

restrictions in § 151.13 for the Red Sea area, Gulfs area, and the Gulf of Aden area will enter into effect when each party to MARPOL 73/78 whose coastline borders the special area has certified that reception facilities are available and the IMO has established an effective date for each special area. Notice of the effective dates for the discharge requirements in these special areas will be published in the **Federal Register** and reflected in this section.

5. Section 151.32 is added to read as follows:

§ 151.32 Special areas for the purpose of Annex II.

(a) For the purposes of §§ 151.30 through 151.49, the special areas are the Baltic Sea area, the Black Sea area, and the Antarctic area which are described in § 151.06. Discharges into the sea of NLSs or mixtures containing such substances are prohibited in the Antarctic area.

(b) In accordance with paragraph (13)(a) of Regulation 5 of Annex II of MARPOL 73/78, the discharge restrictions in § 151.32 for the Baltic Sea area and the Black Sea area will enter into effect when each Party to MARPOL 73/78 whose coastline borders the special area has certified that reception facilities are available and the IMO has established an effective date for each special area. Notice of the effective date for discharge requirements in these areas will be published in the **Federal Register** and reflected in this section.

6. Section 151.53 is revised to read as follows:

§ 151.53 Special areas for Annex V of MARPOL 73/78.

(a) For the purposes of §§ 151.51 through 151.77, the special areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, the Gulf areas, the North Sea area, the Antarctic area, and the Wider Caribbean region, including the Gulf of Mexico and the Caribbean Sea which are described in § 151.06. The discharge restrictions are effective in the Baltic Sea, the North Sea, and the Antarctic area.

(b) In accordance with paragraph (4)(b) of Regulation 5 of Annex V of MARPOL 73/78, the discharge restrictions in § 151.71 for special areas will enter into effect when each party to MARPOL 73/78 whose coastline borders the special area has certified that reception facilities are available and the IMO has established an effective date for each special area. Notice of the effective dates for the discharge requirements in each special area will be published in

the **Federal Register** and reflected in this section.

7. Section 151.71 is revised to read as follows:

§ 151.71 Operating requirements: Discharge of garbage within special areas.

(a) When a ship is located in a special area referenced in § 151.53 of this part, no person may discharge garbage from the ship, except as allowed in paragraph (b) or (c) in this section.

(b) Except as provided in paragraph (c) of this section, disposal into the sea of victual waste must be made as far as practicable from land but, in any case, not less than 12 nautical miles from the nearest land.

(c) Disposal into the Wider Caribbean region of victual wastes which have been passed through a comminuter or grinder shall be made as far as practicable from land but, in any case, not less than 3 nautical miles from the nearest land. Such comminuted or ground food wastes shall be capable of passing through a screen with opening no greater than 25 millimeters.

PART 155—OIL OR HAZARDOUS MATERIAL POLLUTION PREVENTION REGULATIONS FOR VESSELS

8. The authority citation for part 155 is revised to read as follows:

Authority: 33 U.S.C. 1231, 1321(j); 46 U.S.C. 3715; sec. 2, E.O. 12777, 3 CFR, 1991 Comp., p. 351; 49 CFR 1.46. Sections 155.100 through 155.130, 155.350 through 155.400, 155.430, 155.440, 155.470, 155.1010 through 155.1070 also issued under 33 U.S.C. 1903(b). Sections 155.1110 through 155.1150 also issued under 33 U.S.C. 2735.

8. Section 155.400(b)(2) is revised to read as follows:

§ 155.400 Platform machinery space drainage on oceangoing fixed or floating drilling rigs and other platforms.

- (a) * * *
- (b) * * *
- (1) * * *

(2) Discharge in accordance with § 151.10 (b)(3), (b)(4), and (b)(5) of this chapter, provided the drilling rig or platform is not within a special area.

* * * * *

Dated August 8, 1995.

G. N. Naccara,

Captain, US Coast Guard, Acting Chief, Office of Marine Safety, Security and Environmental Protection.

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DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

33 CFR Part 334

Sinclair Inlet, Puget Sound, Bremerton, Washington; Naval Restricted Areas

AGENCY: Army Corps of Engineers, DOD.
ACTION: Interim final rule; request for comments.

SUMMARY: The Corps is amending the rules which establish two restricted areas in the waters of Sinclair Inlet adjacent to the Puget Sound Naval Shipyard, Bremerton, Washington. This action is necessary to safeguard U.S. Navy vessels and Government facilities from sabotage and other subversive acts, accidents, or other incidents of a similar nature. This action is also necessary to protect vessels and individuals from the dangers associated with the industrial waterfront facilities at the shipyard. Entry into this zone is prohibited unless otherwise authorized by these regulations or the Commander, Naval Base, Seattle, Washington, or whomever he/she designates.

DATES: Effective August 21, 1995. Written comments will be accepted until October 20, 1995.

ADDRESSES: HQUSACE, CECW-OR, Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT: Mr. Jonathan Freedman, Regulatory Branch, Seattle District at (206) 764-3495, or Mr. Ralph Eppard, Regulatory Branch, CECW-OR at (202) 761-1783.

SUPPLEMENTARY INFORMATION: A restricted area is a defined water area for the purpose of prohibiting or limiting public access to an area. Restricted areas provide security for Government property and/or protection to the public from the risks of damage or injury arising from the Government's use of that area. The Corps promulgated regulations in 33 CFR 334.1240 establishing two restricted areas in the waters of Sinclair Inlet adjacent to the Puget Sound Naval Shipyard on November 28, 1961. A recent court decision indicates that the restricted area regulations in 33 CFR 334.1240 are not sufficient to meet the needs of national security and public safety. According to the court decision, the regulations do not apply to swimmers, divers and other individuals not embarked on vessels. In light of the court decision, the Commanding Officer, Puget Sound Naval Shipyard reviewed the physical security and safety conditions around the shipyards

active piers and drydocks. Based on this review, the Commanding Officer concluded that swimmers, divers and other individuals not embarked in vessels may pose a serious threat to the security of the shipyard if those individuals are allowed to enter the waters of Sinclair Inlet adjacent to the shipyard. Moreover, persons swimming or diving in these waters may be exposed to numerous dangers associated with the industrial waterfront facilities at the shipyard. These dangers include maneuvering U.S. Naval vessels, underwater pump suction and discharges, rotating propellers, and rigging and crane operations over the water. Based on this review of the security and safety conditions at the shipyard, the Commanding Officer has requested that the restricted areas be amended to prohibit the trespassing of persons into the restricted areas at Sinclair Inlet; add a coordinate to accommodate the extension of the south end of "mooring A" maintaining a buffer 100 yards south of the end of this mooring, and to change the geographic coordinates for the restricted area to conform to the 1983 re-establishment of the National Geodetic Vertical Datum.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective less than 30 days after the date of publication in the **Federal Register**. Publishing a proposed rule and delaying the effective date of this regulation would be contrary to the public interest because immediate action is necessary to safeguard the security of the Puget Sound Naval Shipyard and to insure public safety on the navigable waters of the United States. On June 27, 1995, the U.S. Coast Guard published a temporary final rule establishing a combined security and safety zone on the waters of Sinclair Inlet as an interim measure until the Corps could revise the existing restricted area regulations. The Coast Guard regulations expire on September 9, 1995.

In addition to the request for comments on these interim final rules, on July 21, 1995, the Corps Seattle District published and distributed a public notice to all known interested parties soliciting comments on the proposed amendments to 33 CFR 334.1240. The comment period for the District public notice was scheduled to expire on August 21, 1995, but is extended to end on the same date as the comment period for these interim final rules. The Corps will consider all comments received in response to the District public notice and this interim final rule and will make any changes to

the regulations it deems to be in the public interest.

Economic Assessment and Certification

This interim final rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply. These interim final rules have been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). The Corps has determined that the economic impact of the changes to the restricted area will have practically no impact on the public, no anticipated navigational hazard or interference with existing waterway traffic and accordingly, no significant economic impact on small entities.

List of Subjects in 33 CFR Part 334

Danger zones. Navigation (water), Transportation.

In consideration of the above, the Corps is amending part 334 of title 33 to read as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

2. Section 334.1240 is revised to read as follows:

§ 334.1240 Sinclair Inlet; Naval Restricted Areas.

(a) *Sinclair Inlet; naval restricted areas.*—(1) *Area No. 1.* All the waters of Sinclair Inlet westerly of a line drawn from the Bremerton Ferry Landing at latitude 47°33'48" N, longitude 122°37'23" W on the north shore of Sinclair Inlet and latitude 47°32'52" N, longitude 122°36'58" W on the south shore of Sinclair Inlet.

(2) *Area No. 2.* That area of Sinclair Inlet to the north and west of an area bounded by a line commencing at latitude 47°33'43" N, longitude 122°37'31" W thence south to latitude 47°33'39" N, longitude 122°37'27" W thence southwest to latitude 47°33'23" N, longitude 122°37'45" W thence southwest to latitude 47°33'19" N, longitude 122°38'12" W thence southwest to latitude 47°33'10" N, longitude 122°38'19" W thence southwest to latitude 47°33'07" N, longitude 122°38'29" W thence west to latitude 47°33'07" N, longitude

122°38'58" W thence southwest to latitude 47°33'04" N, longitude 122°39'07" W thence west to the north shore of Sinclair Inlet at latitude 47°33'04" N, longitude 122°39'41" W.

(3) *The regulations.* (i) Area No. 1. No vessel of more than 100 gross tons shall enter this area or navigate therein without permission from the enforcing agency.

(ii) This area is for the exclusive use of the U.S. Navy. No person, vessel, craft, article or thing except those under supervision of military or naval authority except Washington State Ferries or Horluck Transportation Company Ferries on established routes shall enter this area without permission from the enforcing agency.

(iii) The regulations in this section shall be enforced by the Commander, Naval Base, Seattle, Washington, or his/her authorized representative.

(b) [Reserved]

Dated: August 14, 1995.

Approved.

Stanley G. Genega,

Major General, USA, Director of Civil Works.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA105-5-7055; 5270-6]

Approval and Promulgation of State Implementation Plans; California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final and interim final rule.

SUMMARY: EPA is approving state implementation plan (SIP) revisions submitted by the State of California on November 15, 1994, relating to antiperspirants and deodorants and other consumer products sold in California; reformulated gasoline and diesel fuel sold or supplied as motor vehicle fuels in California; and certain new-technology measures adopted by the California Air Resources Board (CARB) and South Coast Air Quality Management District (SCAQMD). EPA is finalizing the approval of these revisions to the California SIP under provisions of the Clean Air Act (CAA) regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards, and plan requirements for nonattainment areas.

DATES: *Effective dates.* The final and interim final SIP actions are effective on September 20, 1995.