

a significant impact on a substantial number of small entities.

### Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

### Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard has considered the environmental impact of this final rule and concluded that, under Figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

### Regulation

For reasons set out in the preamble, the Coast Guard amends, 33 CFR Part 165 as follows:

#### PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, 160.5; 49 CFR 1.46.

Add temporary § 165.T01-110 to read as follows:

#### § 165.T01-110 Safety zone; Fireworks, Parade of Lights, Boston, MA.

(a) *Location.* The following area is a safety zone: all waters of Boston Harbor in a four hundred (400) yard radius around a fireworks barge located off of the U.S. Coast Guard Base in approximate position 42°22'12"N, 071°02'53"W (NAD 1983), Boston, MA.

(b) *Effective date.* This section is effective from 9:00 p.m. until 11:00 p.m., Saturday, July 24, 1999.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Boston.

(2) All persons and vessels shall comply with the instructions of the COTP or the designated on-scene U.S. Coast Guard patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

(3) The general regulations covering safety zones in § 165.23 of this part apply.

Dated: July 9, 1999.

#### M.A. Skordinski,

Commander, U.S. Coast Guard, Alternate Captain of the Port, Boston, Massachusetts.  
[FR Doc. 99-18484 Filed 7-20-99; 8:45 am]  
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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[MI69-01-7277a; FRL-6357-3]

### Approval and Promulgation of State Implementation Plans; Michigan

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

**ACTION:** Direct final rule.

**SUMMARY:** The EPA is approving several rule revisions and rescissions for incorporation into Michigan's State Implementation Plan (SIP). The Michigan Department of Environmental Quality (MDEQ) submitted these revisions on August 20, 1998 and supplemented them with a November 3, 1998, letter. They include revisions to degreasing, perchloroethylene dry cleaning, petroleum refinery, synthetic organic chemical manufacturing, and delivery vessel loading rules, and a number of rule rescissions.

**DATES:** This direct final rule is effective on September 20, 1999, without further notice, unless EPA receives adverse comment by August 20, 1999. If adverse comment is 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:** You may send written comments to: Carlton T. 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 SIP revision and EPA's analysis are available for inspection at the following location: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. (Please telephone

Kathleen D'Agostino at (312) 886-1767 before visiting the Region 5 Office.)

**FOR FURTHER INFORMATION CONTACT:** Kathleen D'Agostino, Environmental Engineer, Regulation Development Section (AR-18J), Air Programs Branch, Air and Radiation Division, United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1767.

#### SUPPLEMENTARY INFORMATION:

- A. Background Information
- B. Contents of State Submittal
- C. EPA's Evaluation of State Submittal and Final Action

#### A. Background Information

On August 20, 1998, the MDEQ submitted to EPA a proposed revision to the Michigan SIP. MDEQ supplemented this revision with a November 3, 1998, letter from Robert Irvine. This submittal included revisions to degreasing, perchloroethylene dry cleaning, petroleum refinery, synthetic organic chemical, and delivery vessel loading rules, as well as a number of rule rescissions. These rule revisions and rescissions are described briefly below. This rulemaking action does not address the following rules, which were also part of Michigan's SIP submittal: R 336.1118, R 336.1122(f), R 336.1278, R 336.1283 to R 336.1287, and R 336.1290. We will address the remaining rule revisions in separate rulemaking actions.

#### B. Contents of State Submittal

The following is a brief description of the sections of the SIP revision that we are addressing in this rulemaking action.

R 336.1611 to R 336.1614 and R 336.1707 to R 336.1710—These rules address existing and new cold cleaner and degreaser equipment. Michigan is proposing to revise these rules to exempt sources subject to the Halogenated Solvent Cleaner National Emission Standards for Hazardous Air Pollutants from the provisions of the respective rules.

R 336.1619—The State has replaced this rule with the National Emission Standard for Hazardous Air Pollutants for Perchloroethylene Dry Cleaners, and therefore proposes to remove this rule from the SIP.

R 336.1622—The proposed revision to this rule allows sources to comply by complying with EPA's Standards of Performance for Equipment Leaks of Volatile Organic Compound in Petroleum Refineries.

R 336.1628—The proposed revision to this rule allows sources to comply by complying with EPA's Standards of

Performance for Equipment Leaks of Volatile Organic Compound in Synthetic Organic Chemicals Manufacturing Industry.

R 336.1651—The State proposes to add to the SIP a rule for degreasers that incorporates the Halogenated Solvents Cleaning National Emission Standard for Hazardous Air Pollutants.

R 336.1706—The state has removed the word “new” in the text of this rule which applies to the loading of delivery vessels with VOCs.

R 336.91 to R 336.97—The State has rescinded these rules, because the State deleted the statute providing for a suspension of state enforcement and replaced it with provisions for delegating authority to a local pollution control agency. This rendered these rules obsolete.

R 336.601 to R 336.603—These Vehicle Inspection and Maintenance Rules reference a law no longer in existence. The State has rescinded these rules as obsolete.

R 336.1373—The State has rescinded this rule pertaining to fugitive dust because it has been superseded by Section 5525 of Act 451 of the Public Acts of 1994, as amended.

R 336.1501 to R 336.1507—The State has rescinded these rules pertaining to extending sulfur dioxide compliance dates for power plants. These compliance dates have now passed, and the rules to which they pertain have been fully implemented.

R 336.1603—The State has rescinded this rule, which establishes compliance dates for regulations relating to VOC emissions. These compliance dates have now passed, and the rules to which they pertain have been fully implemented.

R 336.2010—The State has rescinded this rule because it describes a test method that is not applicable to any current emission limit.

R 336.2199(c)—The State has rescinded this subsection, which refers to sources scheduled to be shut down by October 1980.

R 336.2601—The State has rescinded this rule describing the make-up of the Air Pollution Control Commission, which is no longer in existence.

R 336.2602 to R 336.2605—The State has rescinded these rules describing the organization, procedures and meeting schedule of the Air Pollution Control Commission, which is no longer in existence.

R 336.2608—The State has rescinded this rule which describes the involvement of the now defunct Air Pollution Control Commission in public and contested case hearings.

R 336.2301 to R 336.2308—These rules pertain to air pollution episodes.

The rules have never been used to declare an episode as the requirements for declaration have never been reached. Further, the highest monitored concentration of the air contaminants is far below the concentrations required to declare episodes. Therefore, the State has rescinded these rules.

### C. EPA's Evaluation of State Submittal and Final Action

EPA finds all of these revisions and rescissions acceptable. Therefore, we are approving the following rules for incorporation into Michigan's SIP: R 336.1611, R 336.1612, R 336.1613, R 336.1614, R 336.1619, R 336.1622, R 336.1628, R 336.1651, R 336.1706, R 336.1707, R 336.1708, R 336.1709 and R 336.1710. We are also approving the removal of the following rules from Michigan's SIP: R 336.91, R 336.92, R 336.93, R 336.94, R 336.95, R 336.96, R 336.97, R 336.601, R 336.602, R 336.603, R 336.1373, R 336.1501, R 336.1502, R 336.1503, R 336.1504, R 336.1505, R 336.1506, R 336.1507, R 336.1603, R 336.2010, R 336.2199(c), R 336.2601, R 336.2602, R 336.2603, R 336.2604, R 336.2605, R 336.2608, R 336.2301, R 336.2302, R 336.2303, R 336.2304, R 336.2305, R 336.2306, R 336.2307, and R 336.2308.

We are publishing this action without prior proposal because we view this as a noncontroversial revision and anticipate no adverse comments. However, in a separate document in this **Federal Register** publication, we are proposing to approve the State Plan if someone files adverse written comments. This action will be effective without further notice unless we receive relevant adverse written comment by August 20, 1999. Should we receive such comments, we 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 we do not receive adverse comments, this action will be effective on September 20, 1999.

### D. 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 OMB 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 elective 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.” This 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." This 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

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 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. 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.

The 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. The 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 the 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 September 20, 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 dioxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 28, 1999.

**Francis X. Lyons,**

*Regional Administrator, Region 5.*

For the reasons stated in the preamble, 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 X—Michigan

2. Section 52.1170 is amended by adding paragraph (c)(112) to read as follows:

#### § 52.1170 Identification of plan.

\* \* \* \* \*

(c) \* \* \*  
(112) The Michigan Department of Environmental Quality (MDEQ) submitted a revision to Michigan's State Implementation Plan (SIP) on August 20, 1998, and supplemented it on November 3, 1998. The revision removed from the SIP the following rules, which the State rescinded effective May 28, 1997: R 336.91 Purpose; R 336.92 Suspension of enforcement; requests by local agencies; R 336.93 Local agency requirements prior to suspension of enforcement; R 336.94 Commission public hearings on applications; R 336.95 Suspension of enforcement; procedures and public notice; R 336.96 Suspension of enforcement; conditions; R 336.97 Commission review of local agency programs; renewal of suspended enforcement; R 336.601 Affected counties and areas; R 336.602 Attainment of national ambient air quality standards; exemption from inspection and maintenance program requirements; R 336.603 Ozone and carbon monoxide attainment status determination; R 336.1373 Fugitive dust control requirements; areas listed in table 36; R 336.1501 Emission limits; extension of compliance date past January 1, 1980, generally; R 336.1502 Application; copies; R 336.1503 Application; contents; R 336.1504 Denial of request for extension past January 1, 1980; R 336.1505 Grant of extension past January 1, 1980; R 336.1506 Receipt of full and complete application; public notice; inspection; public hearing; R 336.1507 Modification or revocation of order granting extension; immediate effect; R 336.1603 Compliance program; R 336.2010 Reference test method 5A; R 336.2199(c); R 336.2601 Organization; R 336.2602 Offices and meetings; R

336.2603 Documents available for inspection and copying; R 336.2604 Document inspection and copying procedures; tape recording transcriptions; R 336.2605 Functions; R 336.2608 Hearings and informal conferences; R 336.2301 Definition of air pollution episode; R 336.2302 Definition of air pollution forecast; R 336.2303 Definition of air pollution alert; R 336.2304 Definition of air pollution warning; R 336.2305 Definition of air pollution emergency; R 336.2306 Declaration of air pollution episodes; R 336.2307 Episode emission abatement programs; and R 336.2308 Episode orders. The rules incorporated below contain revisions to degreasing, perchloroethylene dry cleaning, petroleum refinery, synthetic organic chemical manufacturing, and delivery vessel loading rules.

(i) *Incorporation by reference.* The following sections of the Michigan Administrative Code are incorporated by reference.

(A) R 336.1611 Existing cold cleaners, effective June 13, 1997.

(B) R 336.1612 Existing open top vapor degreasers, effective June 13, 1997.

(C) R 336.1613 Existing conveyORIZED cold cleaners, effective June 13, 1997.

(D) R 336.1614 Existing conveyORIZED vapor degreasers, effective June 13, 1997.

(E) R 336.1619 Standards for perchloroethylene dry cleaning equipment, effective June 13, 1997.

(F) R 336.1622 Emission of volatile organic compounds from existing components of petroleum refineries; refinery monitoring program, effective June 13, 1997.

(G) R 336.1628 Emission of volatile organic compounds from components of existing process equipment used in manufacturing synthetic organic chemicals and polymers; monitoring program, effective June 13, 1997.

(H) R 336.1651 Standards for Degreasers, effective June 13, 1997.

(I) R 336.1706 Loading delivery vessels with organic compounds having a true vapor pressure of more than 1.5 psia at new loading facilities handling 5,000,000 or more gallons of such compounds per year, effective June 13, 1997.

(J) R 336.1707 New cold cleaners, effective June 13, 1997.

(K) R 336.1708 New open top vapor degreasers, effective June 13, 1997.

(L) R 336.1709 New conveyORIZED cold cleaners, effective June 13, 1997.

(M) R 336.1710 New conveyORIZED vapor degreasers, effective June 13, 1997.

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 226-0159a FRL-6376-3]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the California State Implementation Plan. The revisions concern rules from the following: South Coast Air Quality Management District (SCAQMD) and Yolo-Solano Air Quality Management District (YSAQMD). 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 organic liquid loading, pharmaceutical and cosmetics manufacturing operations, and polyester resin 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.

**DATES:** This rule is effective on September 20, 1999 without further notice, unless EPA receives adverse comments by August 20, 1999. If EPA receives such comment, it will publish a timely withdrawal **Federal Register** informing the public that this rule will not take effect.

**ADDRESSES:** Written comments must be submitted to Andrew Steckel at the Region IX office listed below. Copies of the rule revisions 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 rule revisions 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 94105-3901.

Environmental Protection Agency, Air Docket (6102), 401 "M" Street, S.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 "L" Street, Sacramento, CA 95812.

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

Yolo-Solano Air Pollution Control District, 1947 Galileo Court, Suite 103, Davis, CA 95616.

**FOR FURTHER INFORMATION CONTACT:** Al Petersen, Rulemaking Office, AIR-4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, Telephone: (415) 744-1135.

#### SUPPLEMENTARY INFORMATION:

##### I. Applicability

The rules being approved into the California SIP include: SCAQMD Rule 462, Organic Liquid Loading, SCAQMD rule 1103, Pharmaceuticals and Cosmetics Manufacturing Operations, and YSAQMD rule 2.30, Polyester Resin Operations. These rules were submitted by the California Air Resources Board to EPA on June 3, 1999, May 13, 1999, and June 3, 1999, respectively.

##### II. Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the Clean Air Act, as amended in 1977 (1977 Act or pre-amended Act), that included the South Coast Air Basin Area (SCABA) and Yolo County and part of Solano County (43 FR 8964, 40 CFR 81.305). On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the 1977 Act, that the above districts' portions of the California SIP were inadequate to attain and maintain the ozone standard and requested that deficiencies in the existing SIP be corrected (EPA's SIP-Call). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Pub. L. 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A) of the CAA, Congress statutorily adopted the requirement that nonattainment areas fix their deficient reasonably available control technology (RACT) rules for ozone and established a deadline of May 15, 1991 for states to submit corrections of those deficiencies.

Section 182(a)(2)(A) applies to areas designated as nonattainment prior to enactment of the amendments and classified as marginal or above as of the date of enactment. It requires such areas to adopt and correct RACT rules