

1, between the hours of 4:30 p.m. to 8 a.m. Additionally, to ensure clarity and consistency of the operating regulation, the text of the current 33 CFR 117.715 will be enumerated and reworded.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard reached this conclusion based on the fact that the final rule will not prevent mariners from transiting the bridge, but merely require mariners to plan their transits and to provide the four-hour advance notice to the bridge tender.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based on the fact that this rule will continue to provide openings to mariners on a schedule they are accustomed to, and merely require advance notice for openings during nighttime transits.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1966 (Pub. L. 104-121), we offered to assist small entities in understanding the rule so that they could better evaluate its effect on them and participate in the rulemaking process. This was accomplished by publication of a NPRM in the **Federal Register**, consideration of comments received in response to the NPRM, and subsequent issuance of a SNPRM based on those comments.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act (44 U.S.C. 3501-3520).

Federalism

We have analyzed this rule under Executive Order 12612 and have determined that this rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act and Enhancing the Intergovernmental Partnership

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) and E.O. 12875, Enhancing the Intergovernmental Partnership (58 FR 58093, October 28, 1993) govern the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Environment

We considered the environmental impact of this rule and concluded that, under figure 2-1, paragraph (32e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This rule only deals with the operating schedule of an existing drawbridge, and will have no effect on the environment. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); Section 117.255 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.715 is revised to read as follows:

§ 117.715 Debbies Creek.

(a) The draw of the Monmouth County highway bridge, mile 0.4 at Manasquan, shall open on signal, except as follows:

(1) From 4:30 p.m. January 1 through 8 a.m. April 1, from 4:30 p.m. to 8 a.m., the draw need open only if at least four-hours advance notice is given.

(2) From Memorial Day through Labor Day from 7 a.m. to 8 p.m., the draw need open only on the hour and half hour if any vessels are waiting to pass.

(b) The owners of the bridge shall provide and keep in good legible condition two board gauges painted white with black figures not less than eight inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gauges shall be so placed on the bridge that they are plainly visible to operators of vessels approaching the bridge either up or downstream.

Dated: October 20, 1999.

John E. Shkor,

Vice Admiral, U. S. Coast Guard,

Commander, Fifth Coast Guard District.

[FR Doc. 99-28612 Filed 11-2-99; 8:15 am]

BILLING CODE 4910-15-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TN-158-2-9942(a); TN-211-1-9943(a); TN-215-1-9944(a); TN-221-1-9945(a); FRL-6452-8]

Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee SIP Regarding Use of LAER for Major Modifications and Revisions to the Tennessee SIP Regarding the Coating of Miscellaneous Metal Parts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is acting on revisions to Section 46.2 and 46.3.A. of the Knox County portion of the Tennessee State Implementation Plan (SIP) which were submitted by the Tennessee Department of Air Pollution Control (TDAPC), on May 23, 1995, and November 13, 1998, for purposes of revising the definition for Volatile Organic Compounds (VOC) and requiring the use of Lowest Achievable Emission Rate (LAER) for major modifications to existing sources of VOC. The EPA is also approving revisions to the Tennessee SIP which were submitted by TDAPC on February 12, 1999, and May 17, 1999, for purposes of revising Rule 1200-3-18-.20 (Coating of Miscellaneous Metal Parts) to include a standard for the touch-up of heavy-duty trucks and revise the definition of "high performance architectural coating."

DATES: This direct final rule is effective January 3, 2000 without further notice, unless EPA receives adverse comment by December 3, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: All comments should be addressed to: Allison Humphris at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of the State submittal(s) are available at the following addresses for inspection during normal business hours:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960. Allison Humphris, 404/562-9030

Tennessee Department of Environment and Conservation, Division of Air Pollution Control, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243-1531. 615/532-0554
Knox County Department of Air Quality Management, City-County Building, Room 339, 400 West Main Street, Knoxville, Tennessee, 37902-2405. 423/215-2488

FOR FURTHER INFORMATION CONTACT: Allison Humphris at 404/562-9030.

SUPPLEMENTARY INFORMATION:

I. Background

A. Knox County SIP Revisions

The EPA is approving the most recently received revisions to Section 46.2 (Definitions) and Section 46.3 (Regulation of Volatile Organic Compounds/Standards for New Sources) of the Knox County Portion of the Tennessee SIP, which were submitted by TDAPC on November 13, 1998. Section 46.2.A.34 is being revised to incorporate by reference the definition for VOC contained in 40 CFR Part 51 Subpart F. The existing paragraph A of Section 46.3 requires all new major VOC sources and all modifications to existing major VOC sources to use LAER. On May 23, 1995, TDAPC submitted a revision to this paragraph that allowed director's discretion in determining whether or not to apply LAER to modifications to existing major VOC sources. On November 13, 1998, following EPA notification that this revision was unapprovable, TDAPC submitted replacement language for Section 46.3.A that requires use of LAER for all new VOC sources and all major modifications to existing VOC sources. EPA is taking action on both submittals by approving the most recently submitted revision.

B. Tennessee SIP Revisions

The EPA is also approving revisions to Rule 1200-3-18-.20 (Coating of Miscellaneous Metal Parts) of the Tennessee SIP which were submitted on February 12, 1999, and May 17, 1999. The February 12, 1999, submittal amends Rule 1200-3-18-.20(2) and (3)(b) to include a definition and an emission limit for "heavy-duty truck touch-up." The May 17, 1999, submittal revises the definition for "High Performance Architectural Coating" contained in Rule 1200-3-18-.20(2). The revisions also include appropriate renumbering of the definitions section of the rule.

II. Analysis of State's Submittal

A. Knox County SIP Revisions

Section 46.2.A.34 is amended to revise the definition for VOC by exempting 16 compounds (per 62 FR 44900) and methyl acetate (per 63 FR 17331) from regulation as VOC due to EPA's determination that they do not contribute significantly to ozone formation. Section 46.3.A is being revised to ensure that the Knox County Portion of the Tennessee SIP contains requirements for applying LAER to VOC sources that: (i) Are at least as stringent as the existing local SIP requirements,

(ii) will help to ensure Knox County's maintenance of the National Ambient Air Quality Standard (NAAQS) for ozone, and (iii) are consistent with Clean Air Act (CAA) requirements. The language being approved by this notice is as stringent as existing local SIP requirements, since it will require use of LAER for all major modifications, instead of allowing director's discretion to determine the appropriate controls. The language is also consistent with Section 173(a)(2) of the CAA and Chapter 1200-3-9-.01(5)(b)2.(iii) of the Tennessee SIP, both of which specify that new or modified major stationary sources located in a nonattainment area must comply with LAER in order to be issued construction or operating permits. Knox County is currently a maintenance area for the one-hour ozone NAAQS. However, Section 46 was contained in the SIP while the county was designated nonattainment for ozone. Implementation of Section 46 requirements was therefore critical to Knox County's attainment of the ozone NAAQS in 1991, as explained in EPA's September 27, 1993 redesignation notice (58FR50271).

B. Tennessee SIP Revisions

Several changes and additions to Rule 1200-3-18-.20 are being approved by this notice. The first revision, submitted February 12, 1999, establishes an emission limit of 4.8 pounds per gallon for "heavy-duty truck touch-up" that satisfies Reasonably Available Control Technology (RACT) requirements. As noted in August 15, 1996, correspondence from EPA to Tennessee, this limit is consistent with EPA's guidance on final repair, as specified in the Control Technology Guideline (CTG) document: Control of Volatile Organic Emissions from Existing Stationary Sources—Volume II: Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles and Light-Duty Trucks (May 1977). This submittal also addresses EPA's disapproval (60FR10504) of a previous revision of this chapter that included a less stringent emission limit for "heavy-duty truck touch-up." This disapproval was part of an action in which EPA approved the majority of SIP revisions submitted by Tennessee on May 18, 1993, to satisfy RACT "Catch Up" requirements contained in the amended CAA.

The second revision, submitted May 17, 1999, revises the definition for "High Performance Architectural Coating" by deleting language that limits the applicability of this standard to a specific county. Upon EPA approval of this revision, the emission limit of 6.2 pounds per gallon for this coating type,

as provided in 1200-3-18-.20(3), will become applicable to all Tennessee counties. This limit is consistent with the National Volatile Organic Compound Emission Standards for Architectural Coatings—Final Rule (63 FR 48848), which specifies a maximum allowable VOC content of 6.7 pounds per gallon for extreme high durability coatings.

III. Final Action

EPA is approving the aforementioned changes to the SIP because they are consistent with Clean Air Act and EPA requirements.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal 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 rule will be effective January 3, 2000 without further notice unless the Agency receives adverse comments by December 3, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and 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. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on January 3, 2000 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, entitled "Regulatory Planning and Review."

B. Executive Orders on Federalism

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. If the mandate is unfunded, EPA must 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 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.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, [64 FR 43255 (August 10, 1999),] which will take effect on November 2, 1999. In the interim, the current Executive Order 12612 [52 FR 41685 (October 30, 1987)] on federalism still applies. This rule will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 12612. The rule affects only one State, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

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. If the mandate is unfunded, EPA must 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 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 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**. 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. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. 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 January 3, 2000. 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, Hydrocarbons, Incorporation by reference, Nitrogen

dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: September 23, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Part 52 of chapter I, title 40, *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 RR—Tennessee

2. Section 52.2239(c), is amended by adding paragraph (c)(168) to read as follows:

§ 52.2239 Original identification of plan section.

* * * * *

(c) * * *

(168) Revisions to the Knox County portion of the Tennessee state implementation plan submitted to EPA by the State of Tennessee on November 13, 1998, concerning VOC and use of LAER for major modifications to existing sources were approved.

(i) Incorporation by reference.

(A) Section 46.2.A.34 of the Knox County Air Pollution Control Regulation "Volatile Organic Compounds/Definitions" effective November 10, 1998.

(B) Section 46.3.A of the Knox County Air Pollution Control Regulation "Volatile Organic Compounds/Standards for New Sources" effective November 10, 1998.

(ii) Other material. None.

3. Section 52.2220(c) is amended by revising the entry for Section 1200-3-18-.20 to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED TENNESSEE REGULATIONS FOR TENNESSEE

State citation	Title/subject	Adoption date	EPA approval date	Federal Register notice
* * *	* * *	* * *	* * *	* * *
Chapter 1200-3-18	Volatile Organic Compounds.			
* * *	* * *	* * *	* * *	* * *
Section 1200-3-18-.20	Coating of Miscellaneous Metal Parts.	01/26/99	November 3, 1999	[Insert citation of this FEDERAL REGISTER Notice when published]
* * *	* * *	* * *	* * *	* * *

[FR Doc. 99-27195 Filed 11-2-99; 8:45 am]
BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[OK-8-1-5772a; FRL-6457-7]

Approval and Promulgation of Implementation Plans; Oklahoma; Recodification of Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is taking direct final action approving into the Oklahoma State Implementation Plan (SIP), subchapters of the Oklahoma Department of Environmental Quality (ODEQ) Air Pollution Control Rules adopted by the State Legislature on March 30, 1994. These Rules, submitted by the Governor to EPA on May 16, 1994, replace most of the existing ODEQ regulations in the Oklahoma SIP. The EPA is taking no action on subchapters of the submittal that are either not equivalent to, or are not in, the current Oklahoma SIP-approved regulations. Approval of this action will make the numbering format and administrative terms of the subchapters being approved consistent with that of the current ODEQ air quality control regulations. The changes are administrative in nature and do not substantively revise the current SIP.

DATES: This rule is effective on January 3, 2000 without further notice, unless EPA receives adverse comment by December 3, 1999. If EPA receive such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD-L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency,
Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Dallas, Texas 75202-2733

Oklahoma Department of Environmental Quality, Air Quality Division, 707 North Robinson, P.O. Box 1677,

Oklahoma City, Oklahoma 73101-1677

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, S.W., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Bill Deese of the EPA Region 6 Air Planning Section at (214) 665-7253.

SUPPLEMENTARY INFORMATION: Throughout this document whenever "we" is used, we mean EPA.

I. What Is the Purpose of This Action?

This action approves a recodification of the ODEQ regulations in the Oklahoma SIP adopted by the Oklahoma Legislature on March 30, 1994, and submitted by the Governor of Oklahoma on May 16, 1994, as a revision to the Oklahoma SIP. The EPA is approving subchapters of the submittal that are equivalent to the current SIP-approved regulations replaced. The EPA is taking no action on subchapters that have not previously been approved into the Oklahoma SIP or are not equivalent to the existing SIP-approved regulations.

II. Why Is EPA Taking This Action?

The ODEQ has used four different numbering systems for its air quality control regulations since the original Oklahoma SIP was approved by EPA on May 31, 1972 (37 FR 10887). Regulations in the current Oklahoma SIP have been approved under three of these numbering systems.

The ODEQ air quality control regulations approved with the original Oklahoma SIP were numbered with a one or two digit number such as Regulation Number 4 and Regulation Number 15. Regulations approved by EPA under this numbering system were approved in 40 CFR part 52, §§ 52.1920(b) to 52.1920(c)(21). Some ODEQ regulations approved under this system are still in the Oklahoma SIP.

Between 1981 and 1991, the ODEQ used a numbering system such as Regulation 1.1, Regulation 1.4.4, and Regulation 4.1 for its air quality control regulations. Regulations were approved by EPA under this numbering system at 40 CFR 52.1920(c)(24) to 52.1920(c)(41) and 52.1920(c)(47).

In 1990 the Oklahoma State Legislature passed the Oklahoma Administrative Procedures Act which mandated a common format for all Oklahoma rules and regulations. To meet the requirements of the Administrative Procedures Act, the Air Quality Service of the Oklahoma State Department of Health recodified the

Oklahoma air pollution control regulations into the Oklahoma Administrative Code, Title 310, Chapter 200 (OAC:310:200), Oklahoma Air Pollution Control Rules. As required by the Oklahoma Administrative Procedures Act, the Oklahoma Air Pollution Control Rules contained no substantive changes, but was a change in format only. The Governor of Oklahoma submitted the recodified regulations to EPA on July 1, 1992, as a revision to the Oklahoma SIP.

The EPA has approved two revisions to the ODEQ regulations in the Oklahoma SIP in this numbering system submitted after the July 1, 1992, submittal. The revisions were submitted to EPA on December 10, 1992, and May 16, 1994. Subchapter 31 (OAC:310:200-31), Control of Emissions of Sulfur Compounds, adopted by the State March 24, 1993, and submitted by the Governor on December 10, 1992, was approved by EPA on July 15, 1993 (58 FR 38060), at 40 CFR 52.1920(c)(43). Subchapter 23 (OAC:310:200-23), Control of Emissions from Cotton Gins, adopted by the State on March 24, 1993, and submitted by the Governor on May 16, 1994, was approved by EPA on May 14, 1997 (62 FR 26393), at 40 CFR 52.1920(c)(44).

(**Note:** The May 16, 1994, submittal of Subchapter 23 (OAC:310:200-23) was a completely separate submittal from the May 16, 1994, submittal being acted upon in this action.)

Before EPA could take action on the recodified regulations submitted July 1, 1992, the Air Quality Service, in 1993, became the Air Quality Division of the newly created ODEQ. This necessitated the transfer of the Air Pollution Control Rules from OAC:310:200 to new OAC:252:100. The recodification of the regulations to OAC:252:100 was adopted by the Oklahoma Legislature on March 30, 1994, published in the *Oklahoma Register* on May 16, 1994, effective May 26, 1994, and submitted by the Governor of Oklahoma to EPA as a revision to the Oklahoma SIP on May 16, 1994. There were no substantive changes in the regulations. No regulations or revisions to regulations in the Oklahoma SIP have been approved under this numbering system.

The intent of this **Federal Register** action is to approve the regulations in the May 16, 1994, submittal that are equivalent to the current SIP-approved regulations. The EPA is taking no action on subchapters of the submittal that are not equivalent to the current SIP-approved regulations being replaced, or on subchapters that have not previously been approved into the SIP.