

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		<p>(5) <i>Data Submittals:</i> Two weeks prior to system start-up, BSC must notify in writing the Section Chief, Delisting Section (see address below) when stabilization of the dewatered filter cake will begin. The data obtained through Condition (1)(A) must be submitted to the Section Chief, Delisting Section, OSW (OS-333), U.S. EPA, 401 M Street, SW., Washington, DC 20460 within the time period specified. The analytical data, including quality control information and records of ratios of lime kiln dust and fly ash used, must be compiled and maintained on site for a minimum of five years. These data must be furnished upon request and made available for inspection by EPA or the State of Maryland. Failure to submit the required data within the specified time period or maintain the required records on site for the specified time will be considered by the Agency, at its discretion, sufficient basis to revoke the exclusion to the extent directed by EPA. All data must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data submitted:</p> <p>"Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. 1001 and 42 U.S.C. 6928), I certify that the information contained in or accompanying this document is true, accurate and complete.</p> <p>As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete.</p> <p>In the event that any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion."</p>

[FR Doc. 94-4990 Filed 3-3-94; 8:45 am]

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

RIN 1018-AC35

Endangered and Threatened Wildlife and Plants; Withdrawal of the Proposal To Determine the Hawaiian Plant *Hesperocnide Sandwicensis* an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: The U.S. Fish and Wildlife Service (Service) withdraws the proposal to list *Hesperocnide sandwicensis* (no common name), a plant endemic to the island of Hawaii, Hawaiian Islands, as an endangered species under the U.S. Endangered Species Act, as amended (Act). Additional field surveys have provided

new information revealing that the species has a wider distribution than previously known. The Service has considered the additional information and determined that this species is not likely to become either endangered or threatened throughout all or a significant portion of its range in the foreseeable future, and it does not qualify for listing under the Act.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Pacific Islands Office, 300 Ala Moana Boulevard, room 6307, P.O. Box 50167, Honolulu, Hawaii 96850.

FOR FURTHER INFORMATION CONTACT: Robert P. Smith, at the above address (808/541-2749).

SUPPLEMENTARY INFORMATION:**Background**

On December 17, 1992, the Service published in the **Federal Register** (57

FR 59951) a proposal to list 22 plant taxa from the island of Hawaii as endangered or threatened. *Hesperocnide sandwicensis* was included in this proposal. During the comment period on the proposal, additional information was received regarding *Hesperocnide sandwicensis* indicating that individuals are more numerous than previously believed (possibly over 1 million) and they face few serious threats. The Service has considered the new information and determined that the species does not warrant listing under the Act. A final rule listing the other 21 plant taxa included in the proposal is published in the **Federal Register** concurrently with this notice of withdrawal of *Hesperocnide sandwicensis*. The final rule contains more detailed information about the status of *Hesperocnide sandwicensis*.

Author

The primary author of this notice is Susan Lawrence, U.S. Fish and Wildlife

Service, 452 Arlington Square, 4401 North Fairfax Drive, Fairfax, Virginia 22203 (703/358-2105).

Authority

The authority for this action is section 4(b)(6)(B)(ii) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: February 10, 1994.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 94-4840 Filed 3-3-94; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 671

[Docket No. 940253-4053; I.D. 021494C]

RIN 0648-AG20

King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 2 to the Fishery Management Plan (FMP) for the Commercial King and Tanner Crab Fisheries of the Bering Sea and Aleutian Islands (BSAI). This FMP amendment would establish the Norton Sound Section of the Northern District of the king crab fishery as a superexclusive registration area. If this amendment is approved, existing regulations, which supersede State of Alaska (State) regulations that establish Norton Sound as a superexclusive registration area in the exclusive economic zone (EEZ) of the BSAI, will be removed and reserved. This action is necessary for the effective management of the fishery having the smallest biomass and guideline harvest level (GHL) in the BSAI crab fisheries. This action is intended to promote management and conservation of crab and other fishery resources and to further the goals and objectives contained in the FMP for the Commercial King and Tanner Crab Fisheries of the BSAI.

DATES: Comments must be received on or before April 14, 1994.

ADDRESSES: Send comments to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O.

Box 21668, Juneau, Alaska 99802 (Attn. Lori Gravel). Individual copies of Amendment 2 and the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) of this amendment may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510 (907-271-2809).

FOR FURTHER INFORMATION CONTACT: Kim J. Spittler, Fisheries Management Division, Alaska Region, NMFS, 907-586-7228.

SUPPLEMENTARY INFORMATION: Section 304(a)(1)(D)(ii) of the Magnuson Fishery Conservation and Management Act (Magnuson Act) requires the Secretary to publish regulations proposed by a Council within 15 days of receipt of the amendment and regulations. At this time, the Secretary of Commerce (Secretary) has not determined that the amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws. The Secretary, in making that determination, will take into account the information, views, and comments received during the comment period.

Background

The commercial king and Tanner crab fisheries in the EEZ of the BSAI are managed under the FMP. This FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act). It is a framework FMP that, with oversight by the Council and Secretary, defers management of the crab resources in the BSAI to the State. The FMP was approved by the Secretary and implemented on June 2, 1989. At times, regulations implementing the FMP must be amended to resolve problems pertaining to management of the BSAI crab fisheries.

The State's Board of Fisheries (Board) formulates regulations to manage the crab fisheries under procedures specified in the State's Administrative Procedure Act. On February 8, 1993, the Board established Norton Sound in the BSAI as a superexclusive registration area for purposes of managing the Norton Sound red king crab fishery. The operator of any vessel registered in a superexclusive area would not be able to register the vessel in any other area during that registration year. This management measure was proposed to address the unique collection of problems that make fishery management difficult in Norton Sound. The problems are associated with conservation and

management of a fishery with a small biomass, small guideline harvest level (GHL), and a stock on the edge of its geographic range, which makes it biologically sensitive. The problems include overcapitalization, short seasons, high management costs, and both over-harvest and under-harvest of CHLs. Historically, the fishery has been characterized by years with low levels of participation and fairly high catch rates followed by years with high levels of participation and low catch rates. A combination of factors has led to high participation, which is expected to continue into the future. These factors are primarily the overcapitalized crab fleet and participants' efforts to establish catch histories in the event individual fishing quotas (IFQs) are instituted. Superexclusive registration would be expected to create a management environment discouraging participation by large crab vessels and catcher/processors. Probable results are a slower-paced fishery, fuller attainment of GHLs, a longer season, and reduced administrative and enforcement costs.

The Alaska Crab Coalition (ACC) appealed the State's designation of Norton Sound as a superexclusive registration area. Following Secretarial review of the State's action, the Secretary issued an interim final rule that superseded State regulations establishing Norton Sound as a superexclusive registration area in the EEZ of the BSAI (58 FR 38727, July 20, 1993). This action was necessary because the Secretary had determined that designation of superexclusive registration areas was inconsistent with provisions of the FMP. The FMP contains three categories of management measures: (1) Specific Federal management measures that require an FMP amendment to change; (2) framework type management measures, with criteria set out in the FMP that the State must follow when implementing changes in State regulations; and (3) measures that are neither rigidly specified nor frameworked in the FMP, and which may be freely adopted or modified by the State, subject to an appeals process or other Federal laws. Registration areas are listed as a Category 2 measure. Section 8.2.8 of the FMP specifies that king crab registration areas may be designated as either exclusive or nonexclusive. Designation of a registration area as superexclusive would require an FMP amendment and incorporation into the FMP as a Category 1 management measure.

In July 1993, the Council requested proposals for possible amendments to the FMP. On August 13, 1993, the Board submitted a proposal to designate