

3. Table Four, Paragraph 19 of § 706.2 is amended by adding, in numerical

order, the following entry for the USS JUNEAU (LPD 10):

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

Vessel				Number		Distance in meters of sidelights above maximum allowed height.
*	*	*	*	*	*	*
USS JUNEAU	LPD 10					1.6
*	*	*	*	*	*	*

4. Table Five of § 706.2 is amended by revising the entry for the USS JUNEAU (LPD 10) to read as follows:

§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.

* * * * *

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship. annex I, sec. 3(a)	After masthead light less than 1/2 ship's length aft of forward masthead light. annex I, sec. 3(a)	Percentage horizontal separation attained.
*	*	*	*	*	*
USS JUNEAU	LPD 10	N/A	N/A	X	54.8
*	*	*	*	*	*

Dated: April 16, 1999.

Approved:

R.R. PIXA,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).

Dated: May 3, 1999.

Pamela A. Holden,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Certifying Officer.

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DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 254

Landownership Adjustment; Land Exchanges

AGENCY: Forest Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: This technical amendment corrects an oversight that occurred when regulations pertaining to land exchanges were adopted in 1994. The final land exchange rule failed to

correctly conform the citations for administrative appeal regulations applicable to appealing land exchange decisions. This technical amendment corrects that oversight, making it clear that the appeal procedures to be followed are those in 36 CFR part 215, not part 217.

EFFECTIVE DATE: This rule is effective May 13, 1999.

FOR FURTHER INFORMATION CONTACT: Greg Smith, Lands Staff, MAIL STOP 1124, Forest Service, USDA, PO Box 96090, Washington, DC 20090-6090, 202-205-1769.

SUPPLEMENTARY INFORMATION: On March 8, 1994, the Department adopted a final rule (59 FR 10854) at 36 CFR part 254 revising procedures for Forest Service land exchange activities as authorized by the Federal Land Exchange Facilitation Act of August 20, 1988. When the Forest Service published the proposed land exchange rule in 1991, the applicable appeal regulations were at 36 CFR parts 251 and 217. At that time, part 217 covered appeals of both plan and project level decisions. However in 1993, the Department adopted new appeal regulations at 36 CFR part 215 (58 FR 58904) and

simultaneously revised the appeal rules at 36 CFR part 217 to apply solely to National Forest Land and Resource Management Plan decisions. When the Department proceeded to the final land exchange rule, the citations to the appeal regulation inadvertently was not changed to conform to the 1993 appeal rules.

Decisions pertaining to specific land exchanges are not National Forest Land and Resource Management Plan decisions and, therefore, have not been appealable under 36 CFR part 217 since 1993 pursuant to section 322 of the Department of the Interior and Related Agencies Appropriations Act of 1993 (16 U.S.C. 1612 note). Instead, these land exchange decision concern projects or activities that implement land and resource management plans and therefore are subject to appeal under CFR part 215. This rule corrects the citations in 36 CFR part 254 at § 254.4(g), § 254.13(b), and § 254.14(b)(6).

This oversight was discovered only recently, and the agency is moving to correct this citation error as quickly as possible to avoid any further confusion.

Compliance With Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b) of the Administrative Procedure Act, the Forest Service had determined that good cause exists for adopting this final rule without prior notice and comment opportunity. This rule is a technical amendment. The need for this rule arises from the agency's inadvertent failure to conform cross references in land exchange regulations at 36 CFR part 254 in a 1994 final rule to changes in administrative appeal regulations at 36 CFR parts 215 and 217 adopted in 1993. This conforming amendment does not alter the agency's practice with regard to administrative appeals of land exchange decisions. The agency has been routinely processing appeals of land exchange decisions under 36 CFR part 215, since land exchange decisions are project-level decisions, not land and resource management plan decisions. Because this rulemaking does not make any substantive changes to regulations for land exchanges, does not limit appeal rights for decision related to land exchange activities, and merely conforms a cross reference to the appeal regulations that are actually in use, notice and comment on this rule prior to adoption is unnecessary.

Regulatory Impact

This rule is a technical amendment to correct a reference to another rule. As such, it has no substantive effect, since by the terms of the appeal rules at 36 CFR part 217, only land and resource management plan decision are subject to that rule. Additionally, despite the cross-reference error in part 254, the agency has been processing land exchange appeals under part 215 since 1993. As noted in the preamble, land exchange decisions are not plan decisions. For these reasons, this technical amendment is not subject to review under USDA procedures and Exchange Order 12866 on Regulatory Planning and Review. Accordingly, this rule is not subject to Office of Management and Budget review under Executive Order 12866. Furthermore, this rule is exempt from further analysis under the Unfunded Mandates Reform Act of 1995; Executive Order 12778, Civil Justice Reform; Executive Order 12530, Takings Implications; the Regulatory Flexibility Act; or the Paperwork Reduction Act of 1995.

List of Subjects in 36 CFR Part 254

Community facilities and national forests.

Therefore, for the reasons set forth in the preamble, part 254 of Title 36 of the

Code of Federal Regulations is amended as follows:

PART 254—[Amended]

1. The authority citation for part 254 continues to read:

Authority: 7 U.S.C. 428a(a) and 1011; 16 U.S.C. 484a, 486, 516, 551, and 555a; 43 U.S.C. 1701, 1715, and 1740; and other applicable laws.

2. Revise paragraph (g) of § 254.4 to read as follows:

§ 254.4 Agreement to initiate an exchange.

* * * * *

(g) The withdrawal from an exchange proposal by an authorized officer at any time prior to the notice of decision, pursuant to § 254.13 of this subpart, is not appealable under 36 CFR part 215 or 36 CFR part 251, subpart C.

3. Revise paragraph (b) of § 254.13 to read as follows:

§ 254.13 Approval of exchanges; notice of decision.

* * * * *

(b) For a period of 45 days after the date of publication of a notice of the availability of a decision to approve or disapprove an exchange proposal, the decision shall be subject to appeal as provided under 36 CFR part 215 or, for eligible parties, under 36 CFR part 251, subpart C.

4. Revise paragraph (b)(6) of § 254.14 to read as follows:

§ 254.14 Exchange agreement.

* * * * *

(b) * * *

(6) In the event of an appeal under 36 CFR part 215 or 36 CFR part 251, subpart C, a decision to approve an exchange proposal pursuant to § 254.13 of this subpart is upheld; and

* * * * *

Dated: April 2, 1999.

Sandra Key,

Acting Associate Chief.

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BILLING CODE 3410-11-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 192-0132a; FRL-6334-5]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revisions, Mojave Desert Air Quality Management District and Tehama County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the California State Implementation Plan (SIP) which concern the rescission of rules for the Mojave Desert Air Quality Management District (MDAQMD) and Tehama County Air Pollution Control District (TCAPCD). These rules concern emissions from orchard heaters and fuel burning equipment. The intended effect of this action is to bring the MDAQMD and TCAPCD SIPs up to date in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act).

DATES: This rule is effective on July 12, 1999 without further notice, unless EPA receives relevant adverse comments by June 14, 1999. If EPA receives such comments then it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments should be addressed to: Andrew Steckel, Rulemaking Office (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

Copies of the rules and EPA's evaluation report for the rules are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are also available for inspection at the following locations:

California Air Resources Board,
Stationary Source Division, Rule
Evaluation Section, 2020 "L" Street,
Sacramento, CA 95812.
Mojave Desert Air Quality Management
District, 15428 Civic Drive, Suite 200,
Victorville, CA 92392-2383
-Tehama County Air Pollution Control
District, 1760 Walnut Street, Red
Bluff, CA 96080.

FOR FURTHER INFORMATION CONTACT: Al Petersen, Rulemaking Office, (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1135.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being proposed for rescission from the MDAQMD portion of the California SIP are included in San Bernardino County Air Pollution Control District (SBCAPCD) Regulation VI, Orchard, Field or Citrus Grove Heaters, consisting of Rule 100, Definitions; Rule 101, Exceptions; Rule 102, Permits Required; Rule 103, Transfer; Rule 104, Standards for