

Dated: August 24, 1994.

William K. Hubbard,

Interim Deputy Commissioner for Policy.

[FR Doc. 94-21900 Filed 9-6-94; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05-94-072]

RIN 2115-AE47

Drawbridge Operations Regulations; Pamunkey River, West Point, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the regulations governing the operation of the Eltham drawbridge, SR 33, across Pamunkey River, mile 1.0, located in West Point, Virginia, by restricting commercial fishing and crabbing vessels and recreational vessels from opening the bridge between the hours of 7 a.m. to 9 a.m., 12 noon to 1 p.m. and 4 p.m. to 6 p.m. The remaining times those vessels are restricted to opening the bridge on the hour, Monday through Friday, except Federal holidays.

This is intended to provide for regulatory scheduled drawbridge openings to help reduce motor vehicle traffic delays and congestion on the roads and highways linked by this drawbridge, while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This rule is effective on October 7, 1994.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, (804) 398-6222.

SUPPLEMENTARY INFORMATION:

Drafting Information

The principal persons involved in drafting this document are Bill H. Brazier, Project Officer, and LT Monica L. Lombardi, Project Attorney, Fifth Coast Guard District.

Regulatory History

On May 20, 1994, the Coast Guard published a Supplemental Notice of Proposed Rulemaking entitled Pamunkey River, West Point, Virginia, in *Federal Register* (59 FR 25474). The comment period ended July 19, 1994. The Coast Guard received three letters commenting on the proposal. Prior to publishing the Supplemental Notice of Proposed Rule, the Coast Guard also published Public Notice 5-818 and the

original Notice of Proposed Rulemaking entitled Pamunkey River, West Point, Virginia, in *Federal Register* (58 FR 62303). The comment period ended January 10, 1994. The Coast Guard received 66 letters commenting on the proposal.

Background and Purpose

The original Notice of Proposed Rule announced that a proposal was being considered to restrict openings of the Eltham Bridge to all vessels during morning, noon, and evening rush hours, between the hours of 7 a.m. to 9 a.m., 12 noon to 1 p.m. and 4 p.m. to 6 p.m., Monday through Friday; except Federal holidays.

As a result of the proposed rule and the public notice, comments were received from the maritime community and the motoring public. The motorists all were in favor of the proposed restrictions during peak traffic hours to reduce traffic disruption, delays, congestion and minor accidents. The commercial marine industry was opposed to restricting the openings, based on economic impact concerns, safety and tidal navigational requirements.

Following further investigation by the Coast Guard, it was determined that the major cause of traffic congestion due to bridge lifts for the Eltham Bridge was contributed by commercial fisherman, crabbers and recreational boaters requesting frequent bridge lifts during rush hour traffic periods. These mariners, for the most part, could pass through without a bridge lift, by lowering their antennae. The remainder of the maritime industry, consisting of piloted vessels and large tugs and barges, passing through this bridge is very sporadic. The bridge tender's logs only reflected 4 or 5 bridge lifts per month for these vessels.

The Virginia Department of Transportation, in an effort to improve this situation, has requested these revised regulations. It agreed to changing the original request by excluding larger classes of maritime vessels from the restrictions, and to placing new restrictions on commercial fishing and crabbing vessels and recreational vessels which create most of the problem.

Discussion of Comments and Change

The three comments received as a result of the Supplemental Notice of Proposed Rule issued by the District Commander are all in favor of the new restrictions for the Eltham Bridge. No new or additional changes are being made to the regulatory language of this final rule.

Regulatory Evaluation

This action is not considered a significant regulatory action under Executive Order 12866 and is not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary.

This opinion is based on the fact that the regulations will not unduly cause a hardship on commercial/military vessels who will be able to plan their vessel transits around the hours of restriction.

Small Entities

No comments were received concerning small entities or on the economic impact this rule would have on small entities. Since the impact on these regulations is expected to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) of the Regulatory Flexibility Act (5 U.S.C. et seq.), that this final rule will not have a significant economic impact on a substantial number of small entities.

Even though commercial crabbers and small fishing vessel operators would be restricted under the proposed regulations, the Coast Guard believes the proposed opening schedule for these operators is not unduly restrictive. These vessel operators can still crab and fish, but they will have to time their requests for openings of the bridge to coincide with the proposed new schedule. This should not cause any economic hardship. Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

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

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been 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 proposal and concluded that under section 2.B.2.g.(5) of Commandant Instruction M16475.1B, this rule is categorically

excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, the Coast Guard amends part 117 of Title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05.1(g).

2. Section 117.1023 is added to read as follows:

§ 117.1023 Pamunkey River.

(a) The draw of the Eltham Bridge (SR33/30), mile 1.0, located in West Point, Virginia, shall open on signal; except that, the bridge need not open for commercial crabbing and fishing vessels and recreational vessels on Mondays through Fridays, except Federal Holidays, from 7 a.m. to 9 a.m., 12 noon to 1 p.m. and 4 p.m. to 6 p.m., at all other times, the bridge will open for these vessels only on the hour, Monday through Friday, except Federal holidays.

(b) Public vessels of the United States and vessels in an emergency involving danger to life or property shall be passed at any time.

Dated: August 12, 1994.

J.E. Schwartz,

Acting Commander, Fifth Coast Guard District.

[FR Doc. 94-21910 Filed 9-6-94; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 165

[COTP Los Angeles-Long Beach, 94-004]

RIN 2115-AA97

Safety Zone; Los Angeles Harbor-San Pedro Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule with request for comments.

SUMMARY: The Coast Guard is establishing a safety zone in two locations on the waters of San Pedro Bay, California. The event requiring establishment of this safety zone is the dredging and landfill activities associated with the Port of Los Angeles

Pier 400 project. Duration of this project is estimated to be 33 months. There will be two separate safety zone locations covered by this rulemaking. The first location, the site of the future Pier 400, is to the east of the Los Angeles main channel, adjacent to Reservation Point. It encompasses anchorages B1-B3, B6-B8, C1-C3, and C7-C9. The second location is to the southwest of the main channel which will transform anchorages A1-A5 into a permanent shallow water habitat as a mitigation measure for the Pier 400 landfill project. Entry into, transit through, or anchoring within the safety zones by vessels other than those engaged in the construction of Pier 400 or the development of the shallow water habitat is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: The safety zones will be effective at 12:01 a.m. PDT on September 6, 1994, and will remain in effect until canceled by the Captain of the Port Los Angeles-Long Beach, CA.

Comments: Comments on this regulation must be received by November 7, 1994.

ADDRESSES: Comments should be mailed to Commanding Officer, Coast Guard Marine Safety Office, 165 N. Pico Avenue, Long Beach, CA 90802. Comments received will be available for inspection and copying within the Port Safety Division at MSO Los Angeles-Long Beach. Normal office hours are between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. **FOR FURTHER INFORMATION CONTACT:** Commander Mike Moore, Coast Guard Marine Safety Office Los Angeles-Long Beach, California; telephone (310) 980-4454.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and it is being made effective in less than 30 days after Federal Register publication. Following normal rulemaking procedures could not be done in a timely fashion in that the Coast Guard was not approached concerning the necessity for implementation of a safety zone until later in the Pier 400 planning process. The actual stipulations of the safety zone were not finalized until a date fewer than 30 days prior to the start of the project.

Although this regulation is published as an interim final rule without prior notice, an opportunity for public comment is nevertheless desirable to ensure the regulation is both reasonable and workable. Accordingly, persons wishing to comment may do so by submitting written comments to the

office listed under ADDRESSES in this preamble. Those providing comments should identify the docket number (COTP Los Angeles-Long Beach, CA; 94-004) for the regulation and also include their name, address, and reason(s) for each comment presented. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

Based upon the comments received, the scope of the regulation may be changed.

Drafting Information

The drafters of this notice are LCDR Chris Lockwood, project officer for the Captain of the Port, and Lieutenant Commander Craig Juckniess, project attorney, Eleventh Coast Guard District legal office.

Discussion of Regulation

The construction of the Pier 400 project is scheduled to begin on September 6, 1994. Safety zones are necessary to safeguard recreational and commercial craft from the dangers of the dredging and landfill activities in the area and to prevent interference with other vessels engaged in these operations. Persons and vessels are prohibited from entering into, transiting through, or anchoring within the safety zones unless authorized by the Captain of the Port Los Angeles-Long Beach, CA.

Regulatory Evaluation

This proposal 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 been exempted from review 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 10(e) of the regulatory policies and procedures of DOT is unnecessary. Only minor delays to mariners is foreseen as vessel traffic is routed around the construction areas.

Collection of Information

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

Federalism

The Coast Guard has analyzed this regulation under the principles and

criteria contained in Executive Order 12612 and has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2. of Commandant Instruction M16475.1B it will have no significant environmental impact and it 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.

Regulation

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

PART 165—[AMENDED]

1. The authority citation for 33 CFR 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 section 165.1110 is added to read as follows:

§ 165.1110 Safety Zone: Los Angeles Harbor-San Pedro Bay, CA

(a) *Location.* All waters within the following boundaries are established as a safety zone.

(1) *Pier 400.* The waters of Los Angeles Harbor encompassing the rock dike and landfill for the construction of Pier 400 as defined by the line connecting the following coordinates:

Latitude	Longitude
33°-44'-29" N	118°-14'-14" W.
33°-43'-48" N	118°-13'-56" W.
33°-42'-53" N	118°-14'-35" W.
33°-42'-49" N	118°-14'-48" W.
33°-42'-56" N	118°-15'-32" W.
33°-43'-51" N	118°-15'-53" W.

and thence along the shoreline to the point of origin.

(2) *Shallow water habitat.* The waters of Los Angeles Harbor encompassing the rock dike and landfill for the development of a permanent shallow water habitat, as defined by the line connecting the following coordinates:

Latitude	Longitude
33°-42'-24" N	118°-16'-28" W.
33°-42'-36" N	118°-16'-22" W.

33°-42'-38" N	118°-16'-12" W.
33°-42'-45" N	118°-16'-07" W.
33°-42'-47" N	118°-15'-55" W.
33°-42'-28" N	118°-15'-16" W.

and thence along the San Pedro Breakwater to the point of origin.

(b) *Effective date.* This section is effective beginning 12:01 a.m. PDT on September 6, 1994. It will remain in effect until canceled by the Captain of the Port.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone by vessels not involved in the development of the shallow water habitat or the construction of Pier 400 is prohibited unless authorized by the Captain of the Port Los Angeles-Long Beach, CA.

Dated: August 23, 1994.

E.E. Page,

Captain, U.S. Coast Guard, Captain of the Port Los Angeles-Long Beach, CA.

[FR Doc. 94-21911 Filed 9-6-94; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Parts 602, 628, 667, and 682

Secretary's Procedures and Criteria for Recognition of Accrediting Agencies; State Postsecondary Review Program; Federal Family Education Loan Program; and Endowment Challenge Grant Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Secretary's Procedures and Criteria for Recognition of Accrediting Agencies; State Postsecondary Review Programs; Federal Family Education Loan Program; and Endowment Challenge Grant Program to add the Office of Management and Budget (OMB) control numbers to certain sections of the regulations. Those sections contain information collection requirements approved by OMB. The Secretary takes this action to inform the public that these requirements have been approved.

EFFECTIVE DATE: September 7, 1994.

FOR FURTHER INFORMATION CONTACT:

Mattie L. Bonner, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 5123, Washington, D.C. 20202. Telephone (202) 401-8300. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: On April 29, 1994, final regulations were published in the **Federal Register** for the Secretary's Procedures and Criteria for Recognition of Accrediting Agencies (59 FR 22250); State Postsecondary Education Review Program (59 FR 22286); and Federal Family Education Loan Program (59 FR 22462). The final regulations for the Endowment Challenge Grant Program were published in the **Federal Register** on February 23, 1993 at 58 FR 11162. Compliance with the information collection requirements in these regulations was delayed until those requirements were approved by OMB under the Paperwork Reduction Act of 1980, as amended. OMB approved the information collection requirements for the Secretary's Procedures and Criteria for Recognition of Accrediting Agencies and the State Postsecondary Education Review Program on July 1, 1994. The information collection requirements for the Federal Family Education Loan Program were approved by OMB on June 28, 1994. The Endowment Challenge Grant Program information collection requirements were approved by OMB on May 25, 1993.

Section 682.202 was inadvertently listed as containing information collection requirements in the notice of revised effective date published in the **Federal Register** on June 30, 1994 (59 FR 33682). This section was determined not to contain information collection requirements and was correctly removed from the list of sections that contained information collection requirements subject to OMB approval in the correction notice published in the **Federal Register** on June 8, 1994 (56 FR 29543).

Waiver of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of OMB control numbers is purely technical and does not establish substantive policy. Therefore, the Secretary has determined, under 5 U.S.C. 553(b)(B), that proposed rulemaking is unnecessary and contrary to the public interest and that a delayed effective date is not required under 5 U.S.C. 553(d)(3).

List of Subjects**34 CFR Part 602**

Colleges and universities, Education, Reporting and recordkeeping requirements.

34 CFR Part 667

Administrative practice and procedures, Colleges and universities, Education, Grant programs-education, Loan Programs-education, Reporting and recordkeeping requirements.

34 CFR Part 682

Administrative practice and procedures, Colleges and universities, Education, Loan programs-education, Reporting and recording requirements, Student aid, Vocational education.

34 CFR Part 628

Colleges and universities, Education, Reporting and recordkeeping requirements.

Dated: August 31, 1994.

David A. Longanecker,
Assistant Secretary for Postsecondary Education.

The Secretary amends parts 602, 667, 682, and 628 of Title 34 of the Code of Federal Regulations as follows:

PART 602—SECRETARY'S PROCEDURES AND CRITERIA FOR RECOGNITION OF ACCREDITING AGENCIES

1. The authority citation for part 602 continues to read as follows:

Authority: 20 U.S.C. 1099b, unless otherwise noted.

2. Sections 602.4, 602.10, and 602.27 are amended by adding the OMB control number at the end of these sections to read as follows:

"(Approved by the Office of Management and Budget under control number 1840-0607)"

PART 667—STATE POSTSECONDARY REVIEW PROGRAM

3. The authority citation for part 667 continues to read as follows:

Authority: 20 U.S.C. 1099a through 1099a-3, unless otherwise noted.

4. Sections 667.3, 667.4, 667.8, 667.12, 667.15, 667.21, 667.22, and 667.26 are amended by adding the OMB control number at the end of these sections to read as follows:

"(Approved by the Office of Management and Budget under control number 1840-0659)"

PART 682—FEDERAL FAMILY EDUCATION LOAN PROGRAM

5. The authority citation for part 682 continues to read as follows:

Authority: 20 U.S.C. 1071 to 1087-2, unless otherwise noted.

6. Sections 682.208, 682.402, 682.410, and 682.411 are amended by adding the OMB control number at the end of these sections to read as follows:

"(Approved by the Office of Management and Budget under control number 1840-0538)"

PART 628—ENDOWMENT CHALLENGE GRANT PROGRAM

7. The authority citation for part 628 continues to read as follows:

Authority: 20 U.S.C. 1065, unless otherwise noted.

8. Sections 628.20 and 628.32 are amended by adding the OMB control number at the end of these sections to read as follows:

"(Approved by the Office of Management and Budget under control number 1840-0531)"

[FR Doc. 94-21916 Filed 9-6-94; 8:45 am]

BILLING CODE 4000-01-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FL-50-1-6198a; FRL-5029-2]

Clean Air Act Approval and Promulgation of Emission Statement Implementation Plan for Florida

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving a revision to the State Implementation Plan (SIP) submitted by the State of Florida through the Florida Department of Environmental Protection (FDEP) for the purpose of implementing an emission statement program for stationary sources within the Florida ozone nonattainment areas: Duval County, Miami, and Tampa. The SIP was submitted on January 12, 1993, by the State to satisfy the Federal requirements for an emission statement program as part of the SIP for Florida. **DATES:** This final rule will be effective November 7, 1994 unless someone submits adverse or critical comments by October 7, 1994. If the effective date is delayed, timely notice will be published in the *Federal Register*.

ADDRESSES: Written comments should be addressed to: Joey LeVasseur, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region IV Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Copies of the material submitted by the State of Florida may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region IV Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Air Resources Management Division, Florida Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

FOR FURTHER INFORMATION CONTACT: Joey LeVasseur, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region IV Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347-2864.

SUPPLEMENTARY INFORMATION: A SIP revision was submitted by the State of Florida on January 12, 1993, to satisfy the requirements of section 182(a)(B) of the Clean Air Act Amendments of 1990 (CAA) (November 15, 1990). The SIP revision was reviewed by EPA to determine completeness shortly after its submittal, in accordance with the completeness criteria set out at 40 CFR part 51, appendix V (1991), as amended by 57 FR 42216 (August 26, 1991). The submittal was found to be complete and a letter dated May 6, 1993, addressed to Mr. Howard Rhodes, Director, Florida Department of Environmental Protection, was sent to FDEP indicating the submittal was administratively complete.

There are several key general and specific components of an acceptable emission statement program. Specifically, the state must submit a revision to its SIP and the emission statement program must meet the minimum requirements for reporting. In general, the program must include, at a minimum, provisions for applicability, compliance, and specific source requirements detailed below.

A. SIP Revision Submission. The FDEP submitted the Florida emission statement regulation on January 12, 1993, which meets the emission statement requirement.

B. Program Elements. The State emission statement program must, at a minimum, include provisions covering applicability of the regulations, a compliance schedule for sources covered by the regulations, and the

specific reporting requirements for sources. The emission statement submitted by the source should contain, at a minimum, a certification that the information is accurate to the best knowledge of the individual certifying the statement. The Florida submittal meets these requirements.

C. Applicability. Section 182(a)(3)(B) requires that states with areas designated as nonattainment for ozone require emission statement data from sources of volatile organic compounds (VOC) and oxides of nitrogen (NO_x) in the nonattainment areas. This requirement applies to all ozone nonattainment areas, regardless of the classification (Marginal, Moderate, etc.).

The states may waive, with EPA approval, the requirement for emission statements for classes or categories of sources with less than 25 tons per year of actual plant-wide NO_x or VOC emissions in nonattainment areas if the class or category is included in the base year and periodic inventories and emissions are calculated using emission factors established by EPA (such as those found in EPA publication AP-42) or other methods acceptable to EPA. The Florida submittal waives the emission statement requirement for sources with less than 25 tons per year combined of actual plant-wide NO_x and VOC emissions and has included calculations of these emissions in their 1990 Base Year Emission Inventory.

Final Action

In this action, EPA is approving the Emission Statement SIP revision submitted by the State of Florida through the FDEP on January 12, 1993. This action is being taken without prior proposal because the changes are noncontroversial and EPA anticipates no significant comments on them. The public should be advised that this action will be effective November 7, 1994. However, if adverse or critical comments are received by October 7, 1994, this action will be withdrawn and two subsequent documents will be published before the effective date. One document will withdraw the final action. The second document will be the final rulemaking action which will address the comments received.

Under section 307(b)(1) of the CAA, 42 U.S.C. 7607 (b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 7, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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 may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the CAA, 42 U.S.C. 7607 (b)(2).)

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993, memorandum from Michael Shapiro, Acting Assistant Administrator for Air and Radiation. A future document will inform the general public of these tables. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and 3 SIP revisions from the requirements of section 3 of Executive Order 12291 for 2 years. The EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Nothing in this action shall be construed as permitting, allowing, or establishing a precedent for any future request for a revision to any SIP. Each request for revision to the SIP 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 economic 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 CAA 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, I certify that it does not have a significant impact on small entities. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds.

Union Electric Co. v. U.S. E.P.A., 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410 (a)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Oxides of nitrogen, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 29, 1994.

Joe R. Franzmathes,
Acting Regional Administrator.

Part 52 of chapter I, title 40, Code of Federal Regulations, 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 K—Florida

2. Section 52.520, is amended by adding paragraph (c)(85) to read as follows:

§ 52.520 Identification of plan.

* * * * *

(c) * * *

(85) Revisions to the State of Florida State Implementation Plan (SIP) concerning emission statements were submitted on January 12, 1993 by the Florida Department of Environmental Protection.

(i) Incorporation by reference.

(A) Revisions to the following Florida Regulations were effective February 9, 1993. F.A.C. 17-210.100; 17-210.200(47), (49), (52) and (64); 17-210.370; and 17-210.900.

(ii) Other material. None.

[FR Doc. 94-21951 Filed 9-6-94; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 52

[GA-23-1-6346a; FRL-5066-1]

Approval and Promulgation of Implementation Plans Georgia: Approval of Revisions to the State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action approves revisions to the Georgia State Implementation Plan (SIP) adopted by the Georgia Department of Natural Resources, Environmental Protection