

The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** May 29, 2001.

**FOR FURTHER INFORMATION CONTACT:** Commander G. A. Cervi, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty and Maritime Law), Department of the Navy, Office of the Judge Advocate General, 1322 Patterson Avenue, Suite 3000, Washington Navy Yard, DC, 20374, Telephone number: (202) 685-5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) of the Navy, under authority delegated by the Secretary of the Navy, has

certified that USS RAMAGE (DDG 61) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 3(a) pertaining to the horizontal distance between the forward and after masthead lights. The Deputy Assistant Judge Advocate General (Admiralty and Maritime Law) has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is

based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine Safety, Navigation (Water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

**PART 706—[AMENDED]**

1. The authority citation for 32 CFR Part 706 continues to read:

**Authority:** 33 U.S.C. 1605.

**§ 706.2 [AMENDED]**

2. Table Five of § 706.2 is amended by revising the entry for USS RAMAGE (DDG 61) to read as follows:

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex 1, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex 1, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. annex 1, sec. 3(a)	Percentage horizontal separation attained
USS RAMAGE .....	DDG 61	X	X	X	19.2

Dated: May 29, 2001.

**G.A. Cervi,**  
*CDR, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty and Maritime Law)*  
 [FR Doc. 01-26645 Filed 10-22-01; 8:45 am]  
**BILLING CODE 3810-FF-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 55**

[Alaska 001; FRL -7082-4]

**Outer Continental Shelf Air Regulations; Consistency Update for Alaska**

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

**ACTION:** Final rule; Removal of amendment and reinstatement of regulatory text.

**SUMMARY:** On March 1, 2001, the EPA published a direct final rule (66 FR 12982), and an accompanying proposed rule (66 FR 12986) updating the Outer Continental Shelf ("OCS") Air Regulations as they apply to OCS sources off the coast of Alaska.

The direct final rule indicated that the rule was effective April 16, 2001, unless

EPA received adverse comment on the rule by April 2, 2001. The Federal Register action also indicated that if adverse comment was received, EPA would publish a withdrawal of the final rule.

On March 9, 2001, EPA received adverse comments from the International Association of Drilling Contractors. Accordingly, EPA is removing the amendment made by that final rule due to the adverse public comments received and reinstating the previous regulatory text. In a subsequent action, EPA will summarize and respond to the comments received on the OCS Air Regulations as they apply to OCS sources off the coast of Alaska.

**DATES:** This rule is effective October 23, 2001. The incorporation by reference of certain publications listed in this rule is approved by the Director of the Federal Register as of October 23, 2001.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Seattle, Washington, 98101. Interested persons wanting to examine these documents should make an appointment with the

appropriate office at least 24 hours before the visiting day.

**FOR FURTHER INFORMATION CONTACT:** Dan Meyer, Office of Air Quality (OAQ-107), U.S. EPA Region 10, 1200 Sixth Avenue, Seattle, WA 98101, Telephone: (206) 553-4150.

**List of Subjects in 40 CFR Part 55**

Environmental protection, Administrative practice and procedures, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Nitrogen oxides, Outer Continental Shelf, Ozone, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: September 24, 2001.

**Charles E. Findley,**  
*Acting Regional Administrator, Region 10.*

Title 40 of the Code of Federal Regulations, part 55, is amended as follows:

**PART 55—[AMENDED]**

1. The authority citation for part 55 continues to read as follows:

**Authority:** Section 328 of the Act (42 U.S.C. 7401, *et seq.*) as amended by Public Law 101-549.

2. Section 55.14 is amended by revising paragraph (e)(2)(i)(A) to read as follows:

**§ 55.14 Requirements that apply to OCS sources located within 25 miles of States' seaward boundaries, by State.**

\* \* \* \* \*

- (e) \* \* \*
- (2) \* \* \*
- (i) \* \* \*

(A) *State of Alaska Requirements Applicable to OCS Sources*, January 18, 1997.

\* \* \* \* \*

3. Appendix A to CFR part 55 is amended by revising paragraph (a)(1) under the heading "Alaska" to read as follows:

**Appendix A to 40 CFR Part 55—Listing of State and Local Requirements Incorporated by Reference Into Part 55, by State.**

\* \* \* \* \*

Alaska

(a) \*\*\*

(1) The following requirements are contained in the *State of Alaska Requirements Applicable to OCS Sources*, January 18, 1997.

Alaska Administrative Code—Department of Environmental Conservation.

The following sections of Title 18, Chapter 50:

**Article 1. Ambient Air Quality Management**

- 18 AAC 50.005. Purpose and Applicability of Chapter (effective 1/18/97)
- 18 AAC 50.010. Ambient Air Quality Standards (effective 1/18/97)
- 18 AAC 50.015. Air Quality Designations, Classifications, And Control Regions (effective 1/18/97)
  - Table 1. Air Quality Classifications
- 18 AAC 50.020. Baseline Dates, Maximum Allowable Increases, And Maximum Allowable Ambient Concentrations (effective 1/18/97)
  - Table 2. Baseline Dates
  - Table 3. Maximum Allowable Increases
- AAC 50.025. Visibility and Other Special Protection Areas with the exception of (b) and (c) (effective 1/18/97)
- 18 AAC 50.030. State Air Quality Control Plan (effective 1/18/97)
- 18 AAC 50.035. Documents, Procedures, and Methods Adopted by Reference (effective 1/18/97)2
- 18 AAC 50.045. Prohibitions (effective 1/18/97)
- 18 AAC 50.050. Incinerator Emission Standards (effective 1/18/97)
  - Table 4. Particulate Matter Standards for Incinerators
- 18 AAC 50.055. Industrial Processes and Fuel-burning Equipment (effective 1/18/97)
- 18 AAC 50.065. Open Burning (effective 1/18/97)
  - (a) General Requirements
  - (b) Black Smoke Prohibited
  - (c) Toxic and Acid Gases and Particulate Matter Prohibited

- (d) Adverse Effects Prohibited
- (e) Air Quality Advisory
- (i) Firefighter Training: Fuel Burning
- (j) Public Notice
- (k) Complaints
- 18 AAC 50.070. Marine Vessel Visible Emission Standards (effective 1/18/97)
- 18 AAC 50.080. Ice Fog Standards (effective 1/18/97)
- 18 AAC 50.100. Nonroad Engines (effective 1/18/97)
- 18 AAC 50.110. Air Pollution Prohibited (effective 5/26/72)

**Article 2. Program Administration**

- 18 AAC 50.201. Ambient Air Quality Investigation (effective 1/18/97)
- 18 AAC 50.205. Certification (effective 1/18/97)
- 18 AAC 50.210. Potential to Emit (effective 1/18/97)
- 18 AAC 50.215. Ambient Air Quality Analysis Methods (effective 1/18/97)
- 18 AAC 50.220. Enforceable Test Methods (effective 1/18/97)
- 18 AAC 50.225. Owner-requested Limits (effective 1/18/97)
- 18 AAC 50.230. Preapproved Limits (effective 1/18/97)
- 18 AAC 50.235. Unavoidable Emergencies and Malfunctions (effective 1/18/97)
- 18 AAC 50.240. Excess Emissions (effective 1/18/97)

**Article 3. Permit Procedures and Requirements**

- 18 AAC 50.300. Construction Permits: Classifications (effective 1/18/97)
  - (a) [untitled]
  - (b) Ambient Air Quality Facilities
  - (c) Prevention of Significant Deterioration Major Facilities
  - (d) Nonattainment Major Facilities
  - (e) Major Facility Near a Nonattainment Area
  - (f) Hazardous Air Contaminant Major Facilities
  - (g) Port of Anchorage Facilities
  - (h) Modifications
- 18 AAC 50.305. Construction Permit Provisions Requested by the Owner or Operator (effective 1/18/97)
- 18 AAC 50.310. Construction Permits: Application (effective 1/18/97)
  - (a) Application Required
  - (b) Operating Permit Coordination
  - (c) General Information
  - (d) Prevention of Significant Deterioration Information
- Table 6. Significant Concentrations
- (e) Excluded Ambient Air Monitoring
- (f) Nonattainment Information
- (g) Demonstration Required Near A Nonattainment Area
- (h) Hazardous Air Contaminant Information
- (j) Nonattainment Air Contaminant Reductions
- (k) Revising Permit Terms
- (l) Requested Limits
- (m) Stack Injection
- 18 AAC 50.320. Construction Permits: Content and Duration (effective 1/18/97)
- 18 AAC 50.325. Operating Permits: Classifications (effective 1/18/97)
- 18 AAC 50.330. Operating Permits: Exemptions (effective 1/18/97)

- 18 AAC 50.335. Operating Permits: Application (effective 1/18/97)
  - (a) Application Required
  - (b) Identification
  - (c) General Emission Information
  - (d) Fees
  - (e) Regulated Source Information
  - (f) Facility-wide Information: Ambient Air Quality
  - (g) Facility-wide Information: Owner Requested Limits
  - (h) Facility-wide Information: Emissions Trading
  - (i) Compliance Information
  - (j) Proposed Terms and Conditions
  - (k) Compliance Certifications
  - (l) Permit Shield
  - (m) Supporting Documentation
  - (n) Additional Information
  - (o) Certification of Accuracy and Completeness
  - (p) Renewals
  - (q) Insignificant Sources
  - (r) Insignificant Sources: Emission Rate Basis
  - (s) Insignificant Sources: Category Basis
  - (t) Insignificance Sources: Size or Production Rate Basis
  - (u) Insignificant Sources: Case-by-Case Basis
  - (v) Administratively Insignificant Sources
- 18 AAC 50.340. Operating Permits: Review and Issuance (effective 1/18/97)
  - (a) Review for Completeness
  - (b) Evaluation of Complete Applications
  - (c) Expiration of Application Shield
  - (d) Preliminary Decision
  - (e) Public Comment
  - (f) Record of Public Comment
  - (g) Final Permit Decision
  - (i) Permit Continuity
- 18 AAC 50.345. Operating Permits: Standard Conditions (effective 1/18/97)
- 18 AAC 50.350. Operating Permits: Content (effective 1/18/97)
  - (a) Purpose of Section
  - (b) Standard Requirements
  - (c) Fee Information
  - (d) Source-Specific Permit Requirements
  - (e) Facility-Wide Permit Requirements
  - (f) Other Requirements
  - (g) Monitoring Requirements
  - (h) Records
  - (i) Reporting Requirements
  - (j) Compliance Certification
  - (k) Compliance Plan and Schedule
  - (l) Permit Shield
- 18 AAC 50.355. Operating Permits: Changes to a Permitted Facility (effective 1/18/97)
- 18 AAC 50.360. Operating Permits: Facility Changes that Violate a Permit Condition (effective 1/18/97)
- 18 AAC 50.365. Operating Permits: Facility Changes that do not Violate a Permit Condition (effective 1/18/97)
- 18 AAC 50.370. Operating Permits: Administrative Revisions (effective 1/18/97)
- 18 AAC 50.375. Operating Permits: Minor and Significant Permit Revisions (effective 1/18/97)
- 18 AAC 50.380. General Operating Permits (effective 1/18/97)

**Article 4. User Fees**

- 18 AAC 50.400. Permit Administration Fees (effective 1/18/97)

- 18 AAC 50.410. Emission Fees (effective 1/18/97)  
 18 AAC 50.420. Billing Procedures (effective 1/18/97)

#### Article 9. General Provisions

- 18 AAC 50.910. Establishing Level of Actual Emissions (effective 1/18/97)  
 18 AAC 50.990. Definitions (effective 1/18/97)

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[FR Doc. 01-26684 Filed 10-22-01; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 257 and 258

[FRL-7076-4]

RIN 2050-AE86

#### Criteria for Classification of Solid Waste Disposal Facilities and Practices and Criteria for Municipal Solid Waste Landfills: Disposal of Residential Lead-Based Paint Waste

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

**ACTION:** Direct final rule.

**SUMMARY:** In order to help accelerate the pace of lead-based paint removal from residences, and thereby reduce exposure to children and adults from the health risks associated with lead, EPA is taking direct final action to revise the definition of "municipal solid waste landfill unit" in both the Criteria for Classification of Solid Waste Disposal Facilities and Practices and the Criteria for Municipal Solid Waste Landfills. EPA is also adding two new definitions for "construction and demolition (C&D) landfill" and "residential lead-based paint waste." This rule will expressly allow residential lead-based paint waste to be disposed of in construction and demolition landfills by clearly stating that a construction and demolition landfill accepting residential lead-based paint waste, and no other household waste, is not a municipal solid waste landfill unit. Today's action does not prevent a municipal solid waste landfill unit from continuing to receive residential lead-based paint waste.

**DATES:** This rule is effective on January 22, 2002 unless EPA receives adverse comment by November 23, 2001. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Commenters must send an original and two copies of their comments referencing docket number F-2001-LBPP-FFFFF to: (1) if using regular US Postal Service mail: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), Crystal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460-0002, or (2) if using special delivery, such as overnight express service: RCRA Docket Information Center (RIC), Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202. Comments may also be submitted electronically through the Internet to: [rcra-docket@epa.gov](mailto:rcra-docket@epa.gov). Comments in electronic format should also be identified by the docket number F-2001-LBPP-FFFFF and must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

Commenters should not submit electronically any confidential business information (CBI). An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, Office of Solid Waste (5305W), U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460-0002.

You can view supporting materials for this rule in the Resource Conservation and Recovery Act (RCRA) Information Center (RIC). The RIC is located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA, and is open from 9 a.m. to 4 p.m., Monday through Friday, excluding federal holidays. The Docket Identification Number for this notice is F-2001-LBPP-FFFFF.

To review docket materials, we recommend that you make an appointment by calling (703) 603-9230. You may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page. The index and some supporting materials are available electronically. See the **SUPPLEMENTARY INFORMATION** section for information on accessing them.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline at (800) 424-9346 or TDD (800) 553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call (703) 412-9810 or TDD (703) 412-3323.

For information on specific aspects of this rule, contact Sue Nogas, Office of Solid Waste (mail code 5306W), U.S. Environmental Protection Agency, 1200

Pennsylvania Avenue, NW, Washington, DC 20460; (703) 308-7251, [nogas.sue@epa.gov](mailto:nogas.sue@epa.gov).

**SUPPLEMENTARY INFORMATION:** The index to the rule docket and some supporting materials are available on the Internet. You can find these materials at <http://www.epa.gov/epaoswer/non-hw/muncpl/landfill/pb-paint.htm>.

EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment. The rule expressly allows another environmentally safe waste disposal option (*i.e.*, C&D landfills) for residential LBP waste, an option that may be less expensive than MSWLFs in certain areas of the U.S. For that reason, EPA believes this rule may hasten the pace with which LBP hazards are removed from homes, thus reducing the risk of lead poisoning in children. However, in the "Proposed Rules" section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to revise the definition of municipal solid waste landfill unit and add the definitions of construction and demolition landfill and residential lead-based paint waste. We are publishing the proposal to give the public the opportunity to comment on today's action, although we do not expect to receive comments. This rule will be effective on January 22, 2002 without further notice unless we receive adverse comment by November 23, 2001. If EPA receives adverse comment, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

**Affected Entities:** You may be potentially affected by this direct final rule if you generate residential lead-based paint (LBP) waste as a result of LBP activities (including abatement, rehabilitation, renovation and remodeling) in homes, residences, and other households. By "households," we mean single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

Affected categories and entities would include: