply with current State laws in the situation where State law has been amended after Federal authorization has been granted.

B. North Dakota

North Dakota initially received final authorization in October 1984. North Dakota received authorization for revisions to its program on August 24, 1990. On February 23, 1994, North Dakota submitted a final program revision application for additional program approvals. Today, North Dakota is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

In the previous revision authorization published on August 24, 1990, EPA included authorization of the direct action against insurers, HSWA section 3004(t) provision to North Dakota. It was later determined this provision is not delegable. Therefore, EPA is clarifying with this notice that the direct action against insurers to North Dakota is withdrawn. The Federal cause of

action provided by RCRA 3004(t) remains in effect in authorized states. The State law equivalent to 3004(t) operates separately from the Federal law and, in this situation, the North Dakota law which provides for a direct cause of action against insurers operates as an additional authority to the Federal authority.

EPA has reviewed North Dakota's application, and has made an immediate final decision that North Dakota's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to North Dakota. The public may submit written comments on EPA's immediate final decision up until May 9, 1994. Copies of North Dakota's application for program revision are available for inspection and copying at the locations indicated in the ADDRESSES section of this notice.

Approval of North Dakota's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision 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's comments on the draft application were addressed in the final application. Thus, the North Dakota program is only granted final authorization for those provisions specifically listed in Table 1.

North Dakota has not requested authorization to operate its hazardous waste program, as revised, in "Indian Country" as defined in 18 U.S.C. 1151. Accordingly, EPA's decision to grant North Dakota final hazardous waste authorization, as revised, does not extend to "Indian Country". The Environmental Protection Agency retains all hazardous waste authority under RCRA which applies to Indian Country in North Dakota.

Today, North Dakota is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3). Specific provisions which are included in the North Dakota program authorization revision sought today are listed in Table 1 below.

TABLE 1

HSWA or FR reference	State equivalent ¹
1. Availability of Information, 3006(f), 11/8/84	33-24-02-16, NDCC 28-32-21.1, MOA.
2. Burning of Waste Rule and Used Oil Fuel in Boilers and Industrial Furnaces, 50 FR 49164, 11/29/85, amended on 4/13/87, 52 FR 1/18/89.	33-24-02-03, 33-24-02-05, 33-24-02-06, 33-24-05-144, 33-24-05-210, 33-24-05-211, 33-24-05-212, 33-24-05-213, 33-24-05-214, 33-24-05-215, 33-24-05-220, 33-24-05-221, 33-24-05-222, 33-24-05-223, 33-24-05-224.
3. HSWA Codification Rule 2, 52 FR 45788, 12/1/87	33-24-06-17, 33-24-05-57, 33-24-05-58, 33-25-01-06, 33-25-01-11, 33-24-06-16, 33-24-06-18, 33-24-06-01.
4. Hazardous Waste Miscellaneous Units, 52 FR 46946, 12/10/87	33-24-01-04, 33-24-05-01, 33-24-05-06, 33-24-05-09, 33-24-05-40, 33-24-05-47, 33-24-05-60, 33-24-05-61, 33-24-05-63, 33-24-05-66, 33-24-05-67, 33-24-05-76, 33-24-05-79, 33-24-05-300, 33-24-05-301, 33-24-05-302, 33-24-05-303, 33-24-06-17.
5. Technical Corrections; Identification and Listing of Hazardous Waste, 53 FR 13382, 4/22/88.	33-24302-18, 33-24-02.
6. Identification and Listing of Hazardous Waste; Technical Corrections, 53 FR 27162, 7/19/88.	33-24-02-05.
7. Farmer Exemptions; Technical Corrections, 53 FR 27164, 7/19/88	33-24-03-01, 33-24-05-01, 33-24-06-16, 33-24-05-250, 33-24-06-01.
8. Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption, 53 FR 27290, 7/19/88.	33-24-01-04.
9. Land Disposal Restrictions for First Third Scheduled Wastes, 53 FR 31138, 8/17/89; Amended 2/27/89, 54 FR 8264.	33-24-05-04, 33-24-05-40, 33-24-06-16, 33-24-05-201, 33-24-05-250, 33-24-05-253, 33-24-05-254, 33-24-05-255, 33-24-05-256, 33-24-05-257, 33-24-05-270, 33-24-05-271, 33-24-05-272, 33-24-05-273, 33-24-05-280, 33-24-05-281, 33-24-05-282, 33-24-05-283, 33-24-05-284, 33-24-05-290.
10. Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems, 53 FR 34079, 9/2/88.	33-24-01-04, 33-24-05-63, 33-24-05-103, 33-24-05-106, 33-24-06-16, 33-24-01-04.
11. Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities, and Notification, 53 FR 35412, 9/13/88.	33-24-02-04, 33-24-02-17, 33-24-02 Appendix IV.
12. Statistical Methods for Evaluating Ground-Water Monitoring Data from Hazardous Waste Facilities, 53 FR 39720, 10/11/88.	33-24-05-48, 33-24-05-49, 33-24-05-54, 33-24-05-55, 33-24-05-56.
13. Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators, 54 FR 615, 1/9/89.	33-24-06-17.
14. Amendment to Requirements for Hazardous Waste Incinerator Permits, 54 FR 4286, 1/30/89.	33-24-06-19.
15. Land Disposal Restrictions for Second Third Scheduled Wastes, 54 FR 26594, 6/23/89.	33-24-05-274, 33-24-05-281, 33-24-05-282, 33-24-05-283.
16. Mining Waste Exclusion 1, 54 FR 36592, 9/1/89	33-24-02-03, 33-24-02-04.
17. Testing and Monitoring Activities, 54 FR 40260, 9/29/89	33-24-01-05, 33-24-02 Appendix III.
18. Reportable Quantity Adjustment Methyl Bromide Production Wastes, 54 FR 41402, 10/6/89.	33-24-02-17, 33-24-02 Appendices III and IV.
19. Reportable Quantity Adjustment, 54 FR 50968, 12/11/89	33-24-02-16, 33-24-02 Appendices IV and V.
20. Changes to Part 124, 48 FR 14146, 1/1/83; 48 FR 30113, 6/30/83; 53 FR 28118, 7/26/88; 53 FR 37396, 9/26/88; 54 FR 246, 1/4/89.	33-24-07-02, 33-24-07-03, 33-24-07-04, 33-24-07-06, 33-24-07-08.
21. Mining Waste Exclusion II, 55 FR 2322, 1/23/90	33-24-01-04, 33-24-03-07.
22. Testing and Monitoring Activities; Technical Corrections, 55 FR 8948, 3/9/90.	33-24-01-05, 33-24-02 Appendix III—Tables 2 and 3.
23. Toxicity Characteristic Revisions, 55 FR 11798, 3/29/90, Amended 6/29/90 at 55 FR 26986.	33-24-02-04, 33-24-02-14, 33-24-02-15, 33-24-02 Appendix II, 33-24-05-177, 33-24-06-16.
24. Criteria for Listing Toxic Wastes; Technical Amendment, 55 FR 18726, 5/4/90.	33-24-02-09.
25. HSWA Codification Rule, Double Liners; Correction, 55 FR 19262, 5/9/90.	33-24-05-116, 33-24-05-177.
26. Organic Air Emission Standards for Process Vents and Equipment Leaks, 55 FR 25454, 6/21/90.	33-24-01-05, 33-24-02-06, 33-24-05-04, 33-24-05-06, 33-24-05-40, 33-24-05-44, 33-24-05-400, 33-24-05-401, 33-24-05-402, 33-24-05-403, 33-24-05-404, 33-24-05-405, 33-24-05-406, 33-24-02-407 to 419, 33-24-05-420, 33-24-05-421, 33-24-05-422, 33-24-05-423, 33-24-05-424, 33-24-05-425, 33-24-05-426, 33-24-05-427, 33-24-05-428, 33-24-05-429, 33-24-05-430, 33-24-05-431, 33-24-05-432, 33-24-05-433, 33-24-05-434, 33-24-05-435, 33-24-05-436 to 474, 33-24-06-16, 33-24-05-17.

¹ References are to North Dakota Century Code, Hazardous Waste Management, Section 6 North Dakota Constitution, NDAC Practice and Procedure.

C. Decision

I conclude that North Dakota's application for program revision meets all of the statutory and regulatory

requirements established by RCRA. Accordingly, North Dakota is granted final authorization to operate its hazardous waste program as revised.

North Dakota 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 limitation of its revised program application and previously approved authorities. North Dakota 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. The State of North Dakota will submit a draft application for Non-HSWA cluster 6 and HSWA cluster 2 by June 30, 1994.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of North Dakota'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: March 29, 1994.

William P. Yellowtail,
Regional Administrator.

[FR Doc. 94-8357 Filed 4-6-94; 8:45 am]

BILLING CODE 6560-50-P

40 CFR Part 271

[FRL-4860-1]

Colorado; Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Colorado has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Colorado's application and has made a decision, subject to public review and comment, that Colorado's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Colorado's hazardous waste program revisions. Colorado's application for program revision is available for public review and comment.

DATES: Final authorization for Colorado shall be effective on June 6, 1994 unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Colorado's program revision application must be received by the close of business by May 9, 1994.

ADDRESSES: Copies of Colorado's program revision application are available during regular business hours at the following addresses for inspection and copying: Colorado Department of Health, Hazardous Materials and Waste Management Division, 4300 Cherry Creek Drive South, Denver, Colorado 80222-1530, phone number: 303/692-3300; and USEPA Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, phone number: 303/293-1444. Written comments should be sent to Ayn Schmit (8HWM-WM), USEPA Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466.

FOR FURTHER INFORMATION CONTACT: Ayn Schmit, Waste Management Branch, USEPA Region VIII, 999 18th Street, Suite 500, Denver, Colorado 80202-2466, phone number: 303/293-1845.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of RCRA, 42 U.S.C. 6929(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 124, 260-266, 268, 124 and 270.

B. Colorado

Colorado initially received final authorization on November 2, 1984. Colorado received authorization for revisions to its program on November 7, 1986, on July 14, 1989, and on July 9, 1991. On February 28, 1991, Colorado submitted a draft program revision application for additional revisions, and on October 1, 1993, Colorado submitted a final program revision application. Today, Colorado is seeking approval of these program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Colorado's draft and final applications, and has made an immediate final decision that Colorado's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Colorado. The public may submit written comments on EPA's immediate final decision up until May 9, 1994. Copies of Colorado's application for program revision are available for inspection and copying at the locations indicated in the ADDRESSES section of this notice.

Approval of Colorado's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision 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.

In February 1991 Colorado submitted a draft application for EPA review. EPA provided comments on the draft application to the State in May 1992 and additional comments in May 1993. EPA's comments on the draft application were fully addressed in the final application submitted in October 1993. However, EPA has identified minor differences in the following provisions of the State regulation as reflected in the final application: Colorado Code of Regulations

261.4(b)(7); 261.8; 262.11(c); 268.1(c)(2); 268.6; 268.7(b)(7); 268.35(d); 268.40(b); 268.41(a); 268.42(b); 268.44; 268.50(d); and 100.22(c)(4). Colorado has committed to revising each of these

regulatory provisions, and anticipates that these revisions will be adopted by April 1994. Accordingly, EPA intends to proceed with authorization rather than continue the dual regulatory scheme

that presently exists. Thus, the Colorado program is granted immediate final authorization for the provisions set forth in the following table.

HSWA or FR reference	State equivalent ¹
1. Land Disposal Restrictions for First Third Scheduled Wastes, 53 FR 31138, 8/17/88 as amended by 54 FR 8264, 2/27/89.	264.13, 264.73, 265.13, 265.73, 265.74, 267.20, 268.1, 268.4, 268.5, 268.6, 268.7, 268.8, 268.30, 268.31, 268.32, 268.33, 268.40, 268.41, 268.42, 268.43, 268.44, 268.50.
2. Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems, 53 FR 34079, 9/2/88.	260.10, 264.114, 264.190, 264.193, 264.196, 265.110, 265.114, 265.190, 265.193, 265.196, 265.201.
3. Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities and Notification, 53 FR 35412, 9/13/88.	261.4, 261.32, Appendix VII to Part 261.
4. Statistical Methods for Evaluating Ground Water Monitoring Data from Hazardous Waste Facilities, 53 FR 39720, 10/11/88.	264.91, 264.92, 264.97, 264.98, 264.99.
5. Standards for Generations of Hazardous Waste: Manifest Renewal, 53 FR 45089, 11/8/88.	262.20, Appendix to Part 262.
6. Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators, 54 FR 615, 1/9/89.	100.41.
7. Amendment to Requirements for Hazardous Waste Incinerator Permits, 54 FR 4286, 1/30/89.	100.22.
8. Land Disposal Restrictions Amendments to First Third Scheduled Wastes, 54 FR 18836, 5/2/89.	268.43.
9. Land Disposal Restrictions for Second Third Scheduled Wastes, 54 FR 26594, 6/23/89.	268.34, 268.41, 268.42, 2678.43.
10. Mining Waste Exclusion I, 54 FR 36592, 9/1/89.	261.3, 261.4.
11. Land Disposal Restrictions; Correction to the First Third Scheduled Wastes, 54 FR 36967, 9/6/89 as amended by 55 FR 23935, 6/13/90.	267.20, 268.1, 268.5, 268.6, 268.7, 268.8, 268.32, 268.33, 268.44, 268.50.
12. Mining Waste Exclusion II, 55 FR 2322, 1/23/90.	260.10, 261.4, 262.23.
13. Toxicity Characteristic Revisions, 55 FR 11798, 3/29/90 as amended by 55 FR 26986, 6/29/90.	261.4, 261.8, 261.24, 261.30, Appendix II to Part 261, 264.301, 265.221, 265.273, Appendix I to Part 268.
14. Land Disposal Restrictions for Third Third Scheduled Wastes, 55 FR 22520, 6/1/90.	261.20, 261.21, 261.22, 261.23, 261.24, 261.31, 261.33, Appendix VII to Part 261, 262.11, 262.34, 264.13, 264.229, 264.256, 264.281, 264.312, 264.316, 265.1, 265.13, 265.229, 265.256, 265.281, 265.312, 265.316, 268.2, 268.3, 268.7, 268.8, 268.9, 268.35, 268.40, 268.41, 268.42, 268.43, Appendices IV through VIII to Part 268, 100.63.
15. Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendments, 56 FR 3864, 1/31/1991.	261.3, 261.20, 261.31, 262.11, 262.34, 268.2, 268.7, 268.9, 268.33, 268.35, 268.40, 268.41, 268.42, 268.43, Appendices IV, V, VII, VIII, and IX to Part 268, Appendix I to Part 100.
16. Mining Waste Exclusion III, 56 FR 27300, 6/13/91.	261.4.
17. Land Disposal Restrictions Electric Arc Furnace Dust (K061), 56 FR 41164, 8/19/91.	261.3, 261.4, 268.41, 268.42.
18. Second Correction to the Third Third Land Disposal Restrictions, 57 FR 8086, 3/6/92.	264.13, 265.13, 268.3, 268.41, 268.42.

¹ Unless indicated as otherwise, all references are to Sections of 6 CCR 1007-3.

The program revisions addressed by Colorado's final application include the first, second, and third third land disposal restrictions, mining waste exclusions, revisions to the Toxicity Characteristic, standards for incinerators, tanks and miscellaneous units, and ground water monitoring. Certain of the land disposal restriction provisions are not delegable to states. EPA is not authorizing Colorado for these non-delegable provisions, which include 40 CFR 268.5; 268.6; 268.42(b); and 268.44. Federal regulations allow exemptions to certain of the land disposal restrictions for certain wastes that are disposed of in injection wells. Since Colorado does not allow the disposal of hazardous waste in injection wells, their program is more stringent than the federal program for these provisions.

Some of the federal land disposal restrictions imposed time-limited prohibitions against land disposal of certain wastes. Since Colorado's date of adoption of these regulatory provisions in many cases was after the time-limited prohibition expired, the Colorado regulations do not include these prohibitions or impose a later effective date for the prohibition than the date set forth in the corresponding federal regulation. These differing dates do not affect the equivalency of Colorado's program, since prior violations of these prohibitions remains enforceable by EPA under federal regulation.

Colorado has not requested hazardous waste program authority on Indian Country. EPA retains all hazardous waste authority under RCRA which applies to Indian Country in Colorado.

C. Decision

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

Colorado now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Colorado 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.

In addition, Colorado has agreed to submit a draft application for remaining provisions from Non-HSWA Clusters III-VI, HSWA Clusters I and II, and RCRA Cluster I and partial Cluster II in April 1994. The final application will be submitted within 60 working days of receipt of EPA's comments on the draft application.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 6 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain federal regulations in favor of Colorado'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: March 29, 1994.

Jack McGraw,

Acting Regional Administrator.

[FR Doc. 94-8353 Filed 4-6-94; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 931100-4043; I.D. 040494A]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for Pacific ocean perch in the Aleutian Islands subarea (AI) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the Pacific ocean perch total allowable catch (TAC) in the AI.

EFFECTIVE DATE: Effective 12 noon, Alaska local time (A.l.t.), April 4, 1994, through 12 midnight, A.l.t., December 31, 1994.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, Resource Management Specialist, Fisheries Management Division, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by the Secretary of Commerce according to the Fishery Management Plan for the Groundfish Fishery of the BSAI (FMP) prepared by the North Pacific Fishery

Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

In accordance with § 675.20(a)(7)(ii) the Pacific ocean perch TAC for the AI was established by the final 1994 initial groundfish specifications (59 FR 7656, February 16, 1994) as 9,265 metric tons (mt).

The Director of the Alaska Region, NMFS (Regional Director), has determined, in accordance with § 675.20(a)(8), that the Pacific ocean perch TAC in the AI soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 8,265 mt, with consideration that 1,000 mt will be taken as incidental catch in directed fishing for other species in the AI. The Regional Director has determined that the directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific ocean perch in the AI, effective from 12 noon, A.l.t. April 4, 1994, through 12 midnight, A.l.t., December 31, 1994.

Directed fishing standards for applicable gear types may be found in the regulations at § 675.20(h).

Classification

This action is taken under § 675.20

List of Subjects in 50 CFR Part 675

Fisheries, Reporting and recordkeeping requirements.

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

Dated: April 4, 1994.

David S. Crestin,

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

[FR Doc. 94-8333 Filed 4-4-94; 12:10 pm]

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