

In rule FR Doc. 98-9965 published on April 16, 1998, (63 FR 18836 make the following correction. On page 18837, in the second column, remove the words: "Marine Operations Director" and add in their place, "Maritime Operations Director".

Dated: June 16, 1998.

John A. Mills,

Secretary.

[FR Doc. 98-16516 Filed 6-19-98; 8:45 am]

BILLING CODE 3640-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 198-0077; FRL-6112-5]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; San Diego County Air Pollution Control District; San Joaquin Valley Unified Air Pollution Control 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 October 10, 1997, and March 30, 1998. The revisions concern San Diego County Air Pollution Control District (SDCAPCD) Rule 67.10 and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Rule 4401. SDCAPCD Rule 67.10 controls volatile organic compound (VOC) emissions from kelp processing and bio-polymer manufacturing operations, and SJVUAPCD Rule 4401 controls VOC emissions from steam-enhanced crude oil production well vents. This final action will incorporate these rules into the Federally-approved SIP and will also permanently stop the sanctions and Federal implementation plan clocks that were started on February 14, 1996, and September 27, 1996, respectively, when EPA published final limited disapproval actions for the State's previous submittals of these rules. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). 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 July 22, 1998.

ADDRESSES: Copies of these 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 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, S.W., Washington, D.C. 20460.

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego, CA 92123-1096.

San Joaquin Valley Unified Air Pollution Control District, 1999 Tuolumne Street, Suite 200, Fresno, CA 93721.

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

FOR FURTHER INFORMATION CONTACT: For questions regarding SDCAPCD Rule 67.10, contact Patricia Bowlin, Rulemaking Office, (AIR-4), Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, telephone: (415) 744-1188. For questions on SJVUAPCD Rule 4401, contact Mae Wang at the same address, telephone: (415) 744-1200.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California State Implementation Plan (SIP) are San Diego County Air Pollution Control District (SDCAPCD) Rule 67.10, Kelp Processing and Bio-Polymer Manufacturing Operations, and San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Rule 4401, Steam-enhanced Crude Oil Production Well Vents. These rules were submitted by the California Air Resources Board (CARB) to EPA on August 1, 1997, and March 10, 1998, respectively.

II. Background

On October 10, 1997, in 62 FR 52959, EPA proposed to approve SDCAPCD Rule 67.10, Kelp Processing and Bio-Polymer Manufacturing Operations, into the California SIP. Rule 67.10 was adopted by SDCAPCD on June 25, 1997. The rule was submitted by CARB to EPA on August 1, 1997. On March 30, 1998, in 63 FR 15116, EPA proposed to approve SJVUAPCD Rule 4401, Steam-

enhanced Crude Oil Production Well Vents, into the California SIP. Rule 4401 was adopted by SJVUAPCD on January 15, 1998, and was submitted by CARB to EPA on March 10, 1998. Both rules were submitted in response to EPA's 1988 SIP-Call and the 1990 Clean Air Act (CAA or the Act) 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 rule is provided in the appropriate proposed rulemaking document 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 proposed rulemaking documents cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluation has been provided in each proposed rulemaking and in the technical support documents available at EPA's Region IX office.

III. Response to Public Comments

A 30-day public comment period was provided in 62 FR 52959 and 63 FR 15116. No comments were received.

IV. EPA Action

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the rules 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 and will also stop the sanctions process and Federal implementation plan clocks, which were started on February 14, 1996, and September 27, 1996, when limited disapproval actions were published in the **Federal Register**. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the CAA.

The final action on these rules serves as a final determination that the deficiencies in these rules have been corrected. Therefore, on July 22, 1998, any sanction or Federal implementation plan clock is permanently stopped.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state 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.

V. Administrative Requirements

A. Executive Orders 12866 and 13045

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

This final rule is not subject to E.O. 13045, entitled "Protection of Children from Environmental Health Risks and Safety Risks," because it is not an "economically significant" action under E.O. 12866.

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

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).

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 August 21, 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: June 9, 1998.

David Howekamp,

Acting 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) (248) and (c) (254) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *
(248) New and amended regulations for the following APCDs were submitted on August 1, 1997, by the Governor's designee.

(i) Incorporation by reference.
(A) San Diego County Air Pollution Control District.
(I) Rule 67.10 adopted June 25, 1997.

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(254) New and amended regulations for the following APCDs were submitted on March 10, 1998 by the Governor's designee.

(i) Incorporation by reference.
(A) San Joaquin Valley Unified Air Pollution Control District.
(I) Rule 4401 adopted January 15, 1998.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6111-7]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of Beulah Landfill Site from the National Priorities List.

SUMMARY: The U.S. Environmental Protection Agency (EPA) announces the deletion of the Beulah Landfill Site from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR