

SIP approvals under section 110 and subchapter I, part D of the 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 any small entities affected. Moreover, due to the nature of the Federal state relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids USEPA 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. 7410(a)(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 28, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbon, Incorporation by reference, Ozone.

Dated: December 29, 1994.

#### Valdas V. Adamkus,

*Regional Administrator.*

For the reasons stated in the preamble, 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 O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(107) to read as follows:

#### § 52.720 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(107) On October 25, 1994, Illinois submitted a regulation which requires gasoline dispensing operations in the Chicago and Metro-East St. Louis ozone nonattainment areas that have storage

tanks of at least 575 gallons to install pressure/vacuum relief valves on storage tank vent pipes. Tanks installed before January 1, 1979, are exempt from the rule if they have a capacity of less than 2000 gallons, as are tanks that are equipped with floating roofs or equivalent control devices that have been approved by the State and USEPA.

(i) Incorporation by reference. Illinois Administrative Code Title 35: Environmental Protection, Subtitle B: Air Pollution, Chapter I: Pollution Control Board, Subchapter c: Emissions Standards and Limitations for Stationary Sources.

(A) Part 201 Permits and General Provisions, Section 201.302 Reports. Amended at 18 Ill. Reg. 15002. Effective September 21, 1994.

(B) Part 211 Definitions and General Provisions, Section 211.5060 Pressure/Vacuum Relief Valve. Added at 18 Ill. Reg. 14962. Effective September 21, 1994.

(C) Part 218 Organic Material Emission Standards and Limitations for Chicago Area, Section 218.583 Gasoline Dispensing Operations—Storage Tank Filling Operations. Amended at 18 Ill. Reg. 14973. Effective September 21, 1994.

(D) Part 219 Organic Material Emission Standards and Limitations for Metro East Area, Section 219.583 Gasoline Dispensing Operations—Storage Tank Filling Operations. Amended at 18 Ill. Reg. 14987. Effective September 21, 1994.

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#### 40 CFR Part 63

[AD-FRL-5147-1]

RIN 2060-AC19

#### National Emission Standards for Hazardous Air Pollutants for Source Categories; Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment Leaks; Extension of Compliance

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; extension of compliance.

**SUMMARY:** On October 24 and 28, 1994, EPA announced a partial 3-month stay and reconsideration of certain aspects of the "National Emission Standards for Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry and Other

Processes Subject to the Negotiated Regulation for Equipment Leaks" 59 FR 19402 (April 22, 1994) and 59 FR 29196 (June 6, 1994) (collectively known as the "hazardous organics NESHAP" or the "HON"). The EPA also proposed, pursuant to Clean Air Act section 301(a)(1), 42 U.S.C. 7601(a)(1), to extend temporarily the applicable compliance dates for sources subject to the stay, but only as necessary to complete the two reconsiderations (including appropriate regulatory action) of the rule in question. The EPA received no adverse public comment on either of the two proposed short-term compliance extensions. The EPA is extending the compliance dates until April 24, 1995. A short-term extension of this nature is well within the 3-year period allowed by the Act.

**EFFECTIVE DATE:** January 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Dr. Janet S. Meyer, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5254.

#### SUPPLEMENTARY INFORMATION:

##### I. Compliance Extension

On October 24, 1995 (59 FR 53359) EPA announced that, pursuant to Clean Air Act section 307(d)(7)(B), it is reconsidering certain portions of the HON rule. The October 24, 1995 administrative stay applied only to those source owners or operators who make a representation in writing that resolution of the area source definition issues could affect whether the facility is subject to the HON. Readers should refer to that notice for a complete discussion of the background and rule affected.

On October 28, 1995 (59 FR 54131), EPA announced an administrative stay of the effectiveness of the provisions for compressors and for surge control vessels and bottoms receivers for sources subject to the October 24, 1994 compliance date pending reconsideration of those provisions. Readers should refer to that notice and the associated proposed amendments to subpart H (59 FR 54154) for a complete discussion of the background and the proposed changes to the rule.

Along with both notices of partial stay and reconsideration, EPA also proposed to extend the compliance dates beyond the 3 months provided, as necessary to complete reconsideration and revision of the rule in question.

Ten comment letters were received on each of the two notices of partial stay and reconsideration. No adverse

comments were received on either proposal to extend the compliance dates beyond 3 months, if necessary, in order to complete reconsideration and revision of the rules in question. As EPA finds that it is not able to complete the reconsideration and the regulatory action to the rule within the 3 month period, EPA is extending the compliance date until April 24, 1995. The EPA expects to complete the regulatory action on both petitions for reconsideration before the April compliance date.

## II. Judicial Review

Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of the actions taken by this final rule is available only on the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication of this action. Under section 307(b)(2) of the CAA, the requirements that are subject to today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small business entities.

### List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Hazardous substances.

Dated: January 23, 1995.

**Carol M. Browner,**  
Administrator.

For the reasons set out in the preamble, part 63 of Chapter I of title 40 of the Code of Federal Regulations is amended as follows.

### PART 63—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for part 63 continues to read as follows:

**Authority:** 42 U.S.C. 7401 et seq.

2. Section 63.100 is amended by revising paragraphs (n) and (o) to read as follows:

#### § 63.100 Applicability and designation of source.

\* \* \* \* \*

(n) *Rules Stayed for Reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of subpart F is stayed from October 24, 1994, to April 24, 1995 only as applied to those sources for which the owner or operator

makes a representation in writing to the Administrator that the resolution of the area source definition issues could have an effect on the compliance status of the source with respect to subpart F.

(o) *Sections Stayed for Reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of §§ 63.164 and 63.170 of subpart H is stayed from October 28, 1994 to April 24, 1995 only as applied to those sources subject to § 63.100(k)(3) (i) and (ii).

3. Section 63.110 is amended by revising paragraph (g) to read as follows:

#### § 63.110 Applicability.

\* \* \* \* \*

(g) *Rules Stayed for Reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of subpart G is stayed from October 24, 1994, to April 24, 1995 only as applied to those sources for which the owner or operator makes a representation in writing to the Administrator that the resolution of the area source definition issues could have an effect on the compliance status of the source with respect to subpart G.

4. Section 63.160 is amended by revising paragraph (d) to read as follows:

#### § 63.160 Applicability and designation of source.

\* \* \* \* \*

(d) *Rules Stayed for Reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of subpart H is stayed from October 24, 1994, to April 24, 1995 only as applied to those sources for which the owner or operator makes a representation in writing to the Administrator that the resolution of the area source definition issues could have an effect on the compliance status of the source with respect to subpart H.

5. Section 63.190 is amended by revising paragraphs (h) and (i) to read as follows:

#### § 63.190 Applicability and designation of source.

\* \* \* \* \*

(h) *Rules Stayed for Reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of subpart I is stayed from October 24, 1994, to April 24, 1995 only as applied to those sources for which the owner or operator makes a representation in writing to the Administrator that the resolution of the area source definition issues could have an effect on the compliance status of the source with respect to subpart I.

(i) *Sections Stayed for Reconsideration.* Notwithstanding any other provision of this subpart, the effectiveness of §§ 63.164 and 63.170 of

subpart H is stayed from October 28, 1994 to April 24, 1995 only as applied to those sources subject to § 63.190(e)(2).

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

#### 43 CFR Public Land Order 7113

[CA-940-1430-01; CACA 16951]

#### Withdrawal of Public Land for the Dog Town Historic Mining Site; California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public land order.

**SUMMARY:** This order withdraws 110 acres of public land from mining for a period of 50 years for the Bureau of Land Management to protect the Dog Town Historic Mining Site. The land has been and will remain open to mineral leasing.

**EFFECTIVE DATE:** January 27, 1995.

**FOR FURTHER INFORMATION CONTACT:** Duane Marti, BLM California State Office, 2800 Cottage Way, Sacramento, California 95825, 916-978-4820.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect the Bureau of Land Management's Dog Town Historic Mining Site:

#### Mount Diablo Meridian

T. 4 N., R. 25 E.,

Sec. 26, W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 27, E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , and

E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Sec. 35, W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described contains 110 acres in Mono County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 50 years from the effective date of this order unless, as a result of a review conducted before the expiration date