

Environmental Self-Evaluations—S.B. 84 and S.J.R. 6, codified at 19-7-101—19-7-108, Utah Code Annotated, and Rule 508 of the Utah Rules of Evidence. It is not clear at this time what effect, if any, this privilege might have on title V enforcement actions. However, EPA regards these bills as being wholly external to the PROGRAM submitted for approval under part 70, and consequently is taking no action in this approval on these provisions of State law. If, during PROGRAM implementation, EPA determines that these provisions interfere with Utah's enforcement responsibilities under part 70, EPA will consider this grounds for withdrawing PROGRAM approval in accordance with 40 CFR 70.10(c).

In Utah's part 70 program submission, the State indicated that it is not seeking approval from EPA to administer the State's part 70 PROGRAM within the exterior boundaries of Indian Reservations in Utah. In this notice, EPA is approving Utah's part 70 PROGRAM for all areas within the State except the following: lands within the exterior boundaries of Indian Reservations (including the Uintah and Ouray, Skull Valley, Paiute, Navajo, Goshute, White Mesa, and Northwestern Shoshoni Indian Reservations) and any other areas which are "Indian Country" within the meaning of 18 U.S.C. 1151 (excepted areas).

In not extending the scope of Utah's part 70 PROGRAM to sources located in the excepted areas, EPA is not making a determination that the State either has adequate jurisdiction or lacks jurisdiction over such sources. Should the State of Utah choose to seek program approval within these areas, it may do so without prejudice. Before EPA would approve the State's part 70 PROGRAM for any portion of the excepted areas, EPA would have to be satisfied that the State has authority, either pursuant to explicit Congressional authorization or applicable principles of Federal Indian law, to enforce its laws against existing and potential pollution sources within any geographical area for which it seeks program approval and that such approval would constitute sound administrative practice.

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a program for delegation of section 112 standards as promulgated by EPA as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, the EPA is

promulgating approval under section 112(l)(5) and 40 CFR 63.91 of the State's PROGRAM for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations applies to sources covered by the part 70 program, as well as non-part 70 sources.

### III. Administrative Requirements

#### A. Docket

Copies of the State's submittal and other information relied upon for the final full approval, including public comments received and reviewed by EPA on the proposal, are maintained in a docket at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final full approval. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

#### B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

#### C. Regulatory Flexibility Act

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

#### List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: May 26, 1995.

**Jack W. McGraw,**

*Acting Regional Administrator.*

Part 70, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

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

2. Appendix A to part 70 is amended by adding the entry for Utah in alphabetical order to read as follows:

#### Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

\* \* \* \* \*

*Utah.*

(a) Utah Department of Environmental Quality—Division of Air Quality: submitted on April 14, 1994; effective on July 10, 1995.

(b) [Reserved]

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## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### 49 CFR Part 1

[OST Docket No. 1; Amdt. 1-270]

#### Organization and Delegation of Powers and Duties Transfer of Delegations From the Administrator of the Research and Special Programs Administration to the Director of the Bureau of Transportation Statistics

AGENCY: Office of the Secretary, DOT.

**ACTION:** Final rule.

**SUMMARY:** Responsibility for the Department's aviation information program has been transferred from the Administrator of the Research and Special Programs Administration to the Director of the Bureau of Transportation Statistics. This rule amends the delegations to be in accordance with the changed responsibilities. The rule is necessary to reflect the delegations in the Code of Federal Regulations.

**EFFECTIVE DATE:** This rule is effective on May 28, 1995.

**FOR FURTHER INFORMATION CONTACT:** Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement (202) 366-9306, United States Department of Transportation, 400 7th Street SW., Washington, DC 20590.

**SUPPLEMENTARY INFORMATION:** Responsibility for the Department's aviation information program is being transferred from the Administrator of the Research and Special Programs Administration (RSPA) to the Director of the Bureau of Transportation Statistics (BTS). The office within RSPA that has had this responsibility is the Office of Airline Statistics (OAS), formerly known as the Office of Aviation Information Management (OAIM). The name change occurred as part of a 1990 reorganization of RSPA. Although the Code of Federal Regulations (CFR) was not revised to reflect the name change, the industry was informed of the change by a directive issued by RSPA.

The office within BTS that is receiving the responsibility is the Office of Airline Information. This rule

amends the delegations to be in accordance with the transfer. Included among the delegations is the authority to make and amend whatever regulations are necessary to carry out the provisions of 49 U.S.C. 40101 *et seq.*, formerly the Federal Aviation Act of 1958, as amended. (Pub. L. 103-272, enacted July 5, 1994, revised and recodified the Federal Aviation Act within Subtitle VII of Title 49.) We will publish another final rule that will redesignate the Department's regulation that sets forth the authority of the Director of OAIM and will revise those portions of the CFR that still refer to RSPA and OAIM with respect to the aviation information program.

Since this rule relates to departmental management, organization, procedure, and practice, notice and public comment are unnecessary. For the same reason, good cause exists for not publishing this rule at least 30 days before its effective date, as is ordinarily required by 5 U.S.C. 553(d). Because the date of the transfer of responsibility for the aviation information program is May 28, 1995, that is the effective date of this rule.

#### **List of Subjects in 49 CFR Part 1**

Authority delegations (Government agencies), Organizations and functions (Government agencies).

#### **PART 1—[AMENDED]**

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

**Authority:** 49 U.S.C. 322; Pub. L. 101-552, 28 U.S.C. 2672, 31 U.S.C. 3711(a)(2).

#### **§ 1.2 [Amended]**

2. Section 1.2 is amended by adding a new paragraph (j) to read as follows:

\* \* \* \* \*

(j) The Director of the Bureau of Transportation Statistics.

#### **§ 1.3 [Amended]**

3. Section 1.3(b) is amended by adding a new paragraph (b)(10) to read as follows:

\* \* \* \* \*

(10) The Bureau of Transportation Statistics, headed by the Director.

#### **§ 1.4 [Amended]**

4. Section 1.4 is amended by adding a new paragraph (l) to read as follows:

\* \* \* \* \*

(l) *The Bureau of Transportation Statistics.* Is responsible for:

(1) Compiling, analyzing, and publishing a comprehensive set of transportation statistics to provide timely summaries and total (including industrywide aggregates and multiyear

averages) of transportation-related information;

(2) Establishing and implementing, in cooperation with the modal administrators, the States, and other Federal officials, a comprehensive, long-term program for the collection and analysis of data relating to the performance of the national transportation system;

(3) Issuing guidelines for the collection of information by the Department required for statistics to be compiled pursuant to 49 U.S.C. 111(c)(1) in order to ensure that such information is accurate, reliable, relevant, and in a form that permits systematic analysis;

(4) Coordinating the collection of information by the Department required for statistics to be compiled pursuant to 49 U.S.C. 111(c)(1) with related information-gathering activities conducted by the other Federal departments and agencies collecting appropriate data not elsewhere gathered;

(5) Making the statistics published under this subsection readily accessible, in compliance with all disclosure laws, regulations, and requirements; and.

(6) Identifying information that is needed in accordance with 49 U.S.C. 111(c)(1) but which is not being collected, reviewing such needs at least annually with the Advisory Council on Transportation Statistics, and making recommendations to appropriate Department of Transportation research officials concerning extramural and intramural research programs to provide such information.

#### **§ 1.53 [Amended]**

5. Section 1.53(g) is removed and reserved.

6. A new § 1.71 is added as follows:

#### **§ 1.71 Delegations to the Director of the Bureau of Transportation Statistics.**

The Director of the Bureau of Transportation Statistics is delegated authority to exercise powers and perform duties under the following statutes:

(a) *Aviation information.* (1) 49 U.S.C. 329(b)(1), relating to collection and dissemination of information on civil aeronautics;

(2) Section 4(a)(7) of the Civil Aeronautics Board Sunset Act of 1984 (October 4, 1984; Pub. L. 98-443), relating to the reporting of the extension of unsecured credit to political candidates (section 401, Federal Election Campaign Act of 1971; 2 U.S.C. 451), in conjunction with the General Counsel and the Assistant Secretary for Aviation and International Affairs; and

(3) 49 U.S.C. 40113 (relating to taking such actions and issuing such regulations as may be necessary to carry out responsibilities under the Act), 49 U.S.C. 41702 (relating to the duty of carriers to provide safe and adequate service), 49 U.S.C. 41708 and 41709 (relating to the requirement to keep information and the forms in which it is to be kept), and 49 U.S.C. 41701 (relating to establishing just and reasonable classifications of carriers and rules to be followed by each) as appropriate to carry out the responsibilities under this paragraph in conjunction with the General Counsel and the Assistant Secretary for Aviation and International Affairs.

(b) [Reserve].

Issued at Washington, DC this 25th day of May 1995.

**Federico Peña,**

*Secretary of Transportation.*

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#### **National Highway Traffic Safety Administration**

#### **49 CFR Part 571**

[Docket No. 92-59; Notice 2]

RIN 2127-AE58

#### **Federal Motor Vehicle Safety Standards; Brake Hoses and Motor Vehicle Brake Fluids**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Final rule.

**SUMMARY:** This rule amends Federal Motor Vehicle Safety Standards No. 106, *Brake hoses*, and No. 116, *Motor vehicle brake fluids* to specify a new referee material to be used in the compatibility testing of brake hoses and brake fluids. Referee material is used to test specimens of brake hose and fluid for compliance with the standards' requirements. This action is necessary because the present referee material, RM-66-03, will become commercially unavailable. The intended effect of this rule is to ensure the continued availability of the referee material used to test brake hoses and fluids.

**DATES:** *Effective Date:* This final rule is effective July 10, 1995. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 10, 1995.

**Petitions for Reconsideration:** Any petition for reconsideration of this final