

this section is to stabilize floating production facilities or semisubmersible drilling rigs which are located outside the boundaries of the fairway.

(ii) In water depths of 600 feet or less, the installation of anchors and attendant cables or chains within fairways must be temporary and shall be allowed to remain only 120 days. This period may be extended by the district engineer provided reasonable cause for such extension can be shown and the extension is otherwise justified. In water depths greater than 600 feet, time restrictions on anchors and attendant cables or chains located within a fairway, whether temporary or permanent, shall not apply.

* * * * *

Dated: August 15, 1995.

Stanley G. Genega,

Major General, U.S. Army, Director of Civil Works.

[FR Doc. 95-21112 Filed 8-28-95; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 93

[FRL-5284-6]

RIN 2060-AF95

Transportation Conformity Rule Amendments: Authority for Transportation Conformity Nitrogen Oxides Waivers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: In this document EPA amends the November 24, 1993, final transportation conformity rule to change the statutory authority for exempting certain areas from certain nitrogen oxides provisions of the transportation conformity rule. This change is necessary to implement the conformity rule in a legally correct manner and to allow EPA to approve nitrogen oxides exemptions for certain areas.

This interim final rule is effective immediately upon publication. However, EPA will also conduct full notice-and-comment rulemaking on EPA's interpretations regarding implementation of the provisions addressed in this interim final rule. A proposed rule that addresses this issue (among other things) is published in the proposed rule section of this **Federal Register**. Public comments will be addressed in a subsequent final rule.

EFFECTIVE DATE: This interim final rule is effective on August 29, 1995.

Comments on this action must be received by September 28, 1995.

ADDRESSES: Interested parties may submit written comments (in duplicate, if possible) to: Air and Radiation Docket and Information Center, U.S.

Environmental Protection Agency, Attention: Docket No. A-95-05, 401 M Street, S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Kathryn Sargeant, Emission Control Strategies Branch, Emission Planning and Strategies Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105. (313) 668-4441.

SUPPLEMENTARY INFORMATION: This interim final rule changes the statutory authority for transportation conformity nitrogen oxides (NO_x) exemptions from Clean Air Act section 182(f) to section 182(b)(1), for areas subject to section 182(b)(1).

The provisions of this interim final rule shall apply immediately upon publication. However, EPA will also conduct full notice-and-comment rulemaking on EPA's interpretations regarding implementation of these provisions. A proposed rule that discusses these interpretations (among other things) is published in the proposed rule section of this **Federal Register**, and the public comment on this proposal will last until September 28, 1995. Public comments will be addressed in a subsequent final rule.

This portion of the proposal is being published as an interim final rule without benefit of a prior proposal and public comment period because EPA finds that "good cause" exists under the Administrative Procedures Act ("APA") 5 U.S.C. 553(b)(B) for deferring those procedures until after publishing the change as an interim final rule. In changing the transportation conformity rule's reference from Clean Air Act section 182(f) to section 182(b)(1) as the statutory authority for waiving the requirement to control NO_x emissions in areas subject to section 182(b)(1), EPA finds that good cause exists for at least two reasons. First, it is contrary to the public interest in light of the clear statutory reference to section 182(b)(1) to continue offering such relief under the erroneous statutory reference in the transportation conformity rule. Section 176(c)(3)(A)(iii) of the Act's transportation conformity provisions explicitly states that, for ozone nonattainment areas to conform during the period before state implementation plans are approved by EPA, such areas must demonstrate that they are achieving reductions "consistent with" the NO_x (and volatile organic

compounds) reduction requirements of section 182(b)(1). That section also provides for a waiver of the NO_x requirements if EPA determines that such reductions would not contribute to attainment in a particular area. Thus, given the clear intent of the statutory language, EPA believes it is unnecessary to undertake in advance full public rulemaking procedures when it is acting to correct an obvious error and, thereby, facilitate the lawful and effective implementation of section 176(c) of the Clean Air Act.

Second, in taking this action, EPA is responding to repeated public comments the Agency received in several individual NO_x exemption rulemaking actions. These comments pointed out that the correct statutory authority for relieving interim-period transportation conformity NO_x requirements is section 182(b)(1). Formal written requests have also been submitted to EPA requesting that this portion of the transportation conformity rule be revised so as to be consistent with the clear intent and language of the Act.

This interim final rule is taking effect immediately upon publication because, as described above, EPA believes it is contrary to public interest to continue acting in contravention of section 176(c)(3)(A)(iii)'s requirement to adhere to the procedures and requirements in section 182(b)(1) when considering the conformity status of transportation-related actions during the interim period. EPA therefore finds good cause to forego the 30-day period between publication and the effective date ordinarily applied under the APA, 5 U.S.C. 553(d), and make this interim final rule effective immediately for the same reasons described above in justification of taking final action without prior proposal.

List of Subjects

40 CFR Part 51

Environmental protection, Administrative practice and procedure, Carbon monoxide, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 93

Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Ozone.

Dated: August 17, 1995.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, 40 CFR parts 51 and 93 are proposed to be amended as follows:

PARTS 51 AND 93—[AMENDED]

1. The authority citation for parts 51 and 93 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

2. The identical text of §§ 51.394 and 93.102 is amended by revising paragraph (b)(3)(i) to read as follows:

§ . Applicability.

* * * * *

(b) * * *

(3) * * *

(i) Volatile organic compounds and nitrogen oxides in ozone areas (unless the Administrator determines that additional reductions of NO_x would not contribute to attainment);

* * * * *

[FR Doc. 95–21404 Filed 8–28–95; 8:45 am]

BILLING CODE 6560–50-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7155

[CO–935–1430–01; COC–55885]

Withdrawal of National Forest System Land for Steamboat Ski Area; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 3,462 acres of National Forest System land from mining for 50 years to protect recreational resources and facilities at the Steamboat Ski Area. This land has been and will remain open to such forms of disposition as may by law be made of National Forest System land and to mineral leasing.
EFFECTIVE DATE: August 29, 1995.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7076, 303–239–3706.

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)), for protection of facilities and resources at the Steamboat Ski Area:

Routt National Forest

A tract of land located in T. 5 N., R. 83 W., T. 5 N., R. 84 W., T. 6 N., R. 83 W., and T. 6 N., R. 84 W., all of the Sixth Principal Meridian, County of Routt, State of Colorado, described as follows:

Commencing at the Northwest Corner of Section 27, T. 6 N., R. 84 W., from which the W¹/₄ Corner of said Section 27 bears S. 1°47'53" W., thence N. 61°57'38" E., 6089.67 ft. to the W¹/₄ Corner of Section 23, T. 6 N., R. 84 W., and the

TRUE POINT OF BEGINNING;

Thence N. 89°59' E., 1014.00 ft.; N. 60°45' E., 277.00 ft.; N. 44°20' E., 550.00 ft.; N. 49°57' E., 159.00 ft.; N. 66°00' E., 1290.00 ft.; N. 38°41'24" E., 331.44 ft.; N. 24°46'28" E., 1031.96 ft.;

Thence Northeasterly, 1973.55 ft. along the arc of a curve concave to the Southeast to a point of compound curve, said arc having a radius of 3800.00 ft., a central angle of 29°45'25" and being subtended by a chord that bears N. 69°07'18" E., 1951.45 ft.;

Thence Easterly, 1393.30 ft. along the arc of said compound curve to a point of reverse curve, said arc having a radius of 3100.00 ft. a central angle of 25°45'06" and being subtended by a chord that bears S. 83°07'27" E., 1381.60 ft.;

Thence Southeasterly, 1085.30 ft. along the arc of said reverse curve to a second point of reverse curve, said arc having a radius of 7150.00 ft., a central angle of 8°41'49" and being subtended by a chord that bears S. 74°35'49" E., 1084.26 ft.;

Thence Southeasterly, 662.60 ft. along the arc of said second reverse curve, said arc having a radius of 2600.00 ft., a central angle of 14°36'06" and being subtended by a chord that bears S. 71°38'40" E., 660.81 ft.;

Thence S. 43°43' E., 1205.00 ft.; Thence S. 55°56' E., 2630.00 ft.;

Thence S. 35°36' E., 1365.00 ft. to a point of curve to the right;

Thence Southeasterly, 1094.33 ft. along the arc of said curve, said arc having a radius of 4000.00 ft. a central angle of 15°40'30" and being subtended by a chord that bears S. 27°45'45" E., 1090.92 ft.;

Thence Southeasterly, 78.88 ft. along the arc of a curve concave to the Northeast, said arc having a radius of 720.00 feet, a central angle of 6°16'38" and being subtended by a chord that bears S. 75°16'25" E., 78.84 ft.;

Thence S. 65°04'29" E., 1558.99 ft.;

Thence Southwesterly, 1666.96 ft. along the arc of a curve concave to the Southeast, said arc having a radius of 7540.00 ft., a central angle of 12°40'01" and being subtended by a chord that bears S. 13°29'32" W.,

1663.57 ft.;

Thence S. 00°39'36" E., 3042.39 ft.;

S. 21°07' W., 3426.85 ft.;

S. 05°14' W., 237.64 ft.;

S. 16°08' W., 179.00 ft.;

S. 36°34' W., 316.00 ft.;

S. 38°55' W., 1431.00 ft.;

S. 43°22' W., 897.00 ft.;

S. 47°53' W., 892.00 ft.;

N. 48°57' W., 1082.00 ft.;

N. 65°35' W., 462.00 ft.;

N. 74°21' W., 347.00 ft.;

N. 62°14' W., 631.00 ft.;

N. 54°58' W., 102.31 ft.;

N. 76°27' W., 2825.00 ft.;

N. 10°18' W., 3487.67 ft.;

N. 32°08' W., 620.24 ft.;

N. 27°15' W., 441.00 ft.;

N. 20°44' W., 616.00 ft.;

N. 10°26' W., 816.00 ft.;

N. 15°35' W., 217.69 ft.;

N. 84°53' W., 444.72 ft.;

N. 74°48' W., 350.00 ft.;

N. 77°28' W., 1055.00 ft.;

N. 68°25' W., 380.00 ft.;

N. 86°12' W., 485.00 ft.;

S. 81°32' W., 1035.00 ft.;

S. 70°51' W., 172.08 ft.;

Thence N. 01°45' E., 52.17 ft.; along the West line of the SW¹/₄ of said sec. 26 to the W¹/₄ Corner of said sec. 26;

Thence N. 01°43' E., 2694.12 ft. along the West line of the NW¹/₄ of said sec. 26 to the Northwest Corner thereof;

Thence N. 01°24' E., 2578.62 feet along the West line of the SW¹/₄ of said sec. 23 to the **TRUE POINT OF BEGINNING**. The area described contains approximately 3,462 acres of National Forest System Land in Routt County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System lands 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 Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal shall be extended.

Dated: August 17, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–21318 Filed 8–28–95; 8:45 am]

BILLING CODE 4310–JB–P

43 CFR Public Land Order 7156

[CO–935–1430–01; COC–52453; COC–57004]

Withdrawal of National Forest System Lands for Protection of Ski Huts/Lodges; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 24.8 acres of National