

Federal citation	State analog
2. Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems, (53 FR 34079-34087) September 2, 1988. (Checklist 52).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 109 as amended October 20, 1994, § 3515 as amended July 20, 1990, effective July 20, 1990, § 1901.A, and B, as amended December 20, 1992; effective December 20, 1992, § 1907.F.3, as amended July 20, 1990; effective July 20, 1990, § 4377.B.2 as amended March 20, 1995; effective March 20, 1995, § 4385, as amended July 20, 1990; effective July 20, 1990, § 4431.A, A.2 as amended December 20, 1992; effective December 20, 1992, §§ 4437.F.3, G.3.iii and 4441, as amended July 20, 1992; effective July 20, 1992.
3. Statistical Methods for Evaluating Ground-Water Monitoring Data from Hazardous Waste Facilities, (53 FR 39720-39731) October 11, 1988. (Checklist 55).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 3303.A.1, A.2, as amended November 20, 1992; effective November 20, 1992, § 3305.A, as amended July 20, 1990; effective July 20, 1990, §§ 3315.A.1-3. G-J, 3317.C, D, F-K, and 3319.C. D, F-L, as amended July 20, 1990; effective July 20, 1990.
4. Standards for Generators of Hazardous Waste, (53 FR 45089-45093) November 8, 1988. (Checklist 58).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 903.D, as amended April 20, 1991; effective April 1991, and § 1107.A, as amended October 20, 1994; effective October 20, 1994.
5. Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators, (54 FR 615-617) January 9, 1989. (Checklist 59).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 517.G, M, as amended November 20, 1992; effective November 20, 1992.
6. Amendment to Requirements for Hazardous Waste Incinerator Permits, (54 FR 4286-4288) January 30, 1989. (Checklist 60).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 3115.D, as amended November 20, 1992; effective November 20, 1992.
7. Mining Waste Exclusion II, (55 FR 2322-2354) January 23, 1990. (Checklist 71).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 109, as amended October 20, 1994; effective October 20, 1994, and § 105.D.17.A-T, as amended September 20, 1994, and § 1107.D.6, as amended October 20, 1994; effective October 20, 1994.
8. Modification of F019 Listing, (55 FR 5340-5342) February 14, 1990. (Checklist 72).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 4901.B Table 1, as amended September 20, 1994; effective September 20, 1994.
9. Criteria for Listing Toxic Wastes; Technical Amendment, (55 FR 18726) May 4, 1990. (Checklist 76).	LRS 30: 2180 et seq., as amended June 14, 1991, effective June 14, 1991; LHWR § 4907.A.3., as amended May 20, 1991; effective May 20, 1991.

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

C. Decision

I conclude that Louisiana's application for a program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Louisiana is granted final authorization to operate its hazardous waste program as revised. Louisiana now has responsibility for permitting treatment, storage, and disposal facilities within its borders and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the HSWA. Louisiana also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

D. Codification in Part 272

EPA uses 40 CFR part 272 for codification of the decision to authorize Louisiana's program and for incorporation by reference of those provisions of Louisiana's Statutes and regulations that EPA will enforce under section 3008, 3013, and 7003 of RCRA. Therefore, EPA is reserving amendment of 40 CFR part 272, subpart T until a later date.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Louisiana's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. This authorization does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous waste 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: October 6, 1995.
A. Stanley Meiburg,
Acting Regional Administrator.
[FR Doc. 95-25651 Filed 10-16-95; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 271

[FRL-5314-8]

New Mexico: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

SUMMARY: The State of New Mexico has applied for authorization of revision to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) reviewed New Mexico's application and determined that its hazardous waste program revision satisfies all of the requirements necessary to qualify for authorization. Unless adverse written comments are received during the review and comment period provided for public participation in this process, EPA intends to approve New Mexico's hazardous waste program revision subject to the authority retained by EPA

in accordance with Hazardous and Solid Waste Amendments of 1984. New Mexico's application for the program revision is available for public review and comment.

DATES: This authorization for New Mexico shall be effective January 2, 1996, unless EPA publishes a prior Federal Register (FR) action withdrawing this immediate final rule. All comments on New Mexico's program revision application must be received by the close of business December 1, 1995.

ADDRESSES: Copies of the New Mexico program revision application and the materials which EPA used in evaluating the revision are available for inspection and copying from 8:30 a.m. to 4 p.m., Monday through Friday at the following addresses: New Mexico Environment Department, 1190 St Francis Drive, Santa Fe, New Mexico 87502, and U.S. EPA, Region 6 Library, 12th Floor, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2733, phone (214) 665-6444. Written comments, referring to Docket Number NM-95-2, should be sent to Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8533.

FOR FURTHER INFORMATION CONTACT: Alima Patterson, Region 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202-2733, (214) 665-8533.

SUPPLEMENTARY INFORMATION:

A. Background

States authorized under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA or the Act"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 124, 260-268, and 270.

B. New Mexico

New Mexico received authorization January 25, 1985, (see 50 FR 1515) to implement its base hazardous waste management program. New Mexico received authorization for revisions to its program on April 10, 1990 (see 55 FR 4604), July 25, 1990 (see 55 FR 28397), December 4, 1992 (see 57 FR 45717), August 23, 1994 (see 59 FR 29734), December 21, 1994 (see 59 FR 51122) and April 25, 1995 (see 60 FR 20238). The authorized New Mexico RCRA program was incorporated by reference to the Code of Federal Regulations (CFR), effective December 13, 1993 (see 58 FR 52677). On September 11, 1995, New Mexico submitted a final complete program revision application for additional program approvals. Today, New Mexico is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

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

New Mexico has statutory and regulatory authority to require corrective action for releases of hazardous waste or constituents from any solid waste management unit at a facility seeking a permit, regardless of when the waste was placed in the unit. New Mexico incorporates 40 CFR 264 and 270 by reference, with few exceptions, at 20 NMAC 4.1.501, .502 and .901. The New Mexico citations are inclusive of the amendments to 40 CFR 264 and 270 promulgated July 15, 1985,

at 50 FR 28702. NMSA 1978, §§ 74-4-4(A)(5)(h) and 74-4-4(E) provide New Mexico with the authority to adopt federal regulations by reference, including standards for taking corrective action. New Mexico has additional authority to require an owner or operator seeking a hazardous waste permit to take such corrective action pursuant to § 74-4-4.2 (B)(C). Section 74-4-10(E) provides New Mexico with authority to issue an order requiring corrective action for a facility seeking a permit where there is or has been a release of hazardous waste into the environment from a facility.

EPA reviewed New Mexico's application and made an immediate final determination that New Mexico's hazardous waste program revision satisfies all of the requirements necessary to qualify for authorization. Consequently, EPA intends to grant authorization for the additional program modifications to New Mexico. The public may submit written comments on EPA's proposed final decision until December 1, 1995. Copies of New Mexico's application for program revision are available for inspection and copying at the locations indicated in the **ADDRESSES** section of this notice.

Approval of New Mexico's program revision shall become effective 75 days from the date this notice is published, unless an adverse written comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse written comment is received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to the comment that either affirms that the immediate final decision takes effect or reverses the decision.

New Mexico's program revision application includes State regulatory changes that are equivalent to the rules promulgated in the Federal RCRA implementing regulations in 40 CFR parts 124, 260-262, 264, 265, 266, and 270 that were published in the Federal Register through June 30, 1993. This proposed approval includes the provisions that are listed in the chart below. This chart also lists the State analogs that are being recognized as equivalent to the appropriate Federal requirements.

Federal citation	State analog
1. HSWA Codification Rule; Corrective Action, (50 FR 28702) July 15, 1985. (Checklist 17L).	New Mexico Statutes Annotated (NMSA) 1978, §§ 74-4-4 (A) (5) (h), 74-4-4 (E), 74-4-4.2 (B) (C), §§ 74-4-4(a) (5) (i), 74-4-10.1 and 74-4-10 (E) (Replacement Pamphlet 1993); Hazardous Waste Management, New Mexico Environmental Improvement Board, 20 New Mexico Administrative Code (NMAC) 4.1.501, Subparts V, and IX, .501, .502 and .901 as amended September 23, 1994, effective September 23, 1994.
2. HSWA Codification Rule 2; Permit Application Requirements Regarding Corrective Action, (52 FR 45788) December 1, 1987. (Checklist 44A).	NMSA 1978, §§ 74-4-4 (A) (6) and 74-4-4 (E) and 74-4-4.2 (A) (Repl. Pamph. 1993); 20 NMAC 4.1.901 Subpart IX, as amended September 23, 1994, effective September 23, 1994.
3. HSWA Codification Rule 2; Corrective Action Beyond Facility Boundary, (52 FR 45788) December 1, 1987. (Checklist 44B).	NMSA 1978, §§ 74-4-4 (A) (5) (i), 74-4-4 (E), 74-4-4.2 (B), and 74-4-10 (E) (Repl. Pamph. 1993); 20 NMAC 4.1.501 Subpart V and .502, as amended September 23, 1994, effective September 23, 1994.
4. HSWA Codification Rule 2; Corrective Action for Injection Wells, (52 FR 45788) December 1, 1987. (Checklist 44C).	NMSA 1978, §§ 74-4-4 (A) (5) (f), (h) and (i), 74-4-4 (E) and 74-4-4.2(B) (Repl. Pamph. 1993); 20 NMAC 4.1.901, as amended December 1, 1987, effective December 1, 1987.

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

C. Decision

I conclude that New Mexico's application for program revision meets the statutory and regulatory requirements established by RCRA. Accordingly, New Mexico is granted authorization to operate its hazardous waste program as revised. New Mexico now has responsibility for permitting treatment, storage, and disposal facilities within its borders and for carrying out the aspects of the RCRA program described in its revised program application, subject to the limitations of the Hazardous and Solid Waste Amendments. New Mexico also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013, and 7003 of RCRA.

D. Codification in Part 272

EPA uses 40 CFR part 272 for codification of the decision to authorize New Mexico's program and for incorporation by reference of those provisions of New Mexico's Statutes and regulations that EPA will enforce under sections 3008, 3013, and 7003 of RCRA. Therefore, EPA is reserving amendment of 40 CFR part 272, subpart GG until a later date.

Compliance With Executive Order 12866

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12866.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant

economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of New Mexico's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. This authorization does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: October 6, 1995.

A. Stanley Meiburg,

Acting Regional Administrator.

[FR Doc. 95-25652 Filed 10-16-95; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 171

[CGD 94-010]

RIN 2115-AE75

Standards for Damage Stability of New Domestic Passenger Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending the rules, on standards for damage

stability, that it adopted on December 10, 1992. Amended rules are necessary to relieve certain vessels of an unforeseen regulatory burden. The amended rules will relieve those vessels of that burden and yet reduce the potential for capsizing and other casualties caused by inadequate damage stability.

DATE: This rule is effective on April 15, 1996.

ADDRESSES: Unless otherwise indicated, documents referred to in this preamble are available for inspection or copying at the office of the Executive Secretary, Marine Safety Council (G-LRA, 3406), U.S. Coast Guard Headquarters, 2100 Second Street SW., room 3406, Washington, DC 20593-0001, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 267-1477.

FOR FURTHER INFORMATION CONTACT:

LCDR Robert Holzman, Marine Technical and Hazardous Materials Division (G-MTH-3), room 1308, Coast Guard Headquarters; telephone (202) 267-2988, telefax (202) 267-4816.

SUPPLEMENTARY INFORMATION:

Drafting Information: The principal persons involved in the drafting of this final rule are LCDR Robert Holzman, Project Manager, Office of Marine Safety, Security, and Environmental Protection, and Patrick Murray, Project Counsel, Office of Chief Counsel.

Background and Purpose

Regulatory History

On February 13, 1990, the Coast Guard published (55 FR 5120) a notice of proposed rulemaking (NPRM) entitled Stability Design and Operational Regulations. During the 60-day comment period, the Coast Guard received 28 letters. Only 2 of the 28 included comments on the standards for damage stability of new domestic passenger vessels.