

Dated: August 2, 1999.

**R. M. Larrabee,**

*Rear Admiral, U.S. Coast Guard Commander,  
First Coast Guard District.*

[FR Doc. 99-20955 Filed 8-12-99; 8:45 am]

BILLING CODE 4910-15-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD01-99-125]

#### Drawbridge Operation Regulations: Thames River, CT

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, First Coast Guard District, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the Amtrak Bridge, mile 3.0, across the Thames River in New London, Connecticut. This deviation from the regulations allows the bridge owner to require a two-hour advance notice for opening, Sunday through Thursday, 10 p.m. to 5 a.m., August 2, 1999, through September 30, 1999. This action is necessary to facilitate electrical modifications at the bridge.

**DATES:** This deviation is effective from August 2, 1999, through September 30, 1999.

**FOR FURTHER INFORMATION CONTACT:** Joe Schmied, Project Officer, First Coast Guard District, at (212) 668-7165.

**SUPPLEMENTARY INFORMATION:** The Amtrak Bridge, mile 3.0, across the Thames River in New London, Connecticut, has a vertical clearance of 30 feet at mean high water, and 33 feet at mean low water in the closed position. The bridge owner, National Railroad Passenger Corporation (Amtrak), requested a temporary deviation from the operating regulations to facilitate electrical modifications at the bridge. This deviation to the operating regulations allows the bridge owner to require a two-hour advance notice for bridge openings for the Amtrak Bridge, mile 3.0, across the Thames River in New London, Connecticut. This deviation will be in effect from Sunday through Thursday, 10 p.m. to 5 a.m., August 2, 1999, through September 30, 1999. Requests for bridge openings can be made by calling (860) 395-2355 or on marine radio channel 13 VHF/FM. Mariners requiring an emergency opening are advised to call Amtrak's Chief Dispatcher at (617) 345-7569. Vessels

that can pass under the bridge without an opening may do so at all times during the closed periods.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: July 23, 1999.

**R. M. Larrabee,**

*Rear Admiral, U.S. Coast Guard Commander,  
First Coast Guard District.*

[FR Doc. 99-20958 Filed 8-12-99; 8:45 am]

BILLING CODE 4910-15-M

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MN44-02-7269a; FRL-6414-9]

#### Approval and Promulgation of Implementation Plans; Minnesota

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

**ACTION:** Direct final rule.

**SUMMARY:** We are approving a supplemental revision to the Minnesota State Implementation Plan (SIP) for the Saint Paul particulate matter (PM) nonattainment area, located in Ramsey County, Minnesota. The Minnesota Pollution Control Agency (MPCA) submitted the supplemental SIP for the purpose of maintaining the attainment of the PM National Ambient Air Quality Standards (NAAQS) and is in response to our July 22, 1997 conditional approval (62 FR 39120), of the State's February 9, 1996 SIP revision for Red Rock Road. We are also taking action to revoke the Administrative Order for the Lafarge Corporation that we had approved into the SIP in our July 22, 1997 conditional approval. We are providing the rationale for the approval and other information in this notice.

**DATES:** This action is effective on October 12, 1999 without further notice, unless EPA receives relevant adverse comments by September 13, 1999. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Written comments may be mailed to: Carlton Nash, Chief, Regulation Development Section, Air Programs Branch (AR-18J), United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the

documents relevant to this action are available for inspection during normal business hours at the above address. (Please telephone Christos Panos at (312) 353-8328, before visiting the Region 5 office.)

**FOR FURTHER INFORMATION CONTACT:** Christos Panos, Regulation Development Section, Air Programs Branch (AR-18J), Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8328.

#### SUPPLEMENTARY INFORMATION:

We have organized this Supplementary Information section as follows:

- A. What Action Is EPA Taking Today?
- B. Why Was this SIP Revision Needed?
- C. Why Can We Approve this Request?
- D. What Is the Background for this Rulemaking?

#### A. What Action Is EPA Taking Today?

We are approving MPCA's July 22, 1998 request for a revision to the Minnesota PM SIP. Specifically, we are approving the following: (A) the Title I (non-expiring) conditions of Minnesota Air Emission Permit No. 12300353-001, issued to Lafarge Corporation—Red Rock Terminal on April 14, 1998; (B) a modeled attainment demonstration for the Red Rock Road PM nonattainment area in Ramsey County, Minnesota; and (C) a request that we withdraw from the SIP the February 2, 1996 Administrative Order for Lafarge's Red Rock Road facility.

#### B. Why Was This SIP Revision Needed?

In response to monitored exceedances of the 24-hour PM NAAQS between 1992 and 1995, on February 9, 1996 the State submitted a SIP revision with emission limits and/or control measures for certain facilities located in the Red Rock Road area in order to bring the area into modeled attainment. Two of these facilities were required to commit to control measures to reduce their PM emissions and the third facility was required to either quantify their PM emissions to show that they can meet the NAAQS, or commit to control measures to reduce their PM emissions. The MPCA put these requirements into Administrative Orders (dated February 2, 1996) for St. Paul Terminals, Inc., AMG Resources Corporation and Lafarge Corporation.

We agreed that the February 9, 1996 submittal would more than satisfy the nonattainment area requirements. However, the attainment demonstration submitted with the Red Rock Road SIP revision was not fully approvable because specific emission limits for

Lafarge Corporation were not known due to the installation of new control equipment at the facility. Given this, and the State's need to further analyze other sources outside of the 2 kilometer area but within 4 kilometers from the ambient monitor, we approved the SIP submittal on July 22, 1997 at 62 FR 39120, conditioned upon the receipt of an approvable attainment demonstration and revised administrative orders incorporating the required information and changes. We also stated that an additional modeling analysis would need to be submitted by the State. Additional information regarding the details of our conditional approval is available in the July 22, 1997 **Federal Register** document and our June 6, 1997 Technical Support Document (TSD).

### C. Why Can We Approve This Request?

We are approving the current SIP submittal as a Direct Final **Federal Register** document because the State has met the conditions set forth in our July 22, 1997 conditional approval of a February 9, 1996 SIP revision for Ramsey County, Minnesota. As detailed in our May 26, 1999 TSD, the attainment demonstration for the Red Rock Road portion of the Ramsey County PM nonattainment area is now fully approvable. In addition, we are withdrawing, at the State's request, the Administrative Order issued to Lafarge Corporation on February 2, 1996 from the SIP and are replacing it with the Title I SIP requirements found in the April 14, 1998 operating permit issued to Lafarge Corporation.

### D. What Is the Background for This Rulemaking?

A portion of the St. Paul area was designated nonattainment for PM upon enactment of the Clean Air Act Amendments of 1990. The State submitted SIP revisions intended to satisfy the PM attainment demonstration requirements of the Act in 1991, 1992, and 1993. The enforceable element of the State's submittals were administrative orders for nine facilities in the St. Paul area. The EPA took final action on February 15, 1994 at 59 FR 7218, to approve Minnesota's submittals as satisfying the applicable requirements for the St. Paul PM nonattainment area.

However, an ambient monitor located on Red Rock Road monitored five exceedances of the 24-hour PM NAAQS between 1992 and 1995. The State determined that the exceedances were attributable to shifts and increases in local source activity (such as traffic newly occurring on unpaved surfaces) which had occurred since development

of the prior plan, and not to any deficiencies in the prior plan. Based upon analysis of the monitoring conditions, it was determined that three companies located in the Red Rock Road area were significant contributors to the most recent monitored exceedances. On February 9, 1996 the State submitted a SIP revision with emission limits and/or control measures for these facilities in order to bring the area into modeled attainment. Two of these facilities were required to commit to control measures to reduce their PM emissions and the third facility was required to either quantify their PM emissions to show that they can meet the NAAQS, or commit to control measures to reduce their PM emissions. The MPCA put these requirements into Administrative Orders (dated February 2, 1996) for St. Paul Terminals, Inc., AMG Resources Corporation and Lafarge Corporation.

### EPA Action

In this rulemaking action, EPA approves the Title I (non-expiring) conditions of Minnesota Air Emission Permit No. 12300353-001, issued to Lafarge Corporation—Red Rock Terminal on April 14, 1998 and the modeled attainment demonstration for the Red Rock Road PM nonattainment area in Ramsey County, Minnesota. In addition, EPA withdraws from the SIP the February 2, 1996 Administrative Order for Lafarge's Red Rock Road facility. The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, the EPA is publishing a separate document that will serve as the proposal to approve the State Plan should relevant adverse comments be filed. This rule will be effective October 12, 1999 without further notice unless relevant adverse comments are received by September 13, 1999. If 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 the proposed action. The EPA will not institute a second comment period. 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 October 12, 1999.

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.

### Administrative Requirements

#### A. Executive Order (E.O.) 12866

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

#### B. Executive Order 12875

Under E.O. 12875, 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, E.O. 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, E.O. 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 E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects 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, E.O. 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, E.O. 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. This action does not involve or impose any requirements that affect Indian Tribes. 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, 5 U.S.C. 600 *et seq.*, 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 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 impose any new requirements, I certify that this action will not have a significant impact on small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids the EPA from basing its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. section 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 costs to State, local, or tribal governments in the aggregate; or to 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.

The EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated 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 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**. A major rule cannot take effect until 60 days after it is published 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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 12, 1999. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for 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, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Dated: July 22, 1999.

**Jerri-Anne Garl,**

*Acting Regional Administrator, Region 5.*

Title 40 of the Code of Federal Regulations, chapter I, part 52, is amended as follows:

#### PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401-7671q.

2. Section 52.1220 is amended by adding paragraph (c)(50) to read as follows:

#### § 52.1220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(50) On July 22, 1998 the State of Minnesota submitted a supplemental SIP revision for the control of particulate matter emissions from certain sources located along Red Rock Road, within the boundaries of Ramsey County. This supplemental SIP revision is in response to EPA's July 22, 1997 conditional approval (62 FR 39120), of a February 9, 1996 SIP revision for Red Rock Road. In addition, the previously approved administrative order for Lafarge Corporation (dated February 2, 1996) is revoked.

(i) Incorporation by reference.

(A) Air Emission Permit No. 12300353-001, issued by the MPCA to Lafarge Corporation—Red Rock Terminal on April 14, 1998, Title I conditions only.

(B) Revocation of Findings and Order, dated and effective July 21, 1998, to

Findings and Order issued to Lafarge Corporation on February 2, 1996.

(ii) Additional material.

(A) Letter submitting vendor certifications of performance for the pollution control equipment at Lafarge Corporation's facility on Red Rock Road in St. Paul, Minnesota, dated May 4, 1998, from Arthur C. Granfield, Regional Environmental Manager for Lafarge Corporation, to Michael J. Sandusky, MPCA Air Quality Division Manager.

(B) Letter submitting operating ranges for the pollution control equipment at Lafarge Corporation's facility on Red Rock Road in St. Paul, Minnesota, dated July 13, 1998, from Arthur C. Granfield, Regional Environmental Manager for Lafarge Corporation, to Michael J. Sandusky, MPCA Air Quality Division Manager.

[FR Doc. 99-20547 Filed 8-12-99; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 207-156; FRL-6409-4]

#### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District

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

**ACTION:** Final rule.

**SUMMARY:** EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on May 4, 1999. The revisions concern rules from the South Coast Air Quality Management District (SCAQMD). 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 revised rules control VOC emissions from solvent cleaning and motor vehicle refinish coating operations. 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.

**EFFECTIVE DATE:** This action is effective on September 13, 1999.

**ADDRESSES:** Copies of the revised rules 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 revised rules are available for inspection at the following locations:

Rulemaking Office (AIR-4), Air Division, U.S. 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 95812

South Coast Air Quality Management District, 21865 Copley Drive, Diamond Bar, CA 91765

**FOR FURTHER INFORMATION CONTACT:**

Andrew Steckel, Rulemaking Office, (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1185.

**SUPPLEMENTARY INFORMATION:**

#### I. Applicability

The rules being approved into the California SIP include: SCAQMD Rules 1151—Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations, and Rule 1171—Solvent Cleaning Operations. These rules were submitted by the California Air Resources Board (CARB) to EPA on March 10, 1998.

#### II. Background

On May 4, 1999 in 64 FR 23813, EPA proposed to approve the following rules into the California SIP: SCAQMD's Rule 1151—Motor Vehicle and Mobile Equipment Non-Assembly Line Coating Operations and SCAQMD's Rule 1171—Solvent Cleaning Operations. Rule 1151 and 1171 were amended by SCAQMD on June 13, 1997. Both rules were submitted by CARB to EPA on March 10, 1998. These rules were submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the NPRM cited above.

EPA has evaluated the above rules for consistency with the requirements of the CAA and EPA regulations and EPA

interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM(s) cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in 64 FR 23774 and in technical support documents (TSDs) available at EPA's Region IX office (TSDs dated July 1998, SCAQMD's Rules 1171 and 1151).

#### III. Response to Public Comments

A 30-day public comment period was provided in 64 FR 23774. EPA received a comment from EPI Research (EPIR) regarding Rule 1171. EPIR commented that they did not have accurate information from SCAQMD during the rule making process and that lowered VOC and/or vapor pressure limits of cleaning solvents would be difficult, if not impossible to meet, or were not commercially available. For this reason EPIR requested that EPA withhold approval of SCAQMD's Rule 1171 into the California SIP. EPA has evaluated the information submitted by California regarding Rule 1171 and determined that it fulfills the procedural requirements of 40 CFR 51, Appendix V, including the requirements of 2.1(f) public notice, (g) public hearing, and (h) compilation of public comments and responses. Furthermore, under CAA section 110(a)(2), EPA may not consider the economic or technological feasibility of the provisions of the SCAQMD rule in approval of the SIP revision. *Union Electric v. EPA*, 427 U.S. 246, 265-266 (1976). As noted by the Supreme Court, it is the province of the State or local authorities to determine whether or not to impose more stringent limits that may require technology forcing. EPA must assess the SIP revision on the basis of factors set forth in CAA section 110(a)(2) which include reasonable notice and public hearings in the adoption process, but does not provide for the disapproval of a rule in a SIP based upon economic or technological infeasibility. For these reasons the comments submitted do not affect the incorporation of SCAQMD's Rule 1171 into the California SIP.

#### IV. EPA Action

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in