PART 165—[AMENDED]

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

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new 33 CFR 165.T1086 is added to read as follows:

§ 165.T1086 Safety Zone: Dolan Family Fireworks Display.

(a) *Location.* The following area is a safety zone: All waters within a 800 ft radius of the fireworks launching platform approximately 800 ft offshore directly adjacent to the Dolan Family residence, approximately ½ mile South West of Cove Point in Oyster Bay Harbor, NY. The barge used for the launching platform will be moved into and then anchored in position 800 ft off the western shore of Cove Neck in Oyster Bay Harbor. This safety zone will be marked by 8 large orange marker buoys and will be closed to all marine traffic during the specified times.

(b) *Effective date.* This regulation becomes effective on July 4, 1990 at 8 p.m. approximately 15 minutes prior to the display. It terminates upon completion of the display at approximately 10 p.m. July 4, 1990, unless terminated sooner by the Captain of the Port. Rain date for this event is not scheduled.

(c) *Regulations:* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port or his on scene representatives.

Dated: June 13, 1990.

T.H. Collins,

Captain, U.S. Coast Guard, Captain of the Port Long Island Sound.

[FR Doc. 90–14598 Filed 6–22–90; 8:45 am]

BILLING CODE 4910–14–M

---

33 CFR Part 165

[CGD1 90–095]

Safety Zone Regulations; Greenwich 350th Fireworks Celebration

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone in Captain Harbor approximately one-half mile South East of Field Point in Greenwich, CT. This safety zone is needed to protect marine traffic and spectator craft from the safety hazard associated with a fireworks display. Entry into this zone is prohibited unless authorized by the Captain of the Port, Long Island Sound.

EFFECTIVE DATES: This regulation becomes effective at approximately 9:15 p.m., July 21, 1990, 15 minutes prior to the display. It terminates upon completion of the display at approximately 10:00 p.m., July 21, 1990, unless terminated sooner by the Captain of the Port. Rain date will be July 22nd at the same times.

FOR FURTHER INFORMATION CONTACT: Captain of the Port, Long Island Sound (203) 468–4464.

SUPPLEMENTARY INFORMATION: 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. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to protect any marine traffic from the potential hazards involved.

Drafting Information

The drafters of this regulation are LT David D. Skewes, project officer, Captain of the Port Long Island Sound, and LT Korroch, project attorney, First Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation will begin at approximately 9:30 p.m. on July 21, 1990. This event is a fireworks display celebrating the town of Greenwich's 350th birthday and will take place approximately one-half mile South East of Field Point in Greenwich, CT. This Safety Zone is needed to protect any transiting commercial or recreational marine traffic from the possible hazards associated with the fireworks display in this channel area.

This regulation is issued pursuant to U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

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

Authority: 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A new 33 CFR 165.T1095 is added to read as follows:

§ 165.T1095 Safety zone: Greenwich 350th fireworks celebration.

(a) *Location.* The following area is a safety zone: All waters within a 1000 foot radius of the two fireworks launching platforms approximately one-half mile offshore South East of Field Point in Captian Harbor, Greenwich, CT. The launching platforms will be moved into and then anchored in approximate position (40–59.8′N, 073–37.2′W). The safety zone will be marked by 8 large orange marker buoys/spheres and will be closed to all marine traffic during the specified times.

(b) *Effective date.* This regulation becomes effective on July 21, 1990 at 9:15 p.m. approximately 15 minutes prior to the display. It terminates upon completion of the display at approximately 10:00 p.m. July 21, 1990, unless terminated sooner by the Captain of the Port.

(c) *Regulations.* (1) In accordance with the general regulations in 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port or his on scene representatives.

Dated: June 15, 1990.

T.H. Collins,

Captain, U.S. Coast Guard, Captain of the Port Long Island Sound.

[FR Doc. 90–14599 Filed 6–22–90; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 261

RIN 0596–AA38

Prohibitions; Forest Development Trails

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: This final rulemaking amends the prohibitions on use of motorized vehicles on National Forest System trails. The current rule prohibits all vehicles wider than 40 inches from using trails. The new rule will control use on Forest development trails based upon type of vehicle, type of traffic, and/or vehicle characteristics, rather than strictly on vehicle width. The intended effects of this new rule are to provide Forest Supervisors sufficient discretion to choose the best method of managing trail use and to eliminate the necessity of periodically revising the rules because of changes in design and manufacture of vehicles suitable for trail use.

EFFECTIVE DATE: July 25, 1990.

FOR FURTHER INFORMATION CONTACT: Thomas P. Lennon, Recreation Staff, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090-6090. (202) 382-9423.

SUPPLEMENTARY INFORMATION:

Proposed Rule

On September 14, 1988 (53 FR 35526-35527) the Forest Service published in the **Federal Register** proposed amendments to 36 CFR part 261—Prohibitions, which identifies prohibited acts and conduct on National Forest System lands. As proposed, the rule would have removed the general prohibition at 36 CFR 261.12(e) against use of vehicles over 40 inches wide on a forest development trail and instead would have authorized the Forest Supervisor to manage trail use and traffic by issuing specific orders under 36 CFR part 261, subpart B.

The current prohibition against allowing any vehicle wider than 40 inches on a forest trail was originally intended to prohibit four-wheel drive vehicle use on Forest development trails and was not based on trail design standards. As noted in the preamble to the proposed rule, a variety of vehicles suitable for trail use are being manufactured now that exceed the current 40-inch prohibition by 1 to 5 inches. Generally, trails that will accommodate a 40-inch-wide vehicle will also accommodate slightly wider models without adverse effect. The current rule, however, prohibits such vehicles and has led to trail user confusion and law enforcement difficulties. For these reasons, the Forest Service proposed, that rather than continue a general prohibition based on an arbitrary width of vehicles, each Forest Supervisor be given the authority to order site-specific prohibitions of motor vehicles based on type of vehicle, type of traffic and/or vehicle characteristics. This approach would allow the Forest Supervisor to choose the best method of managing trail use, while minimizing resource damage, providing for public safety, and responding to local management needs.

Analysis of Public Comments and Agency Response

Public comment was requested on the proposed rule, and the Forest Service received 5 letters from an Alaskan Citizen's Advisory Commission, the American Motorcyclist Association, the International Snowmobile Industry Association, The Nature Conservancy, and an interested citizen. A summary of the comments received and the Agency's reponse follow.

Two respondents supported the proposed amendments without change. Two reviewers questioned the justification for the removal of the "40-inch rule". They were concerned that vehicle size limits for national forest trails were being determined by the off-road vehicle (ORV) industry rather than by concerns for minimizing damage to forest resources. While it is true that the removal of the general prohibition will allow the use of vehicles wider than 40 inches on some trails, resource protection on trails will not be compromised. The regulations at 36 CFR part 295—Use of Motor Vehicles Off Forest Development Roads require the forest land manager, as part of the forest planning process, to analyze current and potential impacts of vehicles on all forest resources, and to restrict or prohibit their use using part 261—Prohibitions if the analysis indicates considerable adverse effects.

The same reviewers questioned the justification for revising 36 CFR 261.55, which would authorize Forest Supervisors to issue orders locally. These reviewers felt that confusion and inconsistency would result from giving each Forest Supervisor the authority to develop local orders for managing motorized vehicle trail use. The agency disagrees. First, Forest Service policy (FSM 2355, Off-Road Vehicle Management) requires each Regional Forester to achieve consistency in off-road vehicle management between forests and regions. Second, the proposed amendments would further reduce the chance of confusion by making 36 CFR 261.55 consistent with the off-road vehicle management rules at 36 CFR part 295, which speak to control of use by "specific vehicle types off roads" and with Forest Land and Resource Management Plans (36 CFR part 219) which designate roads, trails, and areas for use by types of traffic. Finally, the amendments would also parallel the approach used in the General Prohibitions governing Forest Development Roads (36 CFR 261.54), an important factor, since trail vehicles are frequently used on Forest development roads. Such consistency between trail and road regulations would further reduce user confusion and law enforcement problems.

One respondent requested that language be added to part 261 to clarify that prohibitions established under this part affecting access in Alaska are subject to the provisions of the Alaska National Interest Lands Conservation Act (ANILCA) sections 811 and 1110. The agency does not believe this is necessary. There is nothing in the proposed rule on specific prohibitions that is inconsistent with the provisions of ANILCA. Moreover, all local orders prohibiting activities and uses of specific National Forest areas or resources must be consistent with applicable laws and regulations that govern National Forest System management. Therefore, any prohibitions issued to govern trail use in National Forests in Alaska must comply with the special access provisions of ANILCA.

Having considered the comments received, the Department concludes that the rule as proposed should be adopted without change. The current rule at 36 CFR 261.12 prohibiting use of any vehicle on a forest trail over 40 inches wide establishes an arbitrary standard that is not necessary to protect forest resources or trail users and that does not reflect current manufacturing designs or allow for future vehicle design changes. As a national prohibition, the rule does not take into account size-specific trail conditions and, as noted, is inconsistent with other rules which use vehicle type as a standard for controlling trail use. Laws, agency policy, and other rules governing forest land and resource management including the off-road vehicle rules at 36 CFR part 295 and the forest planning rules at 36 CFR part 219 require resource protection and provide the mechanisms for reasoned and consistent management of vehicular use on forest trails and roads on a local basis.

Regulatory Impact

This rule has been reviewed under USDA procedures and Executive Order 12291, and it has been determined that the regulation is not a major rule. The regulation applies to individual recreation users in a limited situation and will have no effect on competition, employment, investment, productivity, innovation, or the ability of the United States-based enterprises to compete in foreign markets. It has also been determined this action will not have a significant economic impact on a substantial number of small entities.

Environmental Impact

Based on environmental analysis, this rule will not have a significant effect on the human environment; therefore, an environmental impact statement was not prepared. Copies of the environmental assessment and finding of no significant impact may be obtained by writing or calling the persons and offices listed under "FOR FURTHER INFORMATION CONTACT."

Controlling Paperwork Burdens on the Public

This rule does not contain any recordkeeping or reporting requirements or other information collection requirements as defined in 5 CFR Part 1320 and therefore imposes no paperwork burden on the public.

Therefore, the proposed rule amending 36 CFR part 261, subparts A and B, which was published at 53 FR 35527 on September 14, 1988, is adopted as set forth below.

Dated: June 15, 1990.

Clayton Yeutter,

Secretary.

List of Subjects in 36 CFR Part 261

Law enforcement, National Forests.

Therefore, for the reasons set forth in the preamble, Subparts A and B of Chapter II of Title 36 of the Code of Federal Regulations is amended as follows:

PART 261—PROHIBITIONS

1. The authority citation for Part 261 continues to read as follows:

Authority: 16 U.S.C. 551; 16 U.S.C. 472; 7 U.S.C. 1011(f); 16 U.S.C. 1246(i); 16 U.S.C. 1133(c)–(d)(1).

Subpart A—General Prohibitions

§ 261.12 [Amended]

2. Amend § 261.12 by removing paragraph (e).

Subpart B—Prohibitions in Areas Designated by Order

3. Revise § 261.55 to read as follows:

§ 261.55 Forest development trails.

When provided by an order issued in accordance with § 261.50 of this subpart, the following are prohibited on a forest development trail:

(a) Being on a trail.

(b) Using any type of vehicle prohibited by the order.

(c) Use by any type of traffic or mode of transport prohibited by the order.

(d) Operating a vehicle in violation of the width, weight, height, length, or other limitations specified by the order.

(e) Shortcutting a switchback in a trail.

[FR Doc. 90–14572 Filed 6–22–90; 8:45 am]

BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3790-5]

Approval and Promulgation of Implementation Plans; California; South Coast Air Basin, Cement Kilns, Nitrogen Oxides (NO_x)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This action responds to a Ninth Circuit, U.S. Court of Appeals decision filed on April 8, 1988. In its decision the Court vacated EPA's approval of the 1984 South Coast Air Quality Management District (SCAQMD) Rule 1112, "Emissions of Oxides of Nitrogen from Cement Kilns", and remanded the rule for proceedings consistent with the Court Opinion. Since rescission of EPA approval is the only action EPA may take consistent with the Opinion, public comments are not being solicited on this action. Disapproval of the 1984 rule is precluded because a more recent (1986) version of SCAQMD Rule 1112 was submitted as a State Implementation Plan (SIP) revision on October 10, 1986 (action proposed by EPA on April 6, 1988).

This action leaves the California SIP for the South Coast Air Basin (SCAB) nitrogen dioxide (NO_2) nonattainment area without an EPA-approved reasonably available control technology (RACT) level rule for the control of NO_x from the two major cement sources in the Air Basin.

DATES: This action will become effective on June 25, 1990.

ADDRESSES: A copy of the Court decision, the subject and revised rules, and the applicable **Federal Register** notices are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Air Management Division, State Implementation Plans Section, 215 Fremont Street, San Francisco, CA 94105.

FOR FURTHER INFORMATION CONTACT: Morris Goldberg at (415) 974–8213.

SUPPLEMENTARY INFORMATION:

Background

On January 7, 1986 (51 FR 600), EPA approved Rule 1112, "Emissions of Oxides of Nitrogen from Cement Kilns", adopted by the SCAQMD on January 6, 1984 and submitted by the California Air Resources Board (ARB) to EPA for approval on April 19, 1984.

In March 1986 Riverside Cement and California Portland Cement Companies filed petitions for review in the Ninth Circuit, U.S. Court of Appeals. In April 1986, the petitioners requested a stay of the effective date of the EPA approval, pending either final EPA consideration of a to-be-revised rule or the Court's final decision on the petitions for review. The case was argued on January 12, 1988 in San Francisco. The Court's final decision in *Riverside Cement Company, et al.* v. *Lee M. Thomas, Administrator, U.S.E.P.A.* (Nos. 86–7126, 86–7132, A–9–FRL–2949–9, FR–86–161), was filed on April 8, 1988. The Court vacated EPA's approval of the 1984 rule and remanded the rule for EPA action consistent with the Court Opinion.

Meanwhile, a revised SCAQMD rule 1112 was adopted on June 6, 1986, and submitted by the ARB to EPA on October 10, 1986. EPA proposed to disapprove the revised rule on April 6, 1988 (53 FR 11314), primarily because the 1986 rule did not satisfy the SCAQMD/ARB commitment to reduce SCAB cement kiln NO_x emissions by 40%, because it had enforcement related difficulties, and because it would require no emission reduction from cement kilns.

It is important to note that the 1979 SCAB NO_2 plan is only conditionally approved, and thus still subject to potential sanctions under Clean Air Act (CAA) sections 110(a)(2)(I) and part D. In addition, since the CAA mandates attainment for NO_2 by December 31, 1982, EPA found the plan to be substantially inadequate when violations were measured in 1983. A notice of SIP deficiency for NO_2 was issued on February 24, 1984, under CAA section 110(a)(2)(H). The added failure of the SCAQMD to adopt a reasonably available control technology (RACT) level rule for the control of NO_x emissions from its two major cement sources located in the last NO_2 nonattainment area in the Country, may affect the approval of a 1989 proposed SIP revision with a planned 1996 NO_2 attainment date. EPA will address that issue in a future rulemaking notice on the South Coast NO_2 plan.

Court Opinion and EPA Options

The April 8, 1988 decision of the U.S. Court of Appeals for the Ninth District stated: "We vacate EPA's approval of Rule 1112 and remand for proceedings consistent with this Opinion." The decision to vacate the EPA approval was based on the existence of a provision in the 1984 rule which required a SCAQMD Executive Officer Hearing to reexamine evidence on the technical feasibility of controls and to revise the rule as appropriate. The Court determined the 1984 rule to be a "demonstration" rule—a goal for demonstration projects. Sources, therefore, were not subject to the usual compliance and enforcement mechanisms, despite the final compliance deadlines applicable to the sources subject to the rule.

Normally the alternative actions that EPA can take on a rule are to approve or disapprove. On occasion a state may withdraw revised SIP rules and/or whole plans from EPA consideration. Given, in this case, that approval has been found inappropriate, EPA evaluated its other SIP action options prior to taking the action to withdraw its approval of the rule.

The disapproval option is precluded because a 1986 version of SCAQMD rule 1112 was submitted to EPA for approval as a California SIP revision by the ARB on October 10, 1986. EPA does not disapprove SIP revisions that have been superseded by more recent submission of the same rule. The intent of the submission of a more recent revision of rule 1112, to supersede the prior SIP revision, was indicated by the following letters.

On May 15, 1987, EPA requested the ARB to withdraw the 1986 rule from EPA consideration as a SIP revision. The ARB responded on June 25, 1987, indicating their desire for formal EPA action. EPA proposed to disapprove the 1986 SCAQMD Rule 1112 on April 6, 1988 (53 FR 11314), for the reasons set forth above.

Since rescission of EPA approval is the only action EPA may take consistent with the Opinion, EPA policy, and the State intent, comments are not solicited in conjunction with this action. Rescission of approval is mandatory. Therefore, there is "good cause", under the Administrative Procedures Act, 5 U.S.C. § 553(b), for foregoing notice and comment on this action.

Final Action

Through this notice EPA withdraws its January 7, 1986 (51 FR 600), approval of rule 1112 "Emissions of Oxides of Nitrogen from Cement Kilns", as adopted by the SCAQMD and submitted to EPA in 1984.

Regulatory Process

Under Executive Order 12291, this action is not "Major". It has been submitted to the Office of Management and Budget (OMB) for review.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 24, 1990.

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

Air pollution control Nitrogen dioxide, Ozone, Particulate matter.

Dated: June 18, 1990.

William K. Reilly,

Administrator.

40 CFR part 52, subpart F, is amended to read as follows:

PART 52—[AMENDED]

Subpart F—California

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 52.220 is amended by removing and reserving paragraph (c)(154)(vii)(B) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(154) * * *

(vii) * * *

(B) [Reserved]

* * * * *

[FR Doc. 90-14629 Filed 6-22-90; 8:45 am]

BILLING CODE 6560-50-M

---

40 CFR Part 80

[FRL-3790-7]

Volatility Regulations for Gasoline and Alcohol Blends Sold in Calendar Years 1989 and Beyond

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: This notice promulgates revisions to the gasoline and alcohol blend volatility regulations promulgated on March 22, 1989 (54 FR 11868). The revisions are based on the experience the Agency has gained during its first year of enforcing the volatility regulations and from suggestions from the regulated industry and other interested parties. The revisions consist of changes to the appendix D sampling procedures and the appendix E test procedures for determining the Reid Vapor Pressure (RVP) of gasoline and gasoline-oxygenate blends.

EFFECTIVE DATE: This action will be effective on August 24, 1990, unless adverse or critical comments are received by July 25, 1990.

ADDRESSES: Information related to these revisions may be found in Public Docket No. A-85-21. The docket is located at the Air Docket, room M-1500, Waterside Mall, 401 M Street SW., Washington, DC 20460. The docket may be inspected between 8:30 am and 12 noon and between 1:30 pm and 3:30 pm on weekdays. As provided by 40 CFR part 2, a reasonable fee may be charged for photocopying docket materials.

FOR FURTHER INFORMATION CONTACT: John A. Garbak, Environmental Engineer, Field Operations and Support Division (EN-397F), EPA, 401 M Street SW., Washington, DC 20460. Telephone: (202) 382-2478.

SUPPLEMENTARY INFORMATION: This notice revises the volatility regulations for gasoline and alcohol blends, which were promulgated on March 22, 1989 (54 FR 11868).[1] The volatility regulations established summertime commercial gasoline volatility levels. Depending on the area of the country and the month, gasoline Reid Vapor Pressure (RVP) may not exceed 10.5 pounds per square inch (psi), 9.5 psi, or 9.0 psi starting in 1989.

A description of the revisions is set forth below:

(1) *Sample container cleaning procedure:* The present cleaning procedure in 40 CFR part 80, appendix D, section 4.3, of the volatility regulations is quite burdensome and appears to be unnecessary. Since the Agency is using glass bottles and the sampling regulations require a pre-sample rinse with the product to be sampled, the effect of any residual hydrocarbons on the vapor pressure test appears to be negligible. Therefore, the revision to section 4.3 will eliminate the rinse with a Stoddard solvent, the washing of the container with a strong soap solution, and the rinse with tap water and finally with distilled water. Instead the regulations are revised to state that the sample containers must be cleaned "consistent with the residual materials in the container" and the containers must be "clean and free of water, dirt, lint, washing compounds, naphtha or other solvents, soldering fluxes, and acids, corrosion, rust, and oil."

(2) *Use of computer read "bar codes":* In 1990 the Agency would like to link the inspection form data with the sample bottle by using unique computer read "bar codes." Therefore, the revision to appendix D, section 10, "Labeling

[1] A corrections notice concerning these regulations was published on June 27, 1989 (54 FR 27016). A revision of the New Mexico volatility standards was published on August 14, 1989 (54 FR 33218).