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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD05-98-001]

#### Drawbridge Operation Regulations; Atlantic Intracoastal Waterway, NC

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Fifth Coast Guard District has issued a temporary deviation from the regulations governing the operation of the Onslow Beach Swing Bridge across the Atlantic Intracoastal Waterway (AICW), mile 240.7, at Camp Lejeune, North Carolina. Beginning at 7 a.m. on February 2, through 7 a.m. on February 5, 1998, the bridge will be maintained in the closed position. This closure is necessary to facilitate extensive repairs and maintain the bridge's operational integrity.

**DATES:** This deviation is effective from 7 a.m. on February 2, 1998, until 7 a.m. on February 5, 1998.

**FOR FURTHER INFORMATION CONTACT:** Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

**SUPPLEMENTARY INFORMATION:** The Onslow Beach Swing Bridge and adjoining property are part of the Marine Corps Base (USMC) at Camp Lejeune military reservation, located adjacent to Jacksonville, North Carolina. On December 11, 1997, a letter was forwarded to the Coast Guard by the USMC requesting a temporary deviation from the normal operation of the bridge. The current regulations in Title 33 Code of Federal Regulations, Section 117.5, require the Onslow Beach Swing Bridge to open on signal at all times.

The USMC has hired contractors to replace the submarine cable at the bridge that was unintentionally cut in May 1997, and to make various additional repairs to eliminate mechanical and operational problems the bridge has experienced since January 1997. The bridge repairs will immobilize operation of the swing bridge entirely, including the backup system which uses hydraulic components typically used when the electrical systems are non-operational. Additionally, tug boats, cranes, and barges positioned at the site may impede vessel traffic that could pass under the bridge.

In the winter months, the AICW is primarily used by commercial light-draft vessels and tows unable to navigate long stretches in the open ocean. Based on bridge logs from 1993 through 1997 for the month of February, the bridge averaged approximately five openings per day for vessels. The USMC will provide wide dissemination of notification to the public, and the Coast Guard has informed the known commercial users of the AICW of the bridge closure so that these vessels can arrange their transits to avoid being negatively impacted by the temporary deviation.

From 7 a.m. on February 2, until 7 a.m. on February 5, 1998, this deviation allows the Onslow Beach Swing Bridge across the AICW to remain closed.

Dated: January 16, 1998.

**J. Carmichael,**

*Captain, U.S. Coast Guard, Acting  
Commander, Fifth Coast Guard District.*

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## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD05-97-091]

#### Drawbridge Operation Regulations; Cambridge Harbor

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Fifth Coast Guard District has issued a temporary deviation of 33 CFR 117.549, the regulations governing the operation of the MD 342 (currently known as MD 795) drawbridge across Cambridge Harbor, mile 0.1, Cambridge, Maryland. Beginning February 16, 1998, through March 9, 1998, this deviation allows the bridge to remain in the closed position. This closure is necessary to allow the Maryland Department of Transportation (MDOT) to remove and fabricate new bearings for the lift equipment and to replace the decking.

**DATES:** This deviation is effective from February 16, 1998 through March 9, 1998.

**FOR FURTHER INFORMATION CONTACT:** Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398-6222.

**SUPPLEMENTARY INFORMATION:** On March 18, 1996, MDOT sent a letter to the Coast Guard requesting a temporary deviation from the normal operation of

the bridge in order to accommodate maintenance work. The maintenance involves removing the existing bearings and fabricating new ones, and the installation of new decking. The bridge must remain in the closed position to perform the maintenance. On November 20, 1997, MDOT confirmed the work and time schedule for the proposed maintenance project.

Cambridge Harbor proceeds inland approximately 100 years beyond the bridge; however, closure of the drawbridge over Cambridge Harbor will not significantly disrupt vessel traffic, as confirmed by a meeting held on October 30, 1997 between MDOT and local mariners. Presently, the draw is required to open on signal from 6 a.m. to 8 p.m. From 8 p.m. to 6 a.m., the draw remains closed to navigation. From noon to 1 p.m., Monday through Friday, the draw need not open for the passage of vessels.

From February 16, 1998, to March 9, 1998, this deviation allows the closure of the Cambridge Harbor Bridge.

Dated: January 16, 1998.

**J. Carmichael,**

*Captain, U.S. Coast Guard, Acting  
Commander, Fifth Coast Guard District.*

[FR Doc. 98-2981 Filed 2-5-98; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 172-0040a; FRL-5956-9]

#### Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District; Monterey Bay Unified Air Pollution Control District; Ventura County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**SUMMARY:** EPA is taking direct final action on revisions to the California State Implementation Plan (SIP). The revisions concern rules from the Kern County Air Pollution Control District (KCAPCD), Monterey Bay Unified Air Pollution Control District (MBUAPCD), and Ventura County Air Pollution Control District (VCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to incorporate changes to the definition of VOC and exempt compound list in KCAPCD, MBUAPCD,

and VCAPCD rules into the SIP to be consistent with the revised federal definition.

**DATES:** This action is effective on April 7, 1998 unless adverse or critical comments are received by March 9, 1998. If the effective date is delayed, timely notice will be published in the **Federal Register**.

**ADDRESSES:** Copies of the rules and EPA's evaluation report for these rules 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:

- 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 95814.
- Kern County Air Pollution Control District, 2700 "M" Street, Suite 290, Bakersfield, CA 93301.
- Monterey Bay Unified Air Pollution Control District, 24580 Silver Cloud Court, Monterey, CA 93940.
- Ventura County Air Pollution Control District, 669 County Square Drive, Ventura, CA 93003.

**FOR FURTHER INFORMATION CONTACT:** Christine Vineyard, Rulemaking Office (Air-4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744-1197.

**SUPPLEMENTARY INFORMATION:**

**Applicability**

The rules being approved into the California SIP include KCAPCD Rule 410.1, Architectural Coatings; KCAPCD Rule 410.5, Cutback, Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations; KCAPCD Rule 411, Storage of Organic Chemicals; KCAPCD Rule 414.5, Pump and Compressor Seals at Petroleum Refineries and Chemical Plants; MBUAPCD Rule 101, Definitions; and VCAPCD Rule 2, Definitions. The following table contains the adoption and submittal dates of each rule:

Rule	Adopted	Submitted
KCAPCD 410.1 .....	3/7/96	5/10/96
KCAPCD 410.5 .....	3/7/96	5/10/96
KCAPCD 411 .....	3/7/96	5/10/96
KCAPCD 414.5 .....	3/7/96	5/10/96
MBUAPCD 101 .....	11/13/96	3/3/97

Rule	Adopted	Submitted
VCAPCD 2 .....	4/9/96	7/23/96

**Background**

The State of California submitted the above rules for inclusion into its SIP. These SIP revisions add several compounds to the Districts' list of exempt organic compounds that EPA has determined to have negligible photochemical reactivity. Thus, EPA is finalizing the approval of the revised definitions to be incorporated into the California SIP for the attainment of the national ambient air quality standards (NAAQS) for ozone under title I of the Clean Air Act (CAA or the Act).

**EPA Evaluation and Action**

This action is necessary to make the VOC definitions in the rules from KCAPCD, MBUAPCD, and VCAPCD consistent with the federal definition. This action will result in a more accurate assessment of ozone formation potential, will remove unnecessary control requirements and will assist Districts in avoiding exceedences of the ozone health standard by focusing control efforts on compounds which are actual ozone precursors.

The VOC definition and list of exempt compounds have been deleted from the following KCAPCD rules. These rules have been revised to reference KCAPCD Rule 102, Definitions, approved on October 7, 1996 (61 FR 52297):

- Rule 410.1 Architectural Coatings
- Rule 410.5 Cutback, Slow Cure and Emulsified Asphalt, Paving and Maintenance Operations
- Rule 411 Storage of Organic Chemicals
- Rule 414.5 Pump and Compressor Seals at Petroleum Refineries and Chemical Plants

The following revisions were made in MBUAPCD Rule 101, Definitions:

- The format of the rule was changed adding sections for purpose, applicability, exemptions, and effective date.
- The definition for "volatile organic compound" and an "exempt compound list" have been added. Other District rules and regulations will reference these definitions.

VCAPCD Rule 2, Definitions, has been amended to include acetone, ethane, parachlorobenzotrifluoride (PCBTF), and volatile methylated siloxanes (VMS) on the list of "exempt organic compounds".

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future implementation plan. Each request for

revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 7, 1998, unless, by March 9, 1998, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent action that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective April 7, 1998.

**IV. Administrative Requirements**

*A. Executive Order 12866*

The Office of Management and Budget (OMB) has exempted this regulatory action from E.O. 12866 review.

*B. Regulatory Flexibility Act*

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

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 impose any new requirements, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a 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).

**C. 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.

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 Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

**D. Submission to Congress and the General Accounting Office**

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted 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 General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a "major" rule as defined by 5 U.S.C. 804(2).

**E. 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 April 7, 1998. 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, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: January 15, 1998.

**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. et seq.

**Subpart F—California**

2. Section 52.220 is amended by adding paragraphs (c)(231)(i)(B)(2), (239)(i)(D)(1), and (244) to read as follows:

**§ 52.220 Identification of plan.**

\* \* \* \* \*

- (c) \* \* \*
- (231) \* \* \*
- (i) \* \* \*
- (B) \* \* \*

(2) Rule 410.1, Rule 410.5, Rule 411, and Rule 414.5 amended on March 7, 1996.

\* \* \* \* \*

- (239) \* \* \*
- (i) \* \* \*
- (D) \* \* \*

(1) Rule 2 amended on April 9, 1996.

\* \* \* \* \*

(244) New and amended regulations for the following APCDs were submitted on March 3, 1997, by the Governor's designee.

- (i) Incorporation by reference.
- (A) Monterey Bay Unified Air Pollution Control District.
- (1) Rule 101 revised on November 13, 1996.

\* \* \* \* \*

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**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**43 CFR Parts 8560 and 8372**

[AZ-010-01-1210-04]

**Paria Canyon-Vermilion Cliffs Wilderness, AZ-UT: Visitor Rules**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of intent to implement recreation permit requirements.

**SUMMARY:** The Bureau of Land Management (BLM) has revised visitor rules for the Paria Canyon, Buckskin Gulch, Wire Pass, and the Coyote Buttes Special Management Area portions of the Paria Canyon-Vermilion Cliffs Wilderness, AZ-UT. The objectives of the new rules are to prevent further damage to wilderness resources and to improve visitors' opportunities to enjoy the area. The rules represent the minimum level of visitor management needed to accomplish those objectives.

BLM will drop certain ineffective rules and policies, carry forward those that are appropriate, and implement several new rules.

**DATES:**

*Existing Rules/Policies To Be Dropped.* Effective as of March 1, 1998.

*New General Rules.* Effective as of March 1, 1998.

*New Specific Rules for Paria Canyon/Buckskin Gulch/Wire Pass/Coyote Buttes.* Transition to the new rules will be as follows:

- a. December 24, 1997 through February 28, 1998: All existing rules/policies continue.
- b. February 1, 1998 through February 28, 1998: Reservation requests for dates on or after March 1, 1998 through one year from the month of application will be accepted using new visitor limits.
- c. March 1, 1998: New visitor rules apply.

*New Rules for Commercial Guides and Organizations.*

- a. Effective as of March 1, 1998.
- b. Applications for Special Recreation Permits will be accepted at any time.

**ADDRESSES:** The public may examine material pertaining to the action at:

- 1. BLM, Arizona Strip Field Office, 345 East Riverside Drive, St. George, Utah 84790.
- 2. BLM, Kanab Resource Area, 318 North 100 East, Kanab, Utah 84741
- 3. Electronic Access Addresses [www.for.nau.edu/paria-permits/](http://www.for.nau.edu/paria-permits/)

**FOR FURTHER INFORMATION CONTACT:** Tom Folks, (435) 688-3264 or Janaye Byergo, (435) 644-2672.