

U.S.C. 13031 shall be made to the local law enforcement agency or local child protective services agency that has jurisdiction to investigate reports of child abuse or to protect child abuse victims in the land area or facility in question." The Diplomatic Security Service would therefore be the "designated agency" in the circumstances described in this comment, inasmuch as Section 81.5 defines local law enforcement agency to include "the Federal * * * law enforcement agency that has the primary responsibility for the investigation of an instance of alleged child abuse* * *"

Comments from the Office of Enforcement and Security Management, United States Department of Interior:

1. Eliminate from the last sentence of section 81.2 the following: "* * * or a Federal agency with jurisdiction for the area or facility in question," and omit the requirement for a formal written agreement with local law enforcement entities.

Response: The provisions of the enabling statute, 42 U.S.C. 13031, preclude adoption of the suggested amendment. We understand that the underlying concern behind the Department of Interior request is apprehension that an administratively crippling number of agreements would be needed in Bureau of Land Management ("BLM") areas. However, the Department does not interpret the term "federal lands" as used in 42 U.S.C. 13031 to include those lands held by the United States merely as a proprietor as distinguished from those lands over which the United States is empowered to exercise legislative jurisdiction. See generally *Adams v. United States*, 319 U.S. 312 (1943); *James v. Dravo Contracting Co.*, 302 U.S. 134, 139 (1937). It is our understanding that most land managed by BLM falls within the former category. Congress could not reasonably have intended to include such lands within the term "federal lands" as used in the Victims of Child Abuse statute. Therefore, the mandates of the rule and enabling legislation do not apply to such merely proprietary lands managed by BLM.

List of Subjects in 28 CFR Part 81

Child abuse, Federal buildings and facilities.

For the reasons set forth in the preamble, and by virtue of the authority vested in me as Attorney General, including 28 U.S.C. 509 and 510, 5 U.S.C. 301, and 42 U.S.C. 13031, and Public Law 101-647 (104 Stat. 4806), part 81 of chapter I of title 28 of the

Code of Federal Regulations is added as follows:

PART 81—CHILD ABUSE REPORTING DESIGNATIONS AND PROCEDURES

Sec.

81.1 Purpose.

81.2 Submission of reports; designation of agencies to receive reports of child abuse.

81.3 Designation of Federal Bureau of Investigation.

81.4 Referral of reports where designated agency is not a law enforcement agency.

81.5 Definitions.

Authority: 28 U.S.C. 509, 510; 42 U.S.C. 13031.

§ 81.1 Purpose.

The regulations in this part designate the agencies that are authorized to receive and investigate reports of child abuse under the provisions of section 226 of the Victims of Child Abuse Act of 1990, Public Law 101-647, 104 Stat. 4806, codified at 42 U.S.C. 13031.

§ 81.2 Submission of reports; designation of agencies to receive reports of child abuse.

Reports of child abuse required by 42 U.S.C. 13031 shall be made to the local law enforcement agency or local child protective services agency that has jurisdiction to investigate reports of child abuse or to protect child abuse victims in the land area or facility in question. Such agencies are hereby respectively designated as the agencies to receive and investigate such reports, pursuant to 42 U.S.C. 13031(d), with respect to federal lands and federally operated or contracted facilities within their respective jurisdictions, provided that such agencies, if non-federal, enter into formal written agreements to do so with the Attorney General, her delegate, or a federal agency with jurisdiction for the area or facility in question. If the child abuse reported by the covered professional pursuant to 42 U.S.C. 13031 occurred outside the federal area or facility in question, the designated local law enforcement agency or local child protective services agency receiving the report shall immediately forward the matter to the appropriate authority with jurisdiction outside the federal area in question.

§ 81.3 Designation of Federal Bureau of Investigation.

For federal lands, federally operated facilities, or federally contracted facilities where no agency qualifies for designation under § 81.2, the Federal Bureau of Investigation is hereby designated as the agency to receive and investigate reports of child abuse made pursuant to 42 U.S.C. 13031 until such

time as another agency qualifies as a designated agency under § 81.2.

§ 81.4 Referral of reports where the designated agency is not a law enforcement agency.

Where a report of child abuse received by a designated agency that is not a law enforcement agency involves allegations of sexual abuse, serious physical injury, or life-threatening neglect of a child, that agency shall immediately report such occurrence to a law enforcement agency with authority to take emergency action to protect the child.

§ 81.5 Definitions.

Local child protective services agency means that agency of the federal government, of a state, of a tribe or of a local government that has the primary responsibility for child protection within a particular portion of the federal lands, a particular federally operated facility, or a particular federally contracted facility in which children are cared for or reside.

Local law enforcement agency means that federal, state, tribal or local law enforcement agency that has the primary responsibility for the investigation of an instance of alleged child abuse occurring within a particular portion of the federal lands, a particular federally operated facility, or a particular federally contracted facility in which children are cared for or reside.

Dated: February 18, 1996.

Janet Reno,

Attorney General.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 71-10-7281a; FRL-5422-9]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action on revisions to the California State Implementation Plan. The revisions concern rules from the Mojave Desert Air Quality Management District (MDAQMD) and the Ventura County Air

Pollution Control District (VCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The rules control VOC emissions from asphalt roofing operation, semiconductor manufacturing operations, and glycol dehydrators. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on April 29, 1996 unless adverse or critical comments are received by April 1, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rule revisions and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule revisions are available for inspection at the following locations:
Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95814

Mojave Desert Air Quality Management District, 15428 Civic Drive, Suite 200, Victorville, CA 92392

Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, CA 93003

FOR FURTHER INFORMATION CONTACT: Patricia A. Bowlin, Rulemaking Section (A-5-3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1188.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: MDAQMD Rule 471, Asphalt Roofing Operations; VCAPCD Rule 74.28, Asphalt Roofing Operations; VCAPCD Rule 74.21, Semiconductor Manufacturing; VCAPCD Rule 71.5, Glycol Dehydrators;

and VCAPCD Rule 71, Crude Oil and Reactive Organic Compound Liquids. The California Air Resources Board submitted these rules to EPA on December 22, 1994; November 18, 1993; July 13, 1994; and February 24, 1995 (Rules 71 and 71.5) respectively.

Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the Southeast Desert Modified AQMA Area¹ and the Ventura County Area. 43 FR 8964, 40 CFR 81.305. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above districts' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.² EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Southeast Desert Modified AQMA Area is classified as Severe-17, and the Ventura County Area is classified as Severe-15³; therefore, these

¹ Portions of MDAQMD lie within the Southeast Desert Modified AQMA Area.

² Among other things, the pre-amendment guidance consists of those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice" (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988); and the existing control technique guidelines (CTGs).

³ Southeast Desert Modified AQMA Area and Ventura County Area retained their designations of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991).

areas were subject to the RACT fix-up requirement and the May 15, 1991 deadline.

The State of California submitted many revised RACT rules for incorporation into its SIP on December 22, 1994; November 18, 1993; July 13, 1994; and February 24, 1995, including the rules being acted on in this notice. This notice addresses EPA's direct-final action for MDAQMD Rule 471, Asphalt Roofing Operations; VCAPCD Rule 74.28, Asphalt Roofing Operations; VCAPCD Rule 74.21, Semiconductor Manufacturing; VCAPCD Rule 71.5, Glycol Dehydrators; and VCAPCD Rule 71, Crude Oil and Reactive Organic Liquids. The MDAQMD adopted Rule 471 on December 21, 1994. The VCAPCD adopted Rule 74.28 on May 10, 1994; Rule 74.21 on April 6, 1993; and Rules 71.5 and 71 on December 13, 1994. These submitted rules were found to be complete on January 3, 1995; September 12, 1994; December 23, 1993; and March 10, 1995 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V⁴ and are being finalized for approval into the SIP.

The submitted rules control VOC emissions from the operation of roofing kettles, the manufacture of semiconductors, and the use of glycol dehydrators. VOCs contribute to the production of ground level ozone and smog. The rules were adopted as part of each district's efforts to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and final action for these rules.

EPA Evaluation and Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for today's action, appears in the various EPA policy guidance documents listed in footnote 2. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

⁴ EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). There is no CTG applicable to any of the rules being considered in this notice. For source categories that do not have an applicable CTG (such as asphalt roofing operations, semiconductor manufacturing, or glycol dehydrators), state and local agencies may determine what controls are required by reviewing the operation of facilities subject to the regulation and evaluating regulations for similar sources in other areas. Further interpretations of EPA policy are found in the Blue Book, referred to in footnote 2. In general, these guidance documents have been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

MDAQMD's revised Rule 471, Asphalt Roofing Operations, includes the following significant changes from the current SIP version:

- Added definitions for eight (8) rule-specific terms.
- Deleted requirement that vapors emitted from roofing kettles be incinerated, filtered, or processed.
- Added requirement that roofing kettles be equipped with close fitting lids.
- Added temperature limits for material in kettles.
- Added procedures for roofing kettle draining operations.
- Added requirement for kettle vents.
- Specified method to determine compliance with the temperature limits.

VCAPCD Rule 74.28, Asphalt Roofing Operations, is a new rule that requires the following:

- Close fitting lids for roofing kettles.
- Temperature limits for material in kettles.
- Procedures for roofing kettle draining operations.

VCAPCD Rule 74.21, Semiconductor Manufacturing, is a new rule that requires the following:

- Freeboard ratio for solvent cleaning station reservoirs and sinks.
- The use of low VOC solvents outside solvent cleaning stations.
- Solvent cleaning methods.
- Two-year recordkeeping.

VCAPCD Rule 71.5, Glycol Dehydrators, is a new rule that requires the following:

- The use of VOC control system on glycol regenerator vents.
- Two-year recordkeeping.
- Glycol dehydrator vent and vapor disposal system testing methods.

VCAPCD Rule 71, Crude Oil and Reactive Organic Compound Liquids, was revised to include new definitions needed to enforce Rule 71.5.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, MDAQMD Rule 471, Asphalt Roofing Operations; VCAPCD Rule 74.28, Asphalt Roofing Operations; VCAPCD Rule 74.21, Semiconductor Manufacturing; VCAPCD Rule 71.5, Glycol Dehydrators; and VCAPCD Rule 71, Crude Oil and Reactive Organic Compound Liquids, are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and part D.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

EPA is publishing this document 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, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 29, 1996, unless, by April 1, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then 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 April 29, 1996.

Regulatory Process

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 impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises and government entities with jurisdiction over a population of less than 50,000.

SIP approvals under sections 110 and 301(a) 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 any small entities affected. 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. EPA*, 427 U.S. 246, 256-66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2).

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of \$100 million or more to the private sector or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local, and tribal governments to perform certain actions and also require the private sector to perform certain duties. The rules being approved by this action will impose no new requirements because affected sources are already subject to these regulations under State law. Therefore, no additional costs to State, local, or tribal governments or to the private sector result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of \$100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225), as revised by a July 10, 1995 memorandum from Mary Nichols,

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: January 30, 1996.

Felicia Marcus,
Regional Administrator.

Subpart F of part 52, chapter I, title 40 of the 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 F—California

2. Section 52.220(c) is amended by adding paragraphs (194)(i)(A)(4), (198)(i)(J), (210)(i)(C)(2), and (215)(i)(B)(2) to read as follows:

§ 52.220 Identification of plan.

- * * * * *
- (c) * * *
- (194) * * *
- (i) * * *
- (A) * * *
- (4) Rule 74.21, adopted on April 6, 1993.
- * * * * *
- (198) * * *
- (i) * * *
- (J) Ventura County Air Pollution Control District.
- (1) Rule 74.28, adopted on May 10, 1994.
- * * * * *
- (210) * * *
- (i) * * *
- (C) * * *
- (2) Rule 471, adopted on December 21, 1994.
- * * * * *
- (215) * * *
- (i) * * *
- (B) * * *
- (2) Rule 71 and Rule 71.5, adopted on December 13, 1994.
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40 CFR Part 52

[OK–11–1–6604a; FRL–5430–3]

Approval of Discontinuation of Tail Pipe Lead and Fuel Inlet Test for Vehicle Antitampering Program for Oklahoma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving the State Implementation Plan (SIP) revision submitted by the State of Oklahoma for the purpose of discontinuing the State's tail pipe lead and fuel inlet test in its vehicle antitampering program. The SIP revision also includes minor administrative changes related to the Oklahoma antitampering program. The SIP revision was submitted by the State in response to the dramatic diminished availability of leaded fuel which has resulted in a lack of a need for these tests, not only in Oklahoma but also nationwide. The rationale for the approval is set forth in this document; additional information is available at the address indicated in the ADDRESSES section.

DATES: This final rule will become effective on April 29, 1996 unless adverse or critical comments are received by April 1, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas Diggs, Chief (6PD–L), Air Planning Section, at the EPA Regional Office listed below. Copies of the documents relevant to this action are available for public 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 the visiting day.

U.S. Environmental Protection Agency, Region 6, Multimedia Planning & Permitting Division (6PD–L), 1445 Ross Avenue, Suite 700, Dallas, Texas 75202–2733.

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

Oklahoma Department of Environmental Quality, Air Quality Program, 4545 North Lincoln Blvd., Suite 250, Oklahoma City, Oklahoma 73105–3483.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Davis, Air Planning Section (6PD–L), Multimedia Planning & Permitting Division, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, Telephone (214) 665–7584.

SUPPLEMENTARY INFORMATION:

I. Background

The SIP revision, discussed in more detail in the Technical Support Document, dated May 24, 1995, is briefly outlined below.

On May 16, 1994, the State of Oklahoma submitted to the U.S. Environmental Protection Agency (EPA) rules for Oklahoma SIP revisions allowing for the exclusions of the Plumbtesmo Lead Detection Test (LDT) and Fuel Inlet Restrictor (FIR) from the State Department of Public Safety's motor vehicle antitampering inspection procedures for Oklahoma City and Tulsa. In addition to the State regulations, Oklahoma submitted a summary and justification documenting the basis for this SIP revision.

In the mid-1980s, EPA established test procedures and emission reduction credits for inspecting and requiring replacement of the catalytic converter when a tailpipe lead test revealed lead deposits in the tail pipe, or when the fuel inlet restrictor was found to be widened to permit refueling with a leaded nozzle. Since the mid-1980s, the availability of leaded fuel and the lead content in the fuel has diminished dramatically. In addition, leaded gasoline has been banned by the Clean Air Act Amendments of 1990 as of December 31, 1995, (§ 211(n)).

II. Analysis

A. Procedural Background

The following criteria used to review the submitted SIP revision confirm that the State has demonstrated that the LDT and FIR check is no longer needed in Oklahoma: (1) proof that leaded gasoline is no longer generally available in the Emission Control Areas (ECA) of Tulsa and Oklahoma City, (2) verification that the local fleet has undergone more than one full inspection cycle with virtually no failures and, (3) completion of a State survey coordinated with EPA to determine that the fleet has failed the lead detection test less than 1 percent of the time. This Oklahoma SIP revision meets the criteria necessary for EPA to approve the SIP revision request.

The State's SIP indicates that at the time of the State's Air Quality Council hearing, leaded fuel comprised less than 5 percent of the total fuel sales in Oklahoma, and where it was available it