

Public lands—mineral resources, Reporting and recordkeeping requirements, Surety bonds.

Dated: June 27, 1996.

Sylvia V. Baca,

Assistant Secretary, Land and Minerals Management.

For the reasons set forth in the preamble, we amend 30 CFR part 256 as follows:

**PART 256—LEASING OF SULPHUR OR OIL AND GAS IN THE OUTER CONTINENTAL SHELF**

1. The Authority citation for part 256 continues to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*

2. Section 256.47(e)(2) is revised to read as follows:

**§ 256.47 Award of leases.**

\* \* \* \* \*

(e) \* \* \*

(2) The authorized officer must accept or reject the bid within 90 days. The authorized officer may extend the time period for acceptance or rejection of a bid for 15 working days or longer, if circumstances warrant. Any bid not accepted within the prescribed time period, including any extension thereof, is deemed rejected.

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**DEPARTMENT OF DEFENSE**

**Department of the Army**

**Corps of Engineers**

**33 CFR Part 334**

**Chesapeake Bay Off Fort Monroe, VA, and Canaveral Harbor Adjacent to the Navy Pier at Port Canaveral, FL; Restricted Areas, and Pacific Ocean, Hawaii, Danger Zones**

**AGENCY:** U.S. Army Corps of Engineers, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Corps is amending the regulations which establish a restricted area in the waters off of Fort Monroe, Virginia, which is located at Hampton Roads in the Chesapeake Bay. The purpose of the amendment is to increase the size of the restricted area to protect sensitive test equipment operated by the Navy in that area. The equipment is susceptible to damage by commercial fishing vessels, anchoring and dragging. The Corps is amending the regulations which establish a restricted area in

Canaveral Harbor in the waters adjacent to the Navy pier at Port Canaveral, Florida. This amendment concerns the replacement of a warning light system in the Canaveral area. The change is necessary because the existing rules refer to the display of a nonexistent red ball and the Port Canaveral water tower which has been dismantled. The marker light has been relocated. The Corps is also making several editorial changes to the regulations which establish danger zones in the waters offshore of Hawaii. The amendments reflect a change in the use of a danger zone and the identity of the Agency responsible for enforcement of the regulations. The changes are being made as a result of an ongoing review of the regulations.

**EFFECTIVE DATE:** August 2, 1996.

**ADDRESSES:** HQUSACE, CECW-OR, Washington, D.C. 20314-1000.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ralph Eppard, Regulatory Branch, CECW-OR at (202) 761-1783, or questions concerning the Fort Monroe restricted area may be directed to Ms. Alice G. Riley of the Norfolk District at (804) 441-7389, and questions concerning the Port Canaveral restricted area may be directed to Ms. Shirley Stokes of the Jacksonville District at (904) 232-1668.

**SUPPLEMENTARY INFORMATION:** Pursuant to its authorities in Section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and Chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is amending the regulations in 33 CFR Part 334.360, 334.530 and 334.1340.

The Commanding Officer, Naval Surface Warfare Center, Dahlgren Detachment, Fort Monroe, Virginia has requested an amendment to the regulations in 33 CFR 334.360, which establish a restricted area in the Chesapeake Bay off Fort Monroe, Virginia. In addition, the Commanding Officer, Naval Ordnance Test Unit, Cape Canaveral, Florida, has requested an amendment to the restricted area regulations in 33 CFR 334.530 to delete a reference to a red warning light on a water tower and refer in its place to a new warning light system. We published these proposed amendments to the regulations in the notice of proposed rulemaking section of the Federal Register on February 27, 1996, with the comment period expiring on April 12, 1996 (61 FR 7231-7132). We received no comments in response to the proposed rule. The Commander, Naval Base, Pearl Harbor has requested that minor editorial changes be made to the regulations which establish several danger zones in the waters offshore of

Hawaii to remove obsolete material. The title of the danger zone in 33 CFR 1340(a)(4) is changed from “*Aerial bombing and naval shore bombardment area, Kahoolawe Island Hawaii*” to “*Submerged unexploded ordnance danger zone, Kahoolawe Island, Hawaii*” and the enforcing authority in paragraph (c) is changed from “Commander, Third Fleet, Pearl Harbor” to “Commander, Naval Base, Pearl Harbor, Hawaii 96860-5020.” These amendments to the danger zones in 33 CFR 334.1340 are being promulgated without being published as proposed rules with opportunity for public comment because the changes are editorial in nature and since the revisions do not change the boundaries or increase or decrease the restrictions on the public’s use or entry into the designated danger zones, the changes will have practically no effect on the public, and accordingly, public comment is unnecessary and impractical.

**Economic Assessment and Certification**

This final rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply. This final rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps expects that the economic impact of the changes to the restricted areas will have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, certifies that this final rule will have no significant economic impact on small entities.

**National Environmental Policy Act Certification**

An environmental assessment has been prepared for each of these actions. We have concluded, based on the minor nature of these amendments, that these amendments to danger zones and restricted areas will not have a significant impact to the human environment, and preparation of an environmental impact statement is not required. Copies of the environmental assessment may be reviewed at the District Offices listed at the end of **SUPPLEMENTARY INFORMATION**, above.

**List of Subjects in 33 CFR Part 334**

Navigation (water), Transportation, Danger Zones.

For the reasons set out in the preamble, 33 CFR Part 334 is amended as follows:

**PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS**

1. The authority citation for Part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Section 334.360 is amended by revising paragraphs (a) and (b)(1) to read as follows:

**§ 334.360 Chesapeake Bay off Fort Monroe, Virginia; restricted area, U.S. Naval Base and Naval Surface Weapons Center.**

(a) *The area.* Beginning at latitude 37°01'03", longitude 076°17'52"; thence to latitude 37°01'00", longitude 076°16'11"; thence to latitude 36°59'43", longitude 076°16'11"; thence to latitude 36°59'18", longitude 076°17'52"; thence to latitude 37°00'05", longitude 076°18'18"; thence north along the seawall to the point of beginning.

(b) *The regulations.* (1) Anchoring, trawling, fishing and dragging are prohibited in the restricted area, and no object, either attached to a vessel or otherwise, shall be placed on or near the bottom unless authorized by the Facility Manager, Naval Surface Warfare Center, Dahlgren Division Coastal Systems Station Detachment, Fort Monroe, Virginia.

\* \* \* \* \*

3. Section 334.530 is amended by revising paragraph (b)(2) to read as follows:

**§ 334.530 Canaveral Harbor adjacent to the Navy Pier at Port Canaveral, Fla.; restricted area.**

\* \* \* \* \*

(b) \* \* \*

(2) The area will be closed when a red square flag (bravo), and depending on the status of the hazardous operation, either an amber or red beacon, steady burning or rotating, day or night, when displayed from any of the three berths along the wharf.

\* \* \* \* \*

4. Section 334.1340 is amended by redesignating paragraphs (a)(3) and (a)(4) as paragraphs (a)(1) and (a)(2), respectively, revising the heading of newly designated paragraph (a)(2), and revising paragraph (c) to read as follows:

**§ 334.1340 Pacific Ocean, Hawaii; danger zones.**

(a) *Danger zones.* (1) \* \* \*

(2) *Submerged unexploded ordnance danger zone, Kahoolawe Island, Hawaii.*

\* \* \*

\* \* \* \* \*

(c) *Enforcing agency.* The regulations in this section shall be enforced by Commander, Naval Base, Pearl Harbor, Hawaii 96860-5020, and such agencies as he/she may designate.

Dated: June 19, 1996.

Stanley G. Genega,  
Major General, U.S. Army, Director of Civil Works.

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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 70**

[AD-FRL-5530-4]

**Title V Clean Air Act Final Interim Approval of Operating Permits Program; Maryland**

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

**ACTION:** Final Interim Approval.

**SUMMARY:** EPA is promulgating interim approval of the operating permits program submitted by Maryland for the purpose of complying with federal requirements for an approvable program to issue operating permits to all major stationary sources, and to certain other sources. Maryland has substantially, but not fully, met the requirements for an operating permits program set out in title V of the Clean Air Act (CAA) and 40 CFR part 70. Upon the effective date of this program approval, those sources must comply with Maryland's regulatory requirements to submit an application for an operating permit pursuant to the state's submittal schedule.

**EFFECTIVE DATE:** August 2, 1996.

**ADDRESSES:** Copies of Maryland's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location: Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107.

**FOR FURTHER INFORMATION CONTACT:** Lisa M. Donahue, (3AT23), Air, Radiation and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107, (215) 566-2062, donahue.lisa@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Title V of the 1990 CAA Amendments (sections 501-507 of CAA), and

implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that states seeking to administer a title V operating permits program develop and submit a program to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval of an operating permits program submittal. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by November 15, 1995, or by the expiration of the interim approval period, it must establish and implement a federal program.

EPA compiled a technical support document (TSD), associated with the proposal, which contains a detailed analysis of the operating permits program. On October 30, 1995, EPA proposed interim approval of the operating permits program for Maryland, and requested comments on that proposal. (See 60 FR 55231). In this document EPA is taking final action to promulgate interim approval of the operating permits program for Maryland.

**II. Analysis of State Submission**

On May 9, 1995, Maryland submitted an operating permits program to satisfy the requirements of the CAA and 40 CFR part 70 and the submittal was found to be administratively complete pursuant to 40 CFR 70.4(e)(1). The submittal was supplemented by additional material on June 9, 1995. EPA reviewed the program against the criteria for approval in section 502 of the CAA and the part 70 regulations. EPA determined, as fully described in the notice of proposed interim approval of the state's operating permits program (see 60 FR 55231 (October 30, 1995)) and the TSD for this action, that Maryland's operating permits program substantially meets the requirements of the CAA and part 70.

**III. Response to Public Comments**

EPA received several comments during the public comment period. Additional comments to clarify comments submitted during the comment period were submitted after the expiration of the public comment period. These comments and EPA's responses are grouped into four categories. All comments are contained