Office of Management and Budget (OMB) review

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Nonattainment areas.

Dated: April 11, 1996.

Lynda F. Carroll,

Acting Regional Administrator.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart GG—New Mexico

2. Section 52.1620 is amended by adding paragraph (c)(61) to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

(61) A revision to the New Mexico SIP to udpate the Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Area(s) of Bernalillo County Designated Nonattainment to reflect EPA's approval for lifting the construction ban in Bernalillo County, superseding the supplement dated April 14, 1993.

(i) Incorporation by reference.

(A) October 12, 1994 Supplement to the New Mexico State Implementation Plan to Control Air Pollution in Area(s) of Bernalillo County Designated Nonattainment as approved by the Albuquerque/Bernalillo County Air Quality Control Board on November 9, 1994.

[FR Doc. 96–16023 Filed 6–21–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[CA–19–2–725–a; FRL–5511–4]

Approval and Promulgation of Implementation Plans; California—Mammoth Lakes Nonattainment Area; PM_{10}

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA today approves the State Implementation Plan (SIP) submitted by the State of California for the purpose of bringing about attainment in the Mammoth Lakes Planning Area (MLPA) of the national ambient air quality standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM_{10}). The ''moderate'' area SIP was submitted by the State to satisfy certain Federal requirements in the Clean Air Act for an approvable nonattainment area PM_{10} plan for the MLPA.

The intended effect of approving this plan is to regulate emissions of PM_{10} in accordance with the requirements of the CAA, as amended in 1990.

DATES: This final rule is effective on August 23, 1996 unless adverse or critical comments are received by July 24, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the State's submittal and other information are contained in the docket for this rulemaking. The docket is available for inspection during normal business hours at the following locations:

U. S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105

California Air Resources Board, 2020 L Street, P.O. Box 2815, Sacramento, CA 95814

Great Basin Unified Air Pollution Control District, 157 Short Street, Suite 6, Bishop, CA 93514.

FOR FURTHER INFORMATION CONTACT: Stephanie G. Valentine (A–2–2), U. S. Environmental Protection Agency, Region 9, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744–1178.

SUPPLEMENTARY INFORMATION:

I. Background

On the date of enactment of the 1990 Clean Air Act Amendments, PM_{10} areas, including the Mammoth Lakes Planning Area, meeting the conditions of section 107(d) of the Act were designated nonattainment by operation of law. Once an area is designated nonattainment, section 188 of the Act outlines the process for classification of the area and establishes the area's attainment date. In accordance with section 188(a), at the time of designation, all PM_{10} nonattainment areas were initially classified as ''moderate'' by operation of law. See 40 CFR 81.303 (1993) A moderate area may subsequently be reclassified as ''serious'' if at any time EPA determines that the area cannot practicably attain the PM_{10} NAAQS by the applicable attainment date for moderate areas, December 31, 1994. Moreover, a moderate area must be reclassified if EPA determines within six months after the applicable attainment date that the area is not in attainment after that date. See section 188(b) of the Clean Air Act.

The air quality planning requirements for moderate PM_{10} nonattainment areas are set out in subparts 1 and 4 of Title I of the Act. EPA has issued a ''General Preamble'' describing EPA's preliminary views on how the Agency intends to review SIPs and SIP revisions submitted under Title I of the Act, including those state submittals containing moderate PM_{10} nonattainment area SIP provisions. See generally 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion of the interpretations of Title I advanced in today's action and the supporting rationale. In today's rulemaking action on California's moderate PM_{10} SIP for the MLPA, EPA is applying its interpretations taking into consideration the specific factual issues presented.

Those states containing initial moderate PM_{10} nonattainment areas were required to submit, among other things, the following provisions by November 15, 1991[1]:

1. Provisions to assure that reasonably available control measures (RACM) (including such reductions in emissions from existing sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology—RACT) shall be implemented no later than December 10, 1993;

2. Either a demonstration (including air quality modeling) that the plan will provide for attainment as expeditiously

[1] There are additional submittals associated with moderate PM_{10} nonattainment plans, such as a permit program for the construction of new and modified major stationary sources and contingency measures. See sections 189(a) and 172(c)(9). These submittals were required to be submitted in 1992 and 1993, respectively, and are not the subject of today's action which addresses only those plan provisions required to be submitted on November 15, 1991.

as practicable but no later than December 31, 1994 or a demonstration that attainment by that date is impracticable;

3. Pursuant to section 189(c) of the Act, for plan revisions demonstrating attainment, quantitative milestones which are to be achieved every 3 years and which demonstrate reasonable further progress (RFP) toward attainment by December 31, 1994; and

4. Provisions to assure that the control requirements applicable to major stationary sources of PM_{10} also apply to major stationary sources of PM_{10} precursors except where the Administrator determines that such sources do not contribute significantly to PM_{10} levels which exceed the NAAQS in the area. See sections 172(c), 188, and 189 of the Act.

II. Today's Action

Section 110(k) of the Act sets out provisions governing EPA's review of SIP submittals. See 57 FR 13565–66. In today's action, EPA approves the plan revision submitted to EPA on September 11, 1991, and the addenda submitted January 9, 1992, for the MLPA because it meets all of the applicable requirements of the Act.

A. Analysis of State Submission

1. Procedural Background

The Act requires states to observe certain procedural requirements in developing implementation plans and plan revisions for submission to EPA. Section 110(a)(2) of the Act provides that each implementation plan submitted by a state must be adopted after reasonable notice and public hearing.[2] Section 110(l) of the Act similarly provides that each revision to an implementation plan submitted by a state under the Act must be adopted by such state after reasonable notice and public hearing.

The EPA also must determine whether a submittal is complete and therefore warrants further EPA review and action. See section 110(k)(1) and 57 FR 13565. EPA's completeness criteria for SIP submittals are set out at 40 CFR Part 51, Appendix V (1993). EPA attempts to make completeness determinations within 60 days of receiving a submission. However, a submittal is deemed complete by operation of law if a completeness determination is not made by EPA six months after receipt of the submission.

The State of California originally submitted the Mammoth Lakes Planning Area PM_{10} implementation plan revision to EPA on September 11, 1991. By operation of law, this submittal was deemed complete on March 11, 1992. On January 9, 1992, the State of California submitted a second revision to the Mammoth Lakes Planning Area PM_{10} SIP. This submittal contained revisions which are primarily administrative in nature to assist in the effective implementation of the SIP control strategies. By operation of law, this second submittal was deemed complete on July 9, 1992.

In today's action, EPA approves California's PM_{10} SIP submittal for the MLPA.

2. Accurate Emissions Inventory

Section 172(c)(3) of the Act requires that nonattainment plan provisions include a comprehensive, accurate, current inventory of actual emissions from all sources of relevant pollutants in the nonattainment area. Because such inventories are necessary to an area's attainment demonstration (or demonstration that the area cannot practicably attain), the emissions inventories must be received with the submission. See 57 FR 13539.

California submitted a peak 24-hour PM_{10} emissions inventory for the MLPA which is based on a 1987–88 emissions inventory survey. This 1987–88 inventory identifies re-entrained dust and cinders from paved roads and emissions from fireplaces and wood stoves as the primary causes of nonattainment, contributing over 99 percent of total PM_{10} emissions during times of peak concentrations. The remaining 1 percent of the emissions is comprised of motor vehicle exhaust, tire-wear, and industrial sources. By applying known population growth factors to the 1987–88 inventory, the Great Basin Unified APCD also projected 1990, 1991, 1993, 1995, 2000, and 2005 inventories. The chart below identifies 1987–88 contributions to the emission inventory.

Source category	Peak 24-hour PM_{10} emissions (kg/day)	Percentage
Fireplaces	882	20.7
Woodstoves	957	22.5
Resuspended Road Dirt/Cinders	2,390	56.1
Motor Vehicles	23	0.5
Industrial	7	0.2
Total	4,259	100

EPA approves the emissions inventory because it generally appears to be accurate and comprehensive, and provides a sufficient basis for determining the adequacy of the plan revision's air quality analysis consistent with the requirements of sections 172(c)(3) and 110(a)(2)(K) of the Clean Air Act.[3] For further details see the Technical Support Document (TSD) that is contained in the docket for today's action.

3. RACM

As noted, the initial moderate PM_{10} nonattainment areas must submit provisions to assure that RACM (including RACT) are implemented no later than December 10, 1993. See sections 172(c)(1) and 189(a)(1)(C). EPA's General Preamble for the Implementation of Title I of the Clean Air Act Amendments contains a detailed discussion of EPA's interpretation of the RACM (including RACT) requirement. See 57 FR 13540–45 and 13560–61.

As stated in EPA's General Preamble, the suggested starting point for determining RACM for a particular area is to list all of the RACM measures for which EPA has issued guidance under section 190 of the Act. If a state receives substantive public comment demonstrating that additional measures may be reasonably available, those measures should then be added to the original list.

As noted in the Emissions Inventory section of this document, 99 percent of the PM_{10} nonattainment problem in the MLPA comes from resuspended road dust/cinders and fireplaces/woodstoves. The remaining one percent comes from motor vehicles and industrial sources. Given this emissions inventory with limited contributions from a number of source categories, a list of control measures was developed by the Great Basin Unified Air Pollution Control District for consideration in a draft SIP revision. Through the public hearing process, the list was refined to form a final control strategy that provides for attainment by the Clean Air Act deadline of December 31, 1994.

Where sources of PM_{10} do not contribute significantly to the PM_{10} problem in an area, EPA's policy is that a state is not reasonably required to implement potentially available control measures for such sources (57 FR 13543). Based upon the MLPA emissions inventory which is dominated by wood burning and road

[2] Also section 172(c)(7) of the Act requires that plan provisions for nonattainment areas meet the applicable provisions of section 110(a)(2).

[3] EPA issued guidance on PM_{10} emissions inventories prior to the enactment of the 1990 Clean Air Act Amendments in the form of the 1987 *PM_{10}* SIP Development Guideline. Pursuant to section 193 of the Amendments, the guidance provided in this document, as well as all other pre-Amendment guidance cited in this notice, remains in effect.

dust and cinders, and the fact that the area is able to demonstrate attainment of the PM_{10} NAAQS by the CAA deadline, EPA believes that the State has provided a reasoned justification for eliminating measures from its initial list of possible RACM. The remaining measures are legally enforceable. Therefore, EPA has concluded that the regulations adopted for the State's moderate area PM_{10} SIP revision represent RACM as required by sections 189(a)(1)(C) and 172(c) of the Act.

4. Control Strategy

The control strategy was developed by the GBUAPCD and the Town of Mammoth Lakes. The final control strategy relies upon the implementation of nine measures which were adopted as a Town Ordinance on November 7, 1990, and added into the Mammoth Lakes Municipal Code as Chapter 8.30, Particulate Emissions Regulations. These regulations were subsequently adopted by the Great Basin Unified APCD as Rule 431—Particulate Emissions—Town of Mammoth on November 6, 1991. The regulations will reduce emissions from re-entrained road cinders, will phase out non-certified wood burning appliances, and will institute wood burning curtailments during periods of high PM_{10} concentrations. The measures adopted by the Mammoth Lakes Town Council and subsequently adopted as Great Basin Unified APCD Rule 431 to control PM_{10} emissions are summarized in the following table.

Control measures	Source category
(1) Vacuum Street Sweeper for Cinders and Road Dust.	Road Dust/Cinders.
(1) Reduce Vehicle Traffic	Road Dust/Cinders.
(1) Institute Public Awareness Program for Wood Burning.	Wood Stoves/ Fireplaces.
(1) Replace or Remove Non-certified Wood Stoves Upon Resale.	Wood Stoves/ Fireplaces.
(2) Limit Installation of Woodstoves.	
(1) Ban Fireplaces in New Dwellings.	Wood Stoves/ Fireplaces.
(2) Require Transient Occupancy Units to Phase Out Fireplaces.	
(3) Require Fireplace Phase Out Upon Resale of Home.	
((1) Require Certification for Wood Stove Installers.	Wood Stoves/ Fireplaces.
(2) Require 20% Wood Moisture Limit for Wood Retailers.	
(3) Prohibit Trash and Coal Burning in Wood Stoves.	
(4) Set 20% Opacity Limit for Wood Burning.	
(1) Voluntary Wood Burning Ban During Periods of Poor Air Quality.	Wood Stoves/ Fireplaces.
(2) Mandatory Wood Burning Ban when NAAQS Violation Expected.	

The regulations' primary measures will result in the eventual phasing out of all non-EPA-certified wood stoves and wood burning fireplaces. This will be accomplished by replacing non-certified appliances with certified wood stoves, pellet stoves, or gas log fireplaces before the resale of a dwelling. In addition to phasing out non-certified appliances, the Town will rely on a mandatory wood burning curtailment. This mandatory curtailment program will initially exempt certified wood stoves, but may include all wood burning if more reductions are needed to attain the standard.

Road dust reduction measures include vacuum street sweeping, reduction measures for vehicle miles travelled (VMT) for new developments, and an overall limit of VMT in the Town of Mammoth.

Section 6 of the MLPA SIP revision and Appendix F set forth the selected control measures and expected emissions reductions. The controls are evaluated for two cases; Case A, a wood burning dominated day, and Case B, a road dust and cinder dominated day. Section 5 of the SIP revision shows that Case B, the road dust and cinder dominated day will require the most stringent controls. The control strategy, therefore, was selected for Case B conditions. An additional analysis to confirm the adequacy of the strategy is included in Appendix H.

Many of the proposed control measures are interrelated, so that reduction credits are not simple independent calculations. The SIP also includes contingency measures such as an accelerated replacement schedule for non-certified wood stoves and wood burning fireplaces. However, as noted in footnote #1, contingency measures will not be addressed in today's action. Appendix I shows the effectiveness calculations for the regulations, including the interrelationships of the measures, and the potential impacts of the contingency measures. These calculations are best summarized in Appendix I, pages I–21 and I–22.

By this document, EPA approves the control strategy.

5. RACT

The General Preamble states that generally EPA recommends that available control technology be applied to those existing sources in the nonattainment area that are reasonable to control in light of the attainment needs of the area and the feasibility of such controls. The Mammoth Lakes Planning Area contains no major point sources of PM_{10}, and the imposition of available control technology on other existing sources would not expedite attainment; therefore, implementation of available control technology (RACT) is not reasonably required in this plan (57 FR 13543). A more detailed discussion of the control strategy in the SIP revision can be found in the Technical Support Document (TSD).

6. Demonstration

As noted, the initial moderate PM_{10} nonattainment areas must submit a demonstration (including air quality modeling) showing that the plan will provide for attainment as expeditiously as practicable but no later than December 31, 1994. Alternatively, the state must show that attainment by December 31, 1994 is impracticable. See section 189(a)(1)(B) of the Act.

In order for a state to properly demonstrate attainment of the NAAQS, the SIP control strategy must provide for attainment of each primary ambient air quality standard. There are two primary air quality standards for PM_{10}, a 24-hour standard (150 $\mu g/m^3$), and an annual standard (50 $\mu g/m^3$). The 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 $\mu g/m^3$ is equal to or less than one. The annual standard is attained when the expected annual arithmetic mean concentration is less than or equal to 50 $\mu g/m^3$ (lid). See 40 CFR 50.6.

In the MLPA, peak PM_{10} concentrations are directly related to the influx of visitors to the area during peak periods of the ski season, coupled with low wind speeds. Increased particulate air pollution and stagnant air conditions lead to air pollution episodes with violations of the 150$\mu g/m^3$ 24-hour standard that may last several days or more. The MLPA has not violated the 50 $\mu g/m3$ annual average standard. California used receptor modeling coupled with a proportional rollback model for its MLPA air quality analysis. This analysis indicates that the 24 hour standard for PM_{10} can be attained by December 31, 1994. The SIP's design value for the 24 hour PM10 NAAQS is

210 μg/m³, 40 percent greater than the standard. The control strategy used to achieve attainment concentrations is summarized in the section of this notice entitled ''Control Strategy .''

By this notice EPA approves the State's demonstration of attainment of the PM_{10} NAAQS by December 31, 1994. For a more detailed description of the demonstration of attainment, see the TSD accompanying this notice.

7. PM_{10} Precursors

The control requirements which are applicable to major stationary sources of PM_{10} also apply to major stationary sources of PM_{10} precursors, unless EPA determines such sources do not contribute significantly to PM_{10} levels in excess of the NAAQS in that area. See section 189(e) of the Act. An analysis of air quality and emissions data for the MLPA indicates that exceedances of the NAAQS are attributable chiefly to direct particulate matter emissions from re-entrained road dust and cinders and residential woodburning. Sources of particulate matter precursor emissions of ammonium sulfate and ammonium nitrate contribute a negligible percentage of the total annual emissions of PM_{10}. Consequently, EPA finds that sources of precursors of PM_{10} in the MLPA do not contribute significantly to PM_{10} levels in excess of the NAAQS. The consequence of this finding is to exclude these sources from the applicability of PM_{10} moderate nonattainment area control requirements. Further discussion of the analyses and supporting rationale for EPA's finding are contained in the TSD accompanying this notice. Note that while EPA is making a general finding for this area, today's finding is based on the current character of the area including, for example, the existing mix of sources in the area. It is possible, therefore, that future growth could change the significance of precursors in the area. EPA intends to issue future guidance addressing such potential changes in the significance of precursor emissions in an area.

8. Enforceability

The particular control measures contained in the SIP revision for the MLPA are addressed above under the section entitled ''Control Strategy.'' These control measures apply to the types of PM_{10} emission sources identified in that discussion, predominantly road dust and cinders and residential wood burning.

All measures and other elements in the SIP must be enforceable by EPA and the State. See sections 172(c)(6), 110(a)(2)(A) and 57 FR 13556. The EPA criteria addressing the enforceability of SIPs and SIP revisions are stated in a September 23, 1987 memorandum (with attachments) from J. Craig Potter, Assistant Administrator for Air and Radiation, et al. See 57 FR 13541. The TSD for this notice contains detailed information on enforceability requirements including applicability, the source types subject to the rules, compliance schedules as appropriate, and reporting and recordkeeping requirements.

In addition to meeting the enforceability requirements of the Act and EPA guidance, nonattainment area plan provisions must also contain a program that provides for enforcement of the control measures and other elements in the SIP. See sections 110(a)(2)(C) and 172(c)(7). Moreover, where the State relies on a local or regional government agency for implementing any plan provision, the State has the responsibility for ensuring adequate implementation of that provision. See section 110(a)(2)(E)(iii).

The State of California has a program that will ensure that the measures contained in the SIP revision are adequately enforced. Primary enforcement of the RACM rules will be under the jurisdiction of the Great Basin Unified APCD and the Town of Mammoth Lakes.

Under section 110(a)(2)(E)(iii) of the Act, the State must also provide necessary assurances that the State has responsibility for ensuring adequate implementation of these plan provisions. The State has the authority to take legal action against the District if the State determines that the District is not carrying out its enforcement responsibilities.

III. Implications of Today's Action

EPA approves the moderate nonattainment area PM_{10} plan revision submitted to EPA for the Mammoth Lakes Planning Area on September 11, 1991, and amended on January 9, 1992. The State of California has demonstrated that the MLPA can practicably attain the PM_{10} NAAQS by December 31, 1994.

As noted, additional submittals for the initial moderate PM_{10} nonattainment areas were due at later dates. EPA will determine the adequacy of any such submittal as appropriate.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective August 23, 1996 unless by July 24, 1996, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent final rule that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective on August 23, 1996.

IV. Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et. seq., EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on small entities affected. Moreover, due to the nature of the federal-state relationship under the Clean Air Act, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. section 7410 (a)(2).

V. Unfunded Mandates Reform Act

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal Mandate that may result in estimated costs of $100 million or more to the private sector, or to state, local, or tribal governments in the aggregate.

Through submission of the state implementation plan or plan revisions

approved in this action, the State and any affected local governments have elected to adopt the program provided for under Title I and sections 110, 172, 189, and 190 of the Clean Air Act. The rules and commitments approved in this action may bind state and local governments to perform certain actions and also may ultimately lead to the private sector being required to perform certain duties. To the extent that the rules and commitments being approved by this action will impose or lead to the imposition of any mandate upon the state or local governments either as the owner or operator of a source or as a regulator, or would impose or lead to the imposition of any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State or local governments, or to the private sector, result from this action. Therefore, EPA has determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to the State or local governments in the aggregate or to the private sector.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: March 31, 1996.

Felicia Marcus,

Regional Administrator.

Subpart F of part 52, chapter I, title 40 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. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (226) and (228) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

* * * * *

(226) Air Quality Management Plan for the following APCD was submitted on September 11, 1991, by the Governor's designee.

(i) Incorporation by reference.

(A) Great Basin Unified Air Pollution Control District.

(*1*) Air Quality Management Plan for the Mammoth Lakes PM–10 Planning Area adopted December 12, 1990.

* * * * *

(228) Air Quality Management Plans for the following APCD were submitted on January 9, 1992, by the Governor's designee.

(i) Incorporation by reference.

(A) Great Basin Unified Air Pollution Control District.

(*1*) Revisions to the Air Quality Management Plan for Mammoth Lakes PM–10 Planning Area adopted November 6, 1991.

(*i*) Rule 431 adopted November 6, 1991.

(*ii*) Town of Mammoth Lakes Municipal Code Chapter 8.30 dated October 2, 1991.

[FR Doc. 96–15905 Filed 6–21–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 271

[FRL–5510–9]

Nevada: Final Authorization of State Hazardous Waste Management Program Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule.

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

DATES: Final authorization for Nevada is effective August 23, 1996. Unless EPA publishes a prior Federal Register action withdrawing this immediate final rule. All comments on Nevada's program revision application must be received by the close of business July 24, 1996.

ADDRESSES: Copies of Nevada's program revision application is available during the business hours of 9:00 a.m. to 5:00 p.m. at the following addresses for inspection and copying:

Nevada Department of Conservation and Natural Resources, Division of Environmental Protection, 333 W. Nye Lane, Carson City, NV 89710 Phone: 702/687–5872, Contact L. H. Dodgion, Administrator

U.S. EPA Region IX Library-Information Center, 75 Hawthorne Street, San Francisco, CA 94105 Phone: 415/744–1510.

Written comments should be sent to Lisa McClain-Vanderpool, U.S. EPA Region IX (H–4), 75 Hawthorne Street, San Francisco, CA 94105 Phone: 415/744–2086.

FOR FURTHER INFORMATION CONTACT: Lisa McClain-Vanderpool , U.S. EPA Region IX (H–4), 75 Hawthorne Street, San Francisco, CA 94105 Phone: 415/744–2086.

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. 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 260–266, 268, 124, 270 and 279.

B. Nevada

Nevada initially received final authorization for the base program on November 1, 1985. On June 12, 1995, Nevada received final authorization for revisions to its hazardous waste program, which included substantially all the Federal RCRA implementing regulations published in the Federal Register through July 1, 1994. On March 28, 1996, Nevada submitted an application for additional revision approvals. Nevada is seeking approval of its program revisions in accordance with 40 CFR 271.21.

EPA has reviewed Nevada's application, and has made an immediate final decision that Nevada's hazardous