

Signed: September 30, 1998.

John W. Magaw,
Director.

Approved: January 19, 1999.

John P. Simpson,
Deputy Assistant Secretary, Regulatory, Tariff
and Trade Enforcement.

[FR Doc. 99-3759 Filed 2-16-99; 8:45 am]

BILLING CODE 4810-31-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05-99-005]

Drawbridge Operation Regulations; Cambridge Creek, Cambridge, MD

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 drawbridge across Cambridge Creek, mile 0.1, in Cambridge, Maryland. Beginning March 15, 1999, through March 19, 1999, this deviation allows the bridge to remain closed to navigation 24-hours a day. This closure is necessary to facilitate the replacement of the fender system piling.

EFFECTIVE DATE: This deviation is effective 24-hours a day from March 15, 1999 through March 19, 1999.

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

SUPPLEMENTARY INFORMATION: The Cambridge Creek drawbridge is owned and operated by the Maryland State Highway Administration (MDSHA). The current regulations in Title 33 Code of Federal Regulations, § 117.549 require the draw to open on signal from 6 a.m. to 8 p.m.; except that, from 12 noon to 1 p.m. Monday through Friday, the draw need not be opened. From 8 p.m. to 6 a.m., seven-days a week, the draw need not be opened.

On December 16, 1998, the Coast Guard received a request from MDSHA to close the navigation channel at the Cambridge Creek bridge to facilitate the replacement of the fender system piling. This work will also result in the complete closure of the drawbridge. MDSHA held a town meeting at which businesses and marinas affected by this replacement work requested a complete closure of the roadway to speed construction. A complete closure allows the replacement work to be completed

before the weather warms up and their fishing and tourist season begins.

The Coast Guard has advised the local Coast Guard units, including Activities Baltimore, of the bridge's closure on the requested dates, and they did not object. The Coast Guard will inform the commercial/recreational users of the waterway of the bridge closures in the weekly Notice to Mariners so that these vessels can arrange their transits to avoid being negatively impacted by the temporary deviation.

Beginning March 15, 1999, through March 19, 1999, this deviation allows the bridge to remain closed to navigation 24-hours a day.

Dated: February 3, 1999.

Roger T. Rufe, Jr.,
Vice Admiral, U.S. Coast Guard Commander,
Fifth Coast Guard District.

[FR Doc. 99-3767 Filed 2-16-99; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL168-1a; FRL-6232-8]

Approval and Promulgation of Air Quality Implementation Plans; Illinois: Clean Fuel Fleet Program Revision

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is approving through direct final action a State Implementation Plan (SIP) revision submitted on February 13, 1998, by the Illinois Environmental Protection Agency (IEPA). This SIP revision delays the implementation of the Illinois Clean Fuel Fleet Program (CFFP) purchase requirement from model year 1998 to model year 1999, based on EPA's decision to allow States to delay purchase requirements. This change is intended to ensure successful implementation of the Illinois CFFP, and to ensure that an adequate supply of appropriate vehicles is available for fleet operators to purchase once the program is underway. In addition, the SIP revision includes two minor corrections to the CFFP rules federally approved on March 19, 1996.

DATES: This rule is effective on April 19, 1999, unless EPA receives adverse written comments by March 19, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Written comment should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the State submittal are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Francisco Acevedo at (312) 886-6061 before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Francisco J. Acevedo, Environmental Protection Specialist, at (312) 886-6061.

SUPPLEMENTARY INFORMATION:

I. Background

The Clean Air Act (CAA) requires certain States to adopt and submit to EPA SIP revisions containing a CFFP for nonattainment areas with 1980 populations greater than 250,000 that are classified as serious or worse for ozone, or which have a design value of at least 16.0 ppm for carbon monoxide (CO).

In Illinois, the Chicago area is classified as a severe ozone nonattainment area and is therefore subject to the CFFP requirements.

The CAA provides that States' CFFP SIP revisions must require fleet operators with 10 or more centrally fueled vehicles or capable of being centrally fueled to include a specified percentage of clean-fuel vehicles in their purchases each year. There are additional specifications in section 246 of the CAA with which States' SIP revisions must also comply, including the requirements that covered fleet operators must operate the Clean Fuel Vehicles (CFVs) in covered nonattainment areas on a clean alternative fuel, defined as a fuel on which the vehicle meets EPA's CFV standards. EPA promulgated emission standards for CFVs in September 1994. (See 40 CFR part 88) On September 29, 1995, the IEPA submitted to EPA a SIP revision which allowed for the implementation of a CFFP in the Chicago ozone nonattainment area. On March 19, 1996, EPA approved the Illinois SIP submittal and made the program federally enforceable.

On May 22, 1997, and April 23, 1998, EPA issued guidance and a direct final rule respectively, allowing a one year delay of the CFFP in those areas that are unable to meet the purchase requirements cited in the Clean Air Act. (See 63 FR 20103 (April 23, 1998)).

On July 7, 1997, the IEPA filed proposed rules with the Illinois Pollution Control Board (IPCB) to amend the CFFP pursuant to Section 28.5 of the Illinois Environmental Protection Act and incorporate the one year delay of the program's purchase requirement. A public hearing was held on August 27, 1997, in Chicago, Illinois and on November 20, 1997, the IPCB adopted a Final Opinion and Order. On December 5, 1997, the rules were published in the Illinois Register. They became effective on November 25, 1997.

II. EPA's Analysis of Illinois' CFF Program

In light of EPA's action on April 23, 1998, to allow a one year delay in program implementation, States with adopted CFFP SIPs may revise the SIPs to provide for a model year 1999 start date for the CFFP purchase requirements. The EPA believes this action will provide States and fleet owners the necessary flexibility in those areas that are unable to meet the CFF purchase requirements due to vehicle availability.

Illinois has estimated that the first year of the program would result in a volatile organic compound reduction of 0.3 tons per day with a maximum reduction of about 2.8 tons per day when the program becomes fully effective in model year 2003. With a one year delay, the peak annual emission reduction will occur in model year 2004, which is in advance of the 2007 ozone attainment date for the Chicago nonattainment area. The Illinois submittal includes amendments to the Illinois CFFP rules in 35 Ill. Adm. Code 241, sections 241.113(a)(1)(A), (B), and (C) and (a)(2); section 241.130(b); section 241.140, section 241. APPENDIX B Credit Values (Tables A and D). Fleet owners and operators who acquire light-duty vehicles were required to acquire 30% clean fuel fleet vehicles (CFFVs) beginning in model year (MY) 1998, 50% CFFVs in MY 1999, and 70% CFFVs in MY 2000. The final rules delay the requirements for the acquisition of light duty vehicles until MY 1999, MY 2000, and MY 2001, respectively. In addition, fleet owners and operators who acquire heavy-duty vehicles were originally required to acquire 50% CFFVs beginning in MY 1998; they will now need to meet the heavy-duty purchase requirement starting in MY 1999.

The amendment to section 241.130(b) changes the date by which an owner or operator of a fleet may earn credits for acquiring CFFVs before the compliance date of the program. The amendment to section 241.140 changes the first date by

which owners or operators of fleets must submit annual reports to IEPA from November 1, 1998 to November 1, 1999. In addition to the one year delay, the EPA published a document in the January 3, 1996, **Federal Register** correcting two credit values for the CFFP credit program. These two values have been corrected in the State rules submitted with this SIP revision under section 241. APPENDIX B (Tables A and D).

III. Final Rulemaking Action

EPA is approving the delay of the CFFP implementation by one year and the corrections made to the credit value tables. The EPA is publishing this rule without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the State Plan should adverse written comments be filed. This rule will be effective without further notice unless the Agency receives relevant adverse written comment by March 19, 1999. Should the Agency receive such comments, it will publish a final rule informing the public that this action will not take effect. 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 on April 19, 1999.

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 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. 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.

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 OMB, 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 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 (CAA) 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 CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. EPA.*, 427 U.S. 246, 256-66 (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. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 19, 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, Carbon monoxide, Nitrogen oxide, Ozone, Volatile organic compounds.

Dated: February 2, 1999.

David A. Ullrich,

Acting Regional Administrator, Region V.

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 O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(146) to read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

(146) On February 13, 1998, the Illinois Environmental Protection Agency (IEPA) submitted a revision to the Illinois State Implementation Plan (SIP). This revision amends certain sections of the Clean-Fuel Fleet Program (CFFP) in the Chicago ozone nonattainment area to reflect that fleet owners and operators will have an additional year to meet the purchase requirements of the CFFP. The amendment changes the first date by which owners or operators of fleets must submit annual reports to IEPA from November 1, 1998 to November 1, 1999. In addition, this revision corrects two credit values in the CFFP credit program.

(i) Incorporation by reference.

(A) 35 Illinois Administrative Code 241; Sections 241.113, 241.130, 241.140, 241.Appendix B.Table A, 241.Appendix B.Table D adopted in R95-12 at 19 Ill. Reg. 13265, effective September 11, 1995; amended in R98-8, at 21 Ill. Reg. 15767, effective November 25, 1997.

(ii) Other Material.

(A) February 13, 1998, letter and attachments from the Illinois Environmental Protection Agency's Bureau of Air Chief to the United States Environmental Protection Agency's Regional Air and Radiation Division Director submitting Illinois' amendments to the Clean Fuel Fleet regulations as a revision to the ozone State Implementation Plan.

[FR Doc. 99-3522 Filed 2-16-99; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MI67-02-7275; FRL-6302-3]

Approval and Promulgation of Implementation Plans; Michigan: Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a correction to the State Implementation Plan (SIP) for the State of Michigan regarding the State's emission limitations and prohibitions for air contaminant or water vapor. EPA has determined that Michigan's air quality Administrative Rule, R336.1901 (Rule 901) was erroneously incorporated into the SIP. EPA is removing this rule from the