

competition, jobs, the environment, public health, or State, local, or tribal governments or communities. The Mint does not anticipate that the rule will result in inconsistency, interfere with another agency's actions, materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof, or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. It is hereby certified that this regulation will not have a significant economic impact on a significant number of small entities. Accordingly, a regulatory flexibility analysis is not required. Lots of fused and mixed coins recorded together as a group constituted approximately 1% or less of the total coin lots redeemed for each of calendar 1996, 1997 and the period ending July 31, 1998, amounting to 23, 19 and 13 lots, respectively, of fused and mixed coins. Although the Mint does not maintain records which consistently indicate the business or personal nature of the transactions conducted by individuals or entities tendering coins for redemption, the majority of these lots were submitted by individuals transacting with the Mint in their own name. Even if each such individual were a "small entity" within the meaning of 5 U.S.C. 604(a), the Mint does not believe that this quantity of lots indicates that a significant number of small entities will be significantly impacted if the Mint were to require sorting of coins previously accepted as mixed and discontinue accepting fused coins.

#### List of Subjects in 31 CFR Part 100

Currency, Gold.

For the reasons set forth in the preamble, the United States Mint amends 31 CFR Part 100 as follows:

#### PART 100—EXCHANGE OF PAPER CURRENCY AND COIN

##### Subpart C—Exchange Of Coin

1. The authority citation for Part 100 is revised to read as follows:

**Authority:** 31 U.S.C. 321.

2. Revise § 100.11(b) to read as follows:

##### § 100.11 Exchange of bent and partial coins.

(b) *Redemption basis.* Bent and partial coins shall be presented separately by denomination category in lots of at least one pound for each category. Bent and partial coins shall be redeemed on the

basis of their weight and denomination category rates (which is the weight equivalent of face value). If not presented separately by denomination category, bent and partial coins will not be accepted for redemption. Denomination categories and rates are Cents, @ \$1.4585 per pound; Nickels, @ \$4.5359 per pound; Dimes, Quarters, Halves, and Eisenhower Dollars @ \$20.00 per pound; and Anthony Dollars @ \$56.00 per pound. Copper plated zinc cents shall be redeemed at the face value equivalent of copper one cent coins.

\* \* \* \* \*  
3. Revise § 100.12(b) to read as follows:

##### § 100.12 Exchange of fused and mixed coins.

\* \* \* \* \*

(b) The United States Mint will not accept fused or mixed coins for redemption.

**Philip N. Diehl,**

*Director.*

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#### ENVIRONMENTAL PROTECTION AGENCY

##### 40 CFR Part 52

[CA 71-154a; FRL6400-1]

#### Clean Air Act Approval and Promulgation of California State Implementation Plan for the San Joaquin Valley Unified 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 (SIP). The revisions are rules from the San Joaquin Valley Unified Air Pollution Control District (District). These rules were submitted by the State on behalf of the District to provide general permitting requirements and general provisions for the implementation of NSR and other SIP requirements for stationary sources in the District.

This approval action will incorporate these rules into the federally approved SIP. EPA is approving these rules to support District new source review (NSR) rules that are required by section 110(a) and part D of Clean Air Act as amended in 1990 (CAA or Act). These other rules, which are required for areas that have not attained the national

ambient air quality standards (NAAQS) for one or more pollutants, will be the subject of a subsequent rulemaking action. Thus, EPA is finalizing the approval of these general provisions and general permitting rules 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 rule is effective on September 21, 1999 without further notice, unless EPA receives adverse comments by August 23, 1999. If EPA receives such comment, it will publish a timely withdrawal in the **Federal Register** informing the public that EPA's approval of these rules will not take effect.

**ADDRESSES:** Comments must be submitted in writing to Ed Pike at the Region IX mailing address listed below. Copies of the rules and EPA's evaluation report are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are available for inspection at the following locations:

Permits Office (AIR-3), Air Division, Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, SW, Washington, DC 20460

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

San Joaquin Valley Unified Air Pollution Control District, Central Region, 1990 E. Gettysburg Avenue, Fresno CA 93726

A courtesy copy of these rules may be available via the Internet at <http://arbis.arb.ca.gov/drdb/sju/cur.htm>.

However, these versions of the District rules may be different than the versions submitted to EPA for approval. Readers are cautioned to verify that the adoption date of the rule listed is the same as the rule submitted to EPA for approval. The official submittal is only available at the four agency addresses listed above.

**FOR FURTHER INFORMATION CONTACT:** Ed Pike, (telephone 415/744-1211), Air Division (Air-3), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, or [pike.ed@epa.gov](mailto:pike.ed@epa.gov).

#### SUPPLEMENTARY INFORMATION

##### I. Applicability

The rules being approved into the California SIP in this action are District Rules 1110, 1140, 1150, 2010, 2031,

2040, 2070, 2080, and 2092. Rules 1110, 1140, 1150, 2010, and 2040 were adopted by the District Board of Directors on December 17, 1992, and submitted to EPA by the California Air Resources Board (CARB) as a revision to the SIP on September 28, 1994. Rules 2031, 2070, 2080, and 2092 were adopted by the District on December 17, 1992, and submitted to EPA by CARB on November 18, 1993.

The District is composed of Fresno County, a portion of Kern County<sup>1</sup>, Kings County, Madera County, Merced County, San Joaquin County, Stanislaus County, and Tulare County. The eight former County air pollution management agencies merged to form the unified Valley-wide District in 1992. The District is designated as a serious nonattainment area for ozone and particulate matter less than ten microns in diameter (PM<sub>10</sub>). The District is designated attainment for the nitrogen dioxide (NO<sub>2</sub>), sulfur dioxide (SO<sub>2</sub>), and carbon monoxide (CO) NAAQS, although nitrogen oxides (including NO<sub>x</sub>) and sulfur oxide (including SO<sub>x</sub>) are regulated as precursors to other nonattainment pollutants. For the detailed area designations that apply to the District, please refer to 40 CFR 81.305. The CAA air quality planning requirements for nonattainment NSR are set out in part D of Title I of the Act, with implementing regulations at 40 CFR 51.160 through 51.165.

## II. Summary of Rule Contents

Prior to the formation of the current District in 1992, EPA had approved separate SIPs for each of the eight individual Counties.<sup>2</sup> Today's action eliminates minor variations in the eight separate County SIPs by approving one set of rules that apply across all eight counties. This action will provide consistency and clarity by allowing regulated sources of air pollution, the public, and regulatory agencies to refer to one set of rules for the entire District rather than eight sets of rules.

District Rule 1110, "Circumvention," prohibits concealment or dilution of emissions to circumvent statutory or regulatory requirements. District Rule 1140, "Applicability of Emission Limits," states that a source subject to multiple emission limits must comply with the most stringent applicable emission or concentration rate unless

specifically exempted. Rule 1150, "Separation and Combination," specifies how compliance is determined for emission streams that are combined prior to release to the atmosphere. These rules are contained in the General Provisions section of the District regulations. They contain the procedures for implementing other requirements, but do not contain or directly impose numerical air pollutant limitations.

District Rule 2010, "Permits Required," contains the general requirement to (1) obtain an Authority to Construct permit for a new or modified source; and (2) obtain a Permit to Operate prior to operation. District Rule 2031, "Transfer of Permits," requires District approval for the transfer of a permit to a different person or piece of equipment. District Rule 2040, "Applications," requires that applicants submit all necessary information and specifies the administrative process for the District to act on the application. District Rule 2070, "Standards for Granting Applications," explains the procedures for the District to approve or deny an application for an Authority to Construct or Permit to Operate. District Rule 2080, "Conditional Approval," grants the District authority to issue or revise specific written conditions on an Authority to Construct or a Permit to Operate to assure compliance with air contaminant emission standards or limitations. District Rule 2092, "Standards for Permits to Operate," defines the conditions which must be met in order for the District to issue a Permit to Operate.

## III. EPA Evaluation and Action

The air quality planning requirements for nonattainment NSR are set out in part D of title I of the Clean Air Act. EPA has issued a "General Preamble" describing EPA's preliminary views on how EPA intends to review SIPs and SIP revisions submitted under part D, including those State submittals containing nonattainment NSR SIP requirements (see 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992)). Because EPA is describing its interpretations here only in broad terms, the reader should refer to the General Preamble for a more detailed discussion. EPA has also proposed regulations to implement the changes under the 1990 Amendments in the NSR provisions in part D of Title I of the Act. (See 61 FR 38249 (July 23, 1996)). Upon final promulgation of those regulations, EPA will review those NSR SIP submittals on which it has already taken final action

to determine whether additional SIP revisions are necessary.

This rulemaking replaces rules from the following SIPs: Fresno County, Kern County, Kings County, Madera County, Merced County, San Joaquin County, Stanislaus County, and Tulare County. EPA's approval of the following rules replaces similar categories of rules in the individual County SIPs: Circumvention (Rule 1110), Applicability of Emission Limits (Rule 1140), Separation and Combination (Rule 1150), Permits Required (Rule 2010), Transfer of Permits (Rule 2031), Applications (2040), Standards for Granting Applications (Rule 2070), and Standards for Permits to Operate (Rule 2092). Please see the Technical Support Document for a complete list of the SIP rules that EPA is replacing.

EPA has evaluated District Rules 110, 1140, 1150, 2010, 2031, 2040, 2070, 2080, and 2092 and has determined that each rule is consistent with the CAA, EPA regulations and EPA policy. These general provisions and permitting rules will support permitting requirements for major and minor sources in the District (updates to District New Source Review requirements will be the subject of subsequent EPA rulemaking action). Therefore, these rules are being approved under section 110(k)(3) of the CAA as consistent with the requirements of section 110(a), including section 110(a)(2)(C), and part D of Title I of the Act. For additional description of these Rules and EPA's approval action, please refer to the Technical Support Document for this action.

EPA is publishing this direct final approval without prior proposal because the Agency views this SIP revision as a noncontroversial revision and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This direct final approval will be effective September 21, 1999 without further notice unless the Agency receives adverse comments by August 23, 1999.

If the EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are

<sup>1</sup> This District includes the portion of Kern County defined in District rule 1020 section 3.44 (adopted November 13, 1996 and approved at 64 FR 13514).

<sup>2</sup> Each County SIP generally contains a rule corresponding to each of the current District rules that EPA is taking action on, although the current rules have been renumbered.

received, the public is advised that this direct final approval will be effective on September 21, 1999 and no further action will be taken on the proposed rule.

#### IV. Administrative Requirements

##### A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, Regulatory Planning and Review.

##### B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a State, local or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected State, local and tribal governments, the nature of their concerns, copies of any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of State, local and tribal governments "to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates." Today's rule does not create a mandate on State, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of E.O. 12875 do not apply to this rule.

##### C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective

and reasonably feasible alternatives considered by the Agency. This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

##### D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

##### E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this

action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co., v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

##### F. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), 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 annual 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.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual 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 requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

##### G. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

### H. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 21, 1999. 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 52

Environmental protection, Air pollution control, General provisions, Hydrocarbons, Incorporation by reference, Intergovernmental relations, New source review, Nitrogen dioxide, Particulate matter, Permits, Reporting and recordkeeping requirements, Sulfur dioxide, 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: July 7, 1999.

**Felicia Marcus,**

*Regional Administrator, Region IX.*

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 *et seq.*

#### Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(194)(i)(C)(4) and (c)(199)(i)(D)(6) to read as follows:

##### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*  
(194) \* \* \*  
(i) \* \* \*  
(C) \* \* \*

(4) Rules 2031, 2070, 2080, and 2092 adopted on May 21, 1992 and amended on December 17, 1992.

\* \* \* \* \*

(199) \* \* \*  
(i) \* \* \*  
(D) \* \* \*

(6) Rules 1110, 1140, 1150, 2010, and 2040 amended on December 17, 1992.

\* \* \* \* \*

[FR Doc. 99-18600 Filed 7-22-99; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA-227-151; FRL-6378-2]

#### Approval and Promulgation of State Implementation Plans; California—South Coast

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

**ACTION:** Final rule.

**SUMMARY:** EPA is concluding the Public Consultative Process (PCP) on mobile source emission reductions needed for attainment of the 1-hour ozone national ambient air quality standard (NAAQS) in the Los Angeles-South Coast Air Basin Area (South Coast). EPA is also approving the State's update to the state implementation plan (SIP) for ozone in the South Coast to reflect the outcome of this process and the implementation status of some of the control measures. Finally, EPA is approving the State's joint commitment with EPA to issue regulations to eliminate the remaining SIP shortfall as determined appropriate for each agency. EPA is taking these actions under provisions of the Clean Air Act (CAA) regarding EPA action on SIP submittals, SIPs for NAAQS, and plan requirements for nonattainment areas.

**EFFECTIVE DATE:** This rule is effective on August 23, 1999.

**ADDRESSES:** The rulemaking docket for this rule is available for public inspection during normal business hours at EPA's Region IX office, Air Division, 75 Hawthorne Street, San Francisco, CA 94105-3901. A reasonable fee may be charged for copying parts of the docket.

Electronic availability: This document is also available as an electronic file on EPA's Region 9 Web Page at <http://www.epa.gov/region09>.

Copies of related materials are also available for inspection at the following location: California Air Resources Board, 2020 L Street, Sacramento, California.

**FOR FURTHER INFORMATION CONTACT:** Dave Jesson, EPA Region IX Air Planning Office, (415) 744-1288, or [jesson.david@epa.gov](mailto:jesson.david@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. EPA's Final Action

We are concluding the Public Consultative Process on mobile source reductions needed for attainment of the 1-hour ozone NAAQS in the South

Coast.<sup>1</sup> During this process, we have issued or are in the process of issuing regulations which are expected to reduce emissions of nitrogen oxides (NO<sub>x</sub>) in the South Coast in 2010 by approximately 94 tons per day (tpd), and reduce emissions of volatile organic compounds (VOC) by about 39 tpd.<sup>2</sup> This is roughly 85 percent of the Federal emission reductions identified in the 1994 ozone SIP submittal for the South Coast.

To achieve the remaining reductions (15 tpd of NO<sub>x</sub> and 8 tpd of VOC), we intend to continue a focused cooperative effort with California to resolve remaining issues and to agree upon the best approach for achieving the balance of reductions still unaccomplished. We will complete by December 31, 2001, any actions identified as appropriate for our rulemaking under our existing commitment, promulgated when we approved the 1994 ozone SIP (40 CFR 52.238).

We are approving a similar commitment by the California Air Resources Board (CARB). The State included this commitment in Executive Order G-99-037, dated May 20, 1999.<sup>3</sup> In the order, CARB "commits to continue working with U.S. EPA and the affected parties to achieve the emission reductions identified in the SIP for federal measures, and to (a) adopt by December 31, 2000, and submit as a SIP revision, a revised attainment demonstration for the federal one-hour ozone standard in the South Coast Air Basin, and (b) adopt by December 31, 2001, control measures needed to achieve any additional emission reductions which are determined to be appropriate for ARB." This State commitment replaces a commitment made at the beginning of the Public Consultative Process in 1996, and codified at 40 CFR 52.220(c)(235). We are therefore rescinding that prior commitment.

Finally, we are approving the State's update on the status of CARB control measures in the 1994 ozone SIP, included as Attachment A to the Executive Order. This update displays

<sup>1</sup> For a description of the boundaries of the Los Angeles-South Coast Air Basin, see 40 CFR 81.305. The nonattainment area includes all of Orange County and the more populated portions of Los Angeles, San Bernardino, and Riverside Counties.

<sup>2</sup> The South Coast plan sometimes substitutes the term Reactive Organic Gases (ROG) for VOC. These terms are essentially synonymous.

<sup>3</sup> CARB submitted the Executive Order on May 20, 1999. We found the submittal complete on May 20, 1999. We 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).