

## Collection of Information

This rulemaking 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 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 rulemaking and concluded that, under paragraph 2.B.2.(e) of Commandant Instruction M16474.1B, (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and an Environmental Analysis Checklist are available in the docket.

## 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 proposes to amend 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 section 165.141 is added to read as follows:

### **§ 165.141 Safety Zone: Sunken vessel EMPIRE KNIGHT, Boon Island, ME.**

(a) *Location.* The following area is a safety zone: All waters of the Atlantic Ocean within a 1,000 yard radius of the stern section of the sunken vessel EMPIRE KNIGHT, in approximate position 43°06'19" N, 70°27'09" W, (NAD 1983) and extending from the water's surface to the seabed floor.

(b) *Effective date.* This section is effective on August 23, 1996, twenty-four hours a day, seven days a week.

#### (c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All vessels and persons are prohibited from anchoring, diving, dredging, dumping, fishing, trawling, laying cable, or conducting salvage operations in this zone except as authorized by the Coast Guard Captain of the Port, Portland, Maine. Innocent transit through the area within the

safety zone is not affected by this regulation and does not require the authorization of the Captain of the Port.

(3) All persons and vessels shall comply with the instructions of the COTP or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: August 23, 1996.

Burton S. Russell,

*Commander U.S. Coast Guard, Captain of the Port, Portland, Maine.*

[FR Doc. 96-30228 Filed 11-25-96; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 70

[NM003; AD-FRL-5654-8]

### **Clean Air Act Final Full Approval of Operating Permits Program; the State of New Mexico and Albuquerque/Bernalillo County**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**SUMMARY:** The EPA is promulgating full approval of the Operating Permits program submitted by the New Mexico Environment Department (NMED) under the signature of the Governor, and separately by the City of Albuquerque/Bernalillo County (the City), for the purpose of complying with Federal requirements for approvable State and local programs to issue operating permits to all major stationary sources, and to certain other sources with the exception of Indian Lands.

**DATES:** This action is effective on January 27, 1997, unless adverse or critical comments are received by December 26, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

**ADDRESSES:** Copies of the submittals and other supporting information used in developing the final full approval are available for inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before visiting day.

Environmental Protection Agency, Region 6, Air Programs Branch (6PD-R),

1445 Ross Avenue, suite 700, Dallas, Texas 75202-2733.

New Mexico Environment Department, Harold Runnels Building, room So. 2100, 1190 St. Francis Drive, Santa Fe, New Mexico 87503.

City of Albuquerque/Bernalillo County, Environmental Health Department, One Civic Plaza, NW., room 3023, Albuquerque, New Mexico 87103.

**FOR FURTHER INFORMATION CONTACT:** Wm. Nicholas Stone, Air Permits Section (6PD-R), Environmental Protection Agency, Region 6, 1445 Ross Avenue, suite 700, Dallas, Texas 75202-2733, telephone 214-665-7226.

## **SUPPLEMENTARY INFORMATION:**

### **I. Background and Purpose**

#### *Introduction*

Title V of the 1990 Clean Air Act Amendments (sections 501-507 of the Clean Air Act (the Act)), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 required that States develop and submit Operating Permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval and disapproval. 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 two years. If EPA has not fully approved a program by two years after the November 15, 1993, date, or by the end of an interim program, it must establish and implement a Federal program.

On May 19, 1994, EPA proposed interim approval of the Operating Permits program for the State of New Mexico, (See 59 FR 26158 (May 19, 1994)). The EPA received public comment on the proposal and compiled a final Technical Support Document (TSD) responding to those comments and briefly describing and clarifying aspects of the Operating Permits program. The EPA granted final interim approval to the New Mexico program on December 19, 1994. This final interim approval, published November 18, 1994, required the State to correct the statutory defect in criminal fine authority.

On January 10, 1995, EPA proposed interim approval of the Operating Permits program for the City (See 60 FR 2570 (January 10, 1995)). The EPA received public comment on the proposal and compiled a final TSD

responding to those comments and briefly describing and clarifying aspects of the Operating Permits program. The EPA granted final interim approval to the City with an informational notice in the Federal Register dated March 10, 1995. The effective date of the final interim approval was March 13, 1995. The final interim approval notice (60 FR 2527) required a statutory revision in criminal fine authority by the State and revisions to the City Joint Air Quality Control Board Ordinance and the County Joint AQC Board Ordinance consistent with the State revision.

The State submitted corrections to the Operating Permits program in two letters from the Governor, dated May 15, 1995, and July 3, 1995. A third letter from the Secretary of the NMED, dated July 31, 1996, was submitted to clarify these corrections. These changes fulfill the requirements of 40 CFR part 70 for the State to receive full approval of its Operating Permits program. This corrective action was cited by the Albuquerque/Bernalillo County program in a letter dated June 4, 1996, requesting EPA to complete final approval of the corrected City program. In this document, EPA is taking final action to promulgate full approval of the Operating Permits program for the State of New Mexico and the City of Albuquerque/Bernalillo County.

## II. Final Action and Implications

### A. Analysis of State Submission

The State of New Mexico submitted to EPA, under a cover letter from the Governor dated November 15, 1993, the State's Operating Permits program. The City of Albuquerque/Bernalillo County submitted their final Operating Permits program to EPA on April 4, 1994. Both programs have addressed the interim approval issue regarding statutory fine authority and requested full approval of the corrected programs. These submittals have adequately addressed all 16 elements required for full approval as discussed in part 70. The State of New Mexico and the City appropriately addressed all requirements necessary to receive full approval of their Operating Permits program pursuant to title V of the Act and 40 CFR part 70.

The final interim approval for both programs (59 FR 59656 and 60 FR 2527) required the State to correct the statutory defect in criminal fine authority, and for the City to amend the ordinances to be consistent with the State revision, in order to receive full approval. In addition to raising the criminal fine amounts to at least \$10,000 for all offenses listed in 40 CFR

70.11(a)(3)(ii), statutory revisions must provide authority for the imposition of those fines on a per day per violation basis, as required by 40 CFR 70.11(a)(3)(ii). Evidence of these statutory revisions and their procedurally correct adoption were submitted to EPA under the Governor's signature in a letter dated May 15, 1995. This amendment to the State statute corrects the defect noted in both interim approvals.

The State of New Mexico also submitted a list of insignificant activities under the Governor's signature in a letter dated July 3, 1995. The State made this revision based on the requirement that the Administrator approve any list of insignificant activities. This action will approve the list of insignificant activities into the approved program.

### B. Options for Approval

The EPA is promulgating full approval of the Operating Permits program submitted by the State on November 15, 1993, and amended on May 15, 1995, and again on July 3, 1995. Further, EPA is promulgating full approval of the Operating Permits program submitted by the City on April 4, 1994, and amended with the changes to the State statute cited in the letter dated June 4, 1996. These amendments were incorporated into the City ordinances on July 3, 1996. The amendments to the program noted above satisfy the full approval requirements set forth in the final interim approval published November 18, 1994, for the State of New Mexico and on January 10, 1995, for the City of Albuquerque/Bernalillo County.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, EPA is proposing to approve these Operating Permits programs should adverse or critical comments be filed. This action will be effective January 27, 1997 unless, by December 26, 1996, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent action that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. The 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 January 27, 1997.

## III. Administrative Requirements

### A. Docket

Copies of the State's submittal and other information relied upon for the final full approval, including the submission under the Governor's signature, are contained in docket number FR Docket OPP 4-9-2 and FR Docket OPP 5-9-2, maintained at EPA Region 6 Office. Copies of the City's submittal and other information relied upon for the final full approval are contained in docket number FR Docket OPP 5-9-2, maintained at EPA Region 6 Office. These dockets are an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of these final full approvals. These dockets are available for public inspection at the location listed under the ADDRESSES section of this document.

### B. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

### C. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995, signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule 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.

The EPA has determined that the approval action promulgated today 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.

*D. Submission to Congress and the General Accounting Office*

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

*E. Petitions for Judicial 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 January 27, 1997. 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 may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

## List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: November 12, 1996.

Lynda F. Carroll,

*Acting Regional Administrator (6RA).*

40 CFR part 70 is amended as follows:

**PART 70—[AMENDED]**

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. In appendix A to part 70 the entry for "New Mexico" is amended by adding paragraphs (c) and (d) to read as follows:

**Appendix A to Part 70—Approval status of State and Local Operating Permits Programs**

\* \* \* \* \*

New Mexico

\* \* \* \* \*

(c) The New Mexico Environment Department, Air Pollution Control Bureau submitted an operating permits program on November 15, 1993, which was revised July 31, 1996, and became effective on December 26, 1996.

(d) The City of Albuquerque, Environmental Health Department,

submitted an operating permits program on April 4, 1994, which was revised July 31, 1996, and became effective on December 26, 1996.

\* \* \* \* \*

[FR Doc. 96-30159 Filed 11-25-96; 8:45 am]

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**GENERAL SERVICES ADMINISTRATION****41 CFR Part 101-49**

[FPMR Amendment H-193]

RIN 3090-AG14

**Reporting Requirements for Foreign Gifts and Decorations**

**AGENCY:** Office of Governmentwide Policy, GSA.

**ACTION:** Final rule.

**SUMMARY:** Section 101-49.001-5 currently defines the minimal value for reporting foreign gifts as \$225. Public Law 95-105 requires that at 3-year intervals following January 1, 1981, minimal value be redefined by the Administrator of General Services, after consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period. The required consultation has been completed and the minimal value has been increased to \$245.

**EFFECTIVE DATE:** January 1, 1996.

**FOR FURTHER INFORMATION CONTACT:** Martha S. Caswell, Director, Personal Property Management Policy Division (202-501-3828).

**SUPPLEMENTARY INFORMATION:** The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866.

**Regulatory Flexibility Act**

This rule is not required to be published in the Federal Register for notice and comment. Therefore, the Regulatory Flexibility Act does not apply.

## List of Subjects in 41 CFR Part 101-49

Decoration, medals and awards; Government property; Government property management.

For reasons set forth in the preamble, 41 CFR Part 101-49 is amended as follows:

**PART 101-49—UTILIZATION, DONATION, AND DISPOSAL OF FOREIGN GIFTS AND DECORATIONS**

1. The authority citation for Part 101-49 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)) sec. 515, 91 Stat. 862 (5 U.S.C. 7342).

2. Section 101-49.001-5 is amended by revising the introductory text to read as follows:

**§ 101-49.001-5 Minimal value.**

*Minimal value* means a retail value in the United States at the time of acceptance of \$245 or less, except that:

\* \* \* \* \*

Dated: September 9, 1996.

David J. Barram,

*Acting Administrator of General Services.*

[FR Doc. 96-30193 Filed 11-25-96; 8:45 am]

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**FEDERAL EMERGENCY MANAGEMENT AGENCY****44 CFR Part 65****Changes in Flood Elevation Determinations**

**AGENCY:** Federal Emergency Management Agency (FEMA).

**ACTION:** Final rule.

**SUMMARY:** Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

**EFFECTIVE DATES:** The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) in effect for each listed community prior to this date.

**ADDRESSES:** The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

**FOR FURTHER INFORMATION CONTACT:** Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency makes the final determinations listed below of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Executive Associate Director has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in