

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A new temporary 165.T14-002 is added to read as follows:

§ 165.T14-002 Safety Zone; Waimanalo Bay, Oahu, Hawaii.

(a) *Location.* The following area is a Safety Zone: 21°22.8' N, 157°40.4' W; 21°22.8' N, 157°42.3' W; 21°20.8' N, 157°42.2' W; 21°20.8' N, 157°40.4' W; (Datum: WGS 84).

(b) *Effective dates.* This section becomes effective at 8 a.m. HST on August 29, 1995 and terminates at 4 p.m. HST on August 29, 1995, and again becomes effective at 8 a.m. HST on August 30, 1995 and terminates at 4 p.m. HST on August 30, 1995.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port.

Dated: August 11, 1995.

Samuel E. Burton,

Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc. 95-21295 Filed 8-25-95; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Honolulu 95-003]

RIN 2115-AA97

Safety Zone; Barbers Point NAS, Oahu, HI

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone offshore of Barbers Point Naval Air Station, Oahu, Hawaii. The zone is rectangular in shape and is enclosed within these coordinates: 21°18' N, 158°4.15' W; 21°17' N, 158°4.15' W; 21°17' N, 158°3.06' W; 21°18.06' N, 158°3.06' W; (Datum: WGS 84). This zone is needed to protect vessels, mariners, and observers from possible safety hazards associated with the U.S. Navy Blue Angels Air Show. Entry of vessels or persons into this zone is

prohibited unless specifically authorized by the Captain of the Port.

DATES: This regulation becomes effective at 1 p.m. on September 1, 1995, and terminates at 4 p.m. on September 1, 1995, and again becomes effective at 1 p.m. on September 3, 1995, and terminates at 4 p.m. on September 3, 1995.

FOR FURTHER INFORMATION CONTACT:

Lieutenant Junior Grade Michael Sakaio, Port Safety and Security Branch, Marine Safety Office, Honolulu, Hawaii, (808) 522-8260.

SUPPLEMENTARY INFORMATION:**Background and Purpose**

The situation requiring this regulation is the U.S. Navy Blue Angels Aerial Demonstration. Aircraft will perform low level, high speed aerobatics to demonstrate the proficiency of the aircraft and the USN pilots. This regulation is intended to minimize the risk to vessels, mariners, and observers from these aircraft. This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of Part 165.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest since immediate action is needed to protect vessels, mariners, and observers from possible hazards in the vicinity of the U.S. Navy Blue Angels demonstration area.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

PART 165—[AMENDED]

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. A new temporary § 165.T14-003 is added to read as follows:

§ 165.T14-003 Safety Zone; Barbers Point NAS, Oahu, Hawaii.

(a) *Location.* The following area is a Safety Zone: 21°18' N, 158°4.15' W; 21°17' N, 158°4.15' W; 21°17' N, 158°3.06' W; 21°18.06' N, 158°3.06' W; (Datum: WGS 84).

(b) *Effective dates.* This section becomes effective at 1 p.m. on September 1, 1995 and terminates at 4 p.m. on September 1, 1995 and again becomes effective at 1 p.m. on September 3, 1995 and terminates at 4 p.m. on September 3, 1995.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port.

Dated: August 11, 1995.

Samuel E. Burton,

Captain, U.S. Coast Guard, Captain of the Port.

[FR Doc. 95-21294 Filed 8-25-95; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DC24-1-6793a; FRL-5271-1]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia—Recodification of the District's Air Pollution Control Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the District of Columbia. This revision consists of a revised format for the District's air pollution control regulations. Except as otherwise indicated, the changes are administrative in nature, and do not substantively revise the current SIP. The intended effect of this action is to ensure that the District of Columbia's current regulatory numbering format and the District of Columbia SIP numbering format are consistent with each other. This action is being taken in accordance with section 110 of the Clean Air Act.

DATES: This final rule is effective October 27, 1995 unless notice is received on or before September 27, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business

hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460; and District of Columbia Department of Consumer and Regulatory Affairs, 2100 Martin Luther King Ave, S.E., Washington, DC 20020.

FOR FURTHER INFORMATION CONTACT: Harold A. Frankford, (215) 597-1325.

SUPPLEMENTARY INFORMATION: On June 21, 1985, the District of Columbia submitted to EPA Region III both a revised format and numerous amendments to its air pollution control regulations, and requested that these changes be reviewed and processed as revisions of the District's State Implementation Plan (SIP). The District's regulations have undergone many changes, both substantive and nonsubstantive. Many of the nonsubstantive changes were made to the regulations to improve their clarity and simplicity. The new format of the regulations organizes the emission standards and other provisions into eight chapters and four appendices. This rulemaking takes action on the non-substantive format changes to the District's SIP submitted in June 1985. The substantive revisions have been or will be considered in separate rulemaking actions.

While the revised regulatory format include provisions governing odor and certain non-criteria pollutants, EPA has not reviewed the changes made to these rules since they are not part of the District's SIP.

The District certified that public hearings pertaining to these revisions were held on May 9, 1984 in Washington, DC as required by 40 CFR Section 51.102. As of August 28, 1995,

these revisions remain current District law.

Summary of SIP Revision

The regulatory content of the current District of Columbia SIP consists of Sections 8-2:701 through 8-2:731 of the District's Health Regulations. The District restructured its regulations as part of the District of Columbia Air Pollution Control Act of 1984 (D.C. Law 5-165), effective March 15, 1985. This act created Title 20 (District of Columbia Air Quality Control Regulations) of the District of Columbia Municipal Regulations [cited as 20 DCMR], which replaced Title 8 (Health Regulations) Section 2 of the District of Columbia Air Pollution Control Act originally enacted July 30, 1968 and Regulation 72-12 of the District of Columbia Regulations, originally enacted on July 7, 1972.

The revised 20 DCMR is organized as follows:

- Chapter 1—General
- Chapter 2—General and Non-attainment Area Permits
- Chapter 3 (Reserved)
- Chapter 4—Ambient Monitoring and Emergency Procedures
- Chapter 5—Source Monitoring and Testing
- Chapter 6—Particulates
- Chapter 7—Volatile Organic compounds
- Chapter 8—Asbestos, Sulfur and Nitrogen Oxides

Appendices

- Appendix No. 1 (Emission Limits for Nitrogen Oxide)
- Appendix No. 2 [Table of Allowable Particulate Emissions from Process Sources]
- Appendix No. 3 [Allowable VOC Emissions under Section 710]

The following list cross-references the citations found in 20 DCMR with the current SIP provisions.

SIP citation (regulation 8-2:XXX)	20 DCMR citation
701 Purpose of Regulation	100 Purpose, Scope and Construction.
729 Construction of Regulation.....	
722 Inspection	101 Inspection.
723 Order for Compliance	102 Order for Compliance.
725 Hearings	104 Hearings.
726 Penalty	105 Penalties.
727 Public Disclosure of Records and Information: Confidentiality	106 Confidentiality of Reports.
716 Control Devices and Practices	107 Control Devices or Practices.
702 Definitions	199 Definitions and Abbreviations.*
703 Abbreviations.....	
728 Air Pollution Monitoring	400 Air Pollution Reporting Index.
719 Emergencies	401 Emergency Procedures.
717 Records, Reports and Monitoring Devices	500 Records and Reports.
	501 Monitoring Devices.
718 Sampling, Tests and Measurements	502 Sampling, Tests and Measurements.**
708 Fuel Burning Particulate Emissions	600 Fuel Burning Particulate Emissions.
	601 Rotary Cup Burners.
709 Incinerators	602 Incinerators.
710 Process Emissions	603 Particulate Process Emissions.

SIP citation (regulation 8-2:XXX)	20 DCMR citation
711 Open Burning	803 Sulfur Process Emissions.
712 Control of Fugitive Dust	604 Open Burning.
713 Visible Emissions	605 Control of Fugitive Dust.
704 Use of Certain Fuel Oils Forbidden	606 Visible Emissions.
705 Use of Certain Coal Forbidden	801 Sulfur Content of Fuel Oils.
706 Nitrogen Oxide Emissions	802 Sulfur Content of Coal.
	804 Nitrogen Oxide Emissions.

* Codification scheme to be approved, but not all definitions.

** The regulations in Section 502 reference the Part 60 (NSPS) requirements in effect as of July 1, 1982.

As part of the transition between the current SIP regulatory scheme and the revised scheme, the District of Columbia has submitted the following generic changes found throughout 20 DCMR:

Current SIP wording	New SIP wording
1. "Regulation"	"Subtitle".
2. "Commissioner"	"Mayor".
3. "He/Him"	"He or She/His or Her/Mayor".
4. "Any"	"Each",
5. "Such"	"The".
6. "Shall"	"Should".

As another result of this recodification, these are several SIP provisions which have no equivalent in the 20 DCMR provisions. Similarly, 20 DCMR contains new provisions, both substantive and administrative, not found currently in the District's SIP. These provisions are summarized below:

- Section 8-2:721 (Complaints and Investigations)
- Section 8-2:730 (Independence of Sections)
- Section 8-2:731 (Effective Date)

EPA's evaluation in this action is limited to the regulation restructuring format and all associated administrative changes. As a result of the Clean Air Act Amendments of 1990, the District of Columbia was required to revise and submit to EPA many of the provisions found in Chapters 2 and 7 of 20 DCMR. The District has also submitted various revised definitions and terms found throughout 20 DCMR. The changes to Sections 2 and 7 resulting from the recodification are revised below:

SIP citation (regulation 8-2:XXX)	20 DCMR citation
	(Chapter 2)
720a Permit to Operate	200.1 Permit requirements.
720b	200.2,2a,3
720c	200.6-200.10, 200.12
720d	200.4
720f	200.5
720e General Requirement for the Issuance of Permit	201 General Requirements for Permit Issuance.
720g Modification, Revocation and Termination of Permits	202 Modification, Revocation and Termination of Permits.
720e6 Permits in Nonattainment Areas	204 Permits in Nonattainment Areas.
720h Permits for Fuel-Burning Equipment	200.11
	(Chapter 7)
707f Organic Solvents	700 Organic Solvents.
707a Storage of Petroleum Products	701 Storage of Petroleum Products.
	702 Control of VOC Leaks from Petroleum Refinery Equipment.
707b Gasoline Loading	703 Terminal Vapor Recovery—Gasoline or VOC.
707b Trailer and Railroad Tank Car.	704 Stage I Vapor Recovery.
707c Gasoline Transfer Vapor Control	705 Stage II Vapor Recovery.
707d Control of Evaporative Losses From the Filling of Vehicular Tanks	706 Petroleum Dry Cleaners.
707e Dry Cleaners	707 Perchloroethylene Dry Cleaning.
707j Solvent Cleaning Degreasing	708 Solvent Cleaning Degreasing.
707k Asphalt Operations	709 Asphalt Operations.
707g Pumps and Compressors	711 Pumps and Compressors.
707h Waste Gas Disposal from Ethylene Producing Plant	712 Waste Gas Disposal from Ethylene Producing Plant.
707i Waste Gas Disposal from Vapor Blow Down System	713 Waste Gas Disposal from Vapor Blow Down System.

On March 24, 1995 (60 FR 15483), EPA disapproved the revised substantive provisions to Chapter 2, Sections 200, 201, 202, 204 and 299 of 20 DCMR as a revision to the District's SIP. Similarly, EPA will review the revised substantive provisions to Chapter 7 in a separate rulemaking

action. It should be noted that Section 710 (Engraving and Plate Printing) was approved by EPA as a revision to the District of Columbia SIP on August 4, 1992 (57 FR 34251) and codified at 40 CFR 52.470(c)(27) and 52.472(d). As of the date of this action, the District has not formally submitted any of the

provisions found in Section 203 (Good Engineering Practice Stack Height) as a revision of the District's SIP. In addition, as part of the June 21, 1985 submittal, the District of Columbia also revised the provisions of Section 103 (SIP Section 8-2:724) governing procedures for granting variances. EPA

will review these revised provisions in a separate rulemaking action.

Definitions/Abbreviations Added in 20 DCMR

The District's recodification SIP submittal affects many definitions of terms. For the reasons stated above, EPA is not reviewing in this action, any term found exclusively in Chapter 2 and Chapter 7 (other than Section 710). The terms being reviewed as part of this recodification action are listed below:

Affected facility, Building, structure, facility, or installation, Cartridge filter, Component, Containers and conveyers of solvent, Crude oil, Cylinder wipe, Emission unit, Federally enforceable, Flexography, Fugitive emission, Gas services, Gas services for pipeline/valves and pressure relief valves, Gravure, Heatset, Hydrocarbon, Ink, Inking cylinder, Innovative control technology, Intaglio, Leaking component, Lease custody transfer, Letterpress, Letterset, Liquid service, Necessary preconstruction, Net emission increase, Offset printing process, Offset lithography, Paper wipe, Perceptible, leak, Petroleum solvent, Plate, Printing, Printing operation, Printing Unit, Refinery operator, Refinery unit, Routing, Secondary emissions, Substrate, Vacuum still, Valves not externally regulated, Water-based solvent, Wiping solution.

Abbreviations—CFR, EPA, GEP, ppmv.

SIP Definitions/Abbreviations Revised by the Recodification

Air pollution, Distillate oil, Dry cleaning, Existing source, Fugitive dust, Incinerator, Loading facilities, Person, Start-up, Stationary source, Vapor tight, Wipe cleaning.

SIP Definitions/Abbreviations Deleted in the Recodification

Act, Air quality standard of the District of Columbia, Dry cleaning operation, Freeboard ratio, Mayor, Vehicular fuel tank.

Abbreviations—(Degree), VOC, “%”.

SIP Definitions/Abbreviations Unchanged by the Recodification (Except for the Numbering Format)

Air Pollutant, Control Device, Conveyorized Degreaser, Cutback Asphalt, Cold Cleaner, District, Emission, Episode Stage, Fossil Fuel, Fossil-Fuel-Fired Steam-Generating Unit, Freeboard, Fuel Burning Equipment, Gasoline, Malfunction, Multiple Chamber Incinerator, Opacity, Open-top Vapor Degreaser, Organic Solvents, Particulate Matter, Photochemically Reactive Solvent, Process, Process Weight, Process Rate Per Hour, Ringelmann Smoke Chart, Smoke, Solid Waste, Standard Conditions, Submerged Fill Pipe, Volatile Organic Compounds.

Abbreviations—B.T.U., cal., CO, COHs, cfm, g., Hi-Vol., hr., lb., max., NO₂, No., ppm, psia, SO₂, µg/m³, U.L.

In addition, 20 DCMR adds Sections X99 of Chapters 2 and 4 through 8, which cross-references the definitions and abbreviations listed in Section 199. The entire list of terms, including those not being reviewed in this action, are enumerated in the accompanying technical support document.

EPA will not review Section 205 (New Source Performance Standards) since it merely cross-references 40 CFR part 60. Similarly, EPA will not review the following 20 DCMR provisions since they govern provisions not included in the current District of Columbia SIP: Sections 502.11, 502.12—Test Methods for Odors
Section 502.14—Test methods for stationary sources of hazardous pollutants
Section 800—Asbestos
Chapter 9—Motor Vehicular Pollutants, Lead, Odors and Nuisance Pollutants (all provisions)
Appendix 4—April 5, 1984 **Federal Register** notice announcing revisions to rules and regulations codified in 40 CFR Part 61

EPA Evaluation

In order to evaluate the approvability as a SIP revision of District of Columbia's formal submittal, the critical factors to be considered are (1) Whether the revised emission limitation demonstrates attainment and maintenance of the National Ambient Air Quality Standards (NAAQS); (2) whether issues of enforceability arise; and (3) whether all of the applicable requirements (both procedural and substantive) of 40 CFR Part 51 are met.

A. Impacts on Attainment/Maintenance on the NAAQS

The majority of the revisions to the District of Columbia's air pollution control regulations resulting from the recodification have had no effect on the attainment and maintenance of the national ambient air quality standards (NAAQS). The wording of many provisions has been revised to conform with the format of 20 DCMR, but the emissions standards that are currently in the Federally-enforceable District of Columbia SIP remain in the provisions of 20 DCMR. Similarly, the wording of many defined terms and abbreviations currently in the SIP have been revised (using one or more of the six format changes listed above) to reflect the change in the format from Title 8, Section 2 (the current SIP format) to 20 DCMR. The substantive meaning of the defined term remains unchanged.

However, since November 15, 1990, the District of Columbia has been required to revise the provisions in

Chapters 2 (General Permit Requirements) and 7 (Volatile Organic Compounds) in order to satisfy the revised requirements of the Clean Air Act. Many definitions in Section 199 associated with the provisions of Chapters 2 and 7 have also been revised. Because these revisions supersede those which were submitted in June 1985, EPA will take action on these provisions in separate rulemaking actions.

B. Enforceability Issues

With the exceptions noted below, there are no enforceability issues. The provisions that are revised solely to conform with the format of 20 DCMR are clear in their wording and intent. First, Section 502.4(d) is designed to replace SIP regulation 8-2:718(a)(3)(D). However, the expression “fuel and/or raw materials” found in the current SIP provision has been inadvertently replaced with “fuel raw materials” in Section 502.4(d). The District of Columbia maintains, and EPA agrees, that this wording discrepancy represents a typographical error, and that EPA will continue to consider “fuel and/or raw materials” as the SIP-approved language. In addition, in 20 DCMR Section 401, subsections 401.5 through 401.8 are used twice to cite distinctive provisions of this revised section. Again, the District maintains, and EPA agrees, that this format discrepancy represents a typographical error, and thus does not impose an enforcement concern.

Other subsections of Sections 502 and 600 reference the test methods and requirements of 40 CFR Part 60 (New Source Performance Standards) as it existed on July 1, 1982. This citation in Section 502 was meant to update the referenced test methods that are listed in the old SIP regulation 8-2:718. Inasmuch as 40 CFR Part 60 has been revised numerous times since July 1, 1982, and inasmuch as the current version of 40 CFR Part 60, being a federal regulation, is already federally enforceable, EPA will apply the most current provisions of 40 CFR Part 60 where any conflict exists with the citations in Section 502.

C. Conformity With the Clean Air Act, as Amended, and the Applicable Requirements of 40 CFR Part 51

The provisions of 20 DCMR being considered in this rulemaking action do not represent substantive changes to the current federally-enforceable provisions which previously had met all applicable requirements of 40 CFR part 51.

EPA is approving this SIP revision without prior proposal because the Agency views this as a noncontroversial

amendment and anticipates no adverse comments. However, in a separate document published elsewhere in this **Federal Register**, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective October 27, 1995 unless, on or before September 27, 1995 adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document 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 October 27, 1995.

Final Action

EPA is approving the revised regulatory format for the District of Columbia's air pollution control regulations is approvable as a revision to the District of Columbia SIP. Therefore, this format will be incorporated by reference into the District's SIP, and codified at 40 C.F.R. Section 52.470(c)(34).

EPA has not reviewed the substance of certain regulations at this time. These rules, which pertain to substantive revisions of and definitions associated with the District of Columbia's good engineering practice (GEP) stack height, volatile organic compounds (VOC), and new source review provisions will be acted upon in separate rulemaking actions. The EPA is now only approving the numbering system and associated administrative changes submitted by the State. The EPA's approval of the renumbering system, at this time, does not imply any position with respect to the approvability of the substantive rule changes to the above-listed changes. To the extent EPA has issued any SIP calls to the State with respect to the adequacy of any of the rules subject to this recodification, EPA will continue to require the State to correct any such rule deficiencies despite EPA's approval of this recodification.

The Agency has reviewed this request for revision of the Federally-approved State implementation plan for conformance with the provisions of the 1990 amendments enacted on November 15, 1990. The Agency has determined that this action conforms with those requirements irrespective of the fact that

the submittal preceded the date of enactment.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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 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, the Administrator certifies 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 CAA, preparation of a 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. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed/promulgated does not include a Federal mandate that may

result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

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 October 27, 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 to approve the revisions associated with the recodified District of Columbia SIP 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, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur Oxides.

Dated: July 18, 1995.

W. Michael McCabe,
Regional Administrator, Region III.

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 J—District of Columbia

2. Section 52.470 is amended by adding paragraph (c)(34) to read as follows:

§ 52.470 Identification of plan.

* * * * *

(c) * * *

(34) Revisions to Title 20 the District of Columbia Municipal Regulations (DCMR) on June 21, 1985 by the District of Columbia:

(i) Incorporation by reference.

(A) Letter of June 21, 1985 from the Mayor of the District of Columbia transmitting Act 5-165, representing the air pollution control regulations codified in 20 DCMR.

(B) The revised provisions of 20 DCMR, effective March 15, 1985, as described below:

(1) Chapter 1—General.

Section 100 (Purpose, Scope, and Construction), subsections 100.1 through 100.5
 Section 101 (Inspection), subsection 101.1
 Section 102 (Orders for Compliance), subsections 102.1 through 102.3
 Section 104 (Hearings), subsections 104.1 through 104.5
 Section 105 (Penalty), subsections 105.1 through 105.4
 Section 106 (Confidentiality of Reports), subsections 106.1 and 106.2
 Section 107 (Control Devices or Practices), subsections 107.1 through 107.4
 Section 199 The following definitions and abbreviations:

Definitions (Section 199.1)—*Added:*

Affected facility, Building, structure, facility, or installation, Cartridge filter, Component, Containers and conveyers of solvent, Crude oil, Cylinder wipe, Emission unit, Federally enforceable, Flexography, Fugitive emission, Gas services, Gas services for pipeline/valves and pressure relief valves, Gravure, Heatset, Hydrocarbon, Ink, Inking cylinder, Innovative control technology, Intaglio, Leaking component, Lease custody transfer, Letterpress, Letterset, Liquid service, Necessary preconstruction, Net emission increase, Offset printing process, Offset lithography, Paper wipe, Perceptible, leak, Petroleum solvent, Plate, Printing, Printing operation, Printing Unit, Refinery operator, Refinery unit, Routing, Secondary emissions, Substrate, Vacuum still, Valves not externally regulated, Water-based solvent, Wiping solution. *Revised:* Air pollution, Distillate oil, Dry cleaning, Existing source, Fugitive dust, Incinerator, Loading facilities, Person, Start-up, Stationary source, Vapor tight, Wipe cleaning.

Unchanged from Section 8-2:702: Air Pollutant, Control Device, Conveyorized Degreaser, Cutback Asphalt, Cold Cleaner, District, Emission, Episode Stage, Fossil Fuel, Fossil-Fuel-Fired Steam-Generating Unit, Freeboard, Fuel Burning Equipment, Gasoline, Malfunction, Multiple Chamber Incinerator, Opacity, Open-top Vapor Degreaser, Organic Solvents, Particulate Matter, Photochemically Reactive Solvent, Process, Process Weight, Process Rate Per Hour, Ringelmann Smoke Chart, Smoke, Solid Waste, Standard Conditions, Submerged Fill Pipe, Volatile Organic Compounds.

Abbreviations (Section 199.2)—*Added:* CFR, EPA, ppmv *Unchanged from Section 8-2:702:* B.T.U., cal., CO, COHs, cfm, g., Hi-Vol., hr., lb., max., NO₂, No., ppm, psia, SO₂, µg/m³, U.L.

Note: Section 199 of Chapter 1 lists all of the applicable definitions and abbreviations, while Sections X99.1 and X99.2 of each chapter contain a cross-reference to definitions listed in Section 199.1 and abbreviations listed in Section 199.2.

(2) Chapter 4—Ambient Monitoring and Emergency Procedures.

Section 400 (Air Pollution Reporting Index), subsection 400.1

Section 401 (Emergency Procedures), subsections 401.1 through 401.4, 401.2 through 401.8, 401.7 (duplicate) and 401.8 (duplicate)

Section 499 (Definitions and Abbreviations), subsections 499.1 and 499.2

(3) Chapter 5—Source Monitoring and Testing.

Section 500 (Source Monitoring and Testing), subsections 500.1 through 500.3

Section 501 (Monitoring Devices), subsections 501.1 through 501.3

Section 502 (Sampling, Tests, and Measurements), subsections 502.1 through 502.15 (except for subsections 502.11, 502.12, and 502.14)

Section 599 (Definitions and Abbreviations), subsections 599.1 and 599.2

(4) Chapter 6—Particulates.

Section 600 (Fuel-Burning Particulate Emission), subsections 600.1 through 600.7

Section 601 (Rotary Cup Burners), subsections 601.1 and 601.2

Section 602 (Incinerators), subsections 602.1 through 602.6

Section 603 (Particulate Process Emissions), subsections 603.1 through 603.3

Section 604 (Open Burning), subsections 604.1 and 604.2

Section 605 (Control of Fugitive Dust), subsections 605.1 through 605.4

Section 606 (Visible Emissions), subsections 606.1 through 606.9

Section 699 (Definitions and Abbreviations), subsections 699.1 and 699.2

(5) Chapter 8—Asbestos, Sulfur and Nitrogen Oxides.

Section 801 (Sulfur Content of Fuel Oils), subsection 801.1

Section 802 (Sulfur Content of Coal), subsections 802.1 and 802.2

Section 803 (Sulfur Process Emissions), subsections 803.1 through 803.4

Section 804 (Nitrogen Oxide Emissions), subsection 804.1

Section 899 (Definitions and Abbreviations), subsections 899.1 and 899.2

(6) Appendices.

Appendix No. 1 (Emission Limits for Nitrogen Oxide)

Appendix No. 2 [Table of Allowable Particulate Emissions from Process Sources]

Appendix No. 3 [Allowable VOC Emissions under Section 710]

(7) Deletion of the following SIP provisions:

Section 8-2:721 (Complaints and Investigations)

Section 8-2:730 (Independence of Sections)

Section 8-2:731 (Effective Date)

The following definitions and abbreviations:

Definitions: Act, Air quality standard of the District of Columbia, Dry cleaning operation, Freeboard ratio, Mayor, Vehicular fuel tank.

Abbreviations: (Degree), VOC, “%”.

(ii) Additional material.

(A) Remainder of June 21, 1985 District of Columbia submittal pertaining to the provisions listed above.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7154

[CA-930-1430-01; CACA 33632]

Withdrawal of National Forest System Land To Protect the Harlow Cabin Site, Heritage Resources Site No. RR-133; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 20 acres of National Forest System land from mining for a period of 50 years to protect the historic Harlow Cabin Site. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: August 28, 1995.

FOR FURTHER INFORMATION CONTACT: Marcia Sieckman, BLM California State Office (CA-931), 2800 Cottage Way, Sacramento, CA 95825, 916-979-2858.

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 National Forest System 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 Forest Service's Harlow Cabin Site:

Mount Diablo Meridian

Rogue River National Forest

T. 48 N., R. 11 W.,
 sec. 14, Tract 49.

The area described contains 20 acres in Siskiyou County.

2. The withdrawal made by this order does not alter the applicability of those land laws governing the use of National Forest System 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 pursuant to Section 204(f) of the Federal