of the Kennebec River. Due to the limited duration of the safety zone, the fact that the safety zone will not restrict the entire channel of the Kennebec River, allowing traffic to continue without obstruction, and that advance maritime advisories will be made, the Coast Guard expects the economic impact of this regulation to be so minimal that a Regulatory Evaluation is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. ''Small entities'' may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

For the reasons addressed under the Regulatory Evaluation above, the Coast Guard expects the impact of this regulation to be minimal and certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic 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 regulation and concluded that, under section 2.B.2.e. of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and an Environmental Analysis Checklist is available in the docket for inspection or copying.

List of Subjects in 33 CFR Part 165

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

Regulation

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

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 and 160.5; 49 CFR 1.46.

2. Add temporary section, 165.T01–CGD1–183 to read as follows:

§ 165.T01–CGD1–183 Explosive Load, Bath Iron Works, Bath, ME.

(a) *Location.* The safety zone covers the waters of the Kennebec River, Bath, ME, in a 400 foot radius around Bath Iron Works, Bath, ME.

(b) *Effective date.* The Explosive Loads and Detonations will occur from 6 a.m. Saturday January 30 until 12 p.m. Monday March 1, 1999. The safety zone covers the waters of the Kennebec River, Bath, ME.

(c) *Regulations.*

(1) The general regulations contained in 33 CFR 165.23 apply.

(2) All persons shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel via siren, radio, flashing light, or other means, the operator of the vessel shall proceed as directed.

(3) In accordance with the general regulations in section 165.23 of this part, entry or movement within this zone is prohibited unless authorized by the Captain of the Port, Portland, ME.

Dated: January 29, 1999.

R.A. Nash,

Commander, U.S. Coast Guard, Captain of the Port Portland, Maine.

[FR Doc. 99–2974 Filed 2–5–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MN55–01–7280a; MN56–01–7281a; MN57–01–7282a; FRL–6230–3]

Approval and Promulgation of State Implementation Plans; Minnesota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves three State Implementation Plan (SIP) revisions for the State of Minnesota which were submitted on October 17, 1997. These SIP revisions modify Administrative Orders for North Star Steel Company and LaFarge Corporation (North Star Steel and LaFarge) located in St. Paul, Minnesota, and GAF Building Materials (GAF) located in Minneapolis, Minnesota. The Orders to these facilities are included as part of Minnesota's SIP to attain and maintain the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM) and sulfur dioxide (SO_2).

In the proposed rules section of this **Federal Register**, the Environmental Protection Agency (EPA) is proposing approval of, and soliciting comments on, these SIP revisions. If adverse comments are received on this action, EPA will withdraw this final rule and address the comments received in response to this action in a final rule based on the related proposed rule, which is being published in the proposed rules section of this **Federal Register**. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time.

DATES: This ''direct final'' rule is effective April 9, 1999, unless EPA receives adverse or critical comments by March 10, 1999. If adverse comment is received, EPA with publish a timely withdrawal in the **Federal Register**, informing the public that the rule will not take effect.

ADDRESSES: Written comments should be sent 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. (It is recommended that you telephone Christos Panos at (312) 353–8328 before visiting the Region 5 Office.)

A Copy of these SIP revisions are available for inspection at the following location: Office of Air and Radiation (OAR) Docket and Information Center (Air Docket 6102), room M1500, United States Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, (202) 260–7548.

FOR FURTHER INFORMATION CONTACT: Christos Panos, 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) 353–8328.

SUPPLEMENTARY INFORMATION:

I. Background

PM SIP. The State submitted SIP revisions intended to demonstrate

attainment and maintenance of the PM NAAQS on November 26, 1991, August 31, 1992, and November 13, 1992. Included in these submittals were Administrative Orders for North Star Steel and LaFarge. On February 15, 1994, at 59 FR 7218, EPA took final action to approve these PM SIP revisions. This final rulemaking also took into consideration three new submittals, provided by the State on February 3, 1993, April 30, 1993, and October 15, 1993. A revised Administrative Order for North Star Steel was included in the April 30, 1993, submittal.

On December 22, 1994, the State submitted amendments to the administrative orders for Lafarge and North Star Steel. EPA took final action to approve these amendments into the Minnesota PM SIP on June 13, 1995, at 60 FR 31088.

SO_2 SIP. On May 29, 1992, the State submitted a revision to the SO_2 SIP for Minneapolis-St. Paul, which included a demonstration of attainment and maintenance of the NAAQS for SO_2. Included in the attainment demonstration was an Administrative Order for GAF. The State submitted a supplemental SIP revision on July 12, 1993. A revised Administrative Order for GAF was included in this submittal and, on April 14, 1994, at 59 FR 17703, EPA took final action to approve the SO_2 SIP revisions for the Minneapolis-St. Paul area.

II. Review of Minnesota's Plan

LaFarge Corporation, Childs Road Facility

The revision submitted on October 17, 1997, consists of applying a chemical dust suppressant to the unpaved roads at the facility. The old Order required daily watering of these roads with the following exceptions: (1) if there was a 0.1 inch rainfall in the preceding 24 hours, (2) if the temperature fell below 32 degrees, or (3) on any day there was no traffic on the road. The revised Order requires LaFarge to apply a chemical dust suppressant on all unpaved roadways, except when the ground is frozen (November–March). Calcium chloride (CaCl) will be applied to all unpaved roads each April. Daily inspections of these roads will be performed to determine if additional dust suppressant is necessary and re-application of CaCl is required to those areas where fugitive dust is observed. These inspections do not need to be performed if there is no traffic on the roads or if the facility is closed for the entire day. The Company is required to keep records of: (1) the day in April every year of initial application of dust suppressant, (2) daily observations of the unpaved roads or if there was no traffic on the roads, and (3) if needed, where and how much additional dust suppressant was applied. The revision also allows the Company to use a dust suppressant other than CaCl only after written approval from the State is obtained.

North Star Steel Company

The revision submitted on October 17, 1997, would allow the Company to add equipment as long as they adhere to the State's insignificant modifications guidelines. The old Order allowed the Company to make changes to their facility without obtaining a modification to the Order as long as the changes did not increase, from any emission point, the Facility's PM emission rate or overall PM emissions, or alter equipment or parameters described in Exhibit 1 of the Order which formed the basis for the PM modeling. The new Order will allow the Company to make changes to their facility without obtaining a modification to the Order as long as the changes do not increase, from any emission point in Exhibit 1, the Facility's PM emission rate, or alter equipment or parameters described in Exhibit 1 of the Order which formed the basis for the PM modeling. The new Order will also allow North Star Steel to install, modify, and operate process or control equipment not listed in Exhibit 1 without obtaining a modification to the Order as long as the installation, modification, and operation of the equipment is an insignificant modification as described in Minn. R. 7007.1250, subp. 1, item A or B, and the Company complies with the requirements of Minn. R. 7007.1250 (previously approved into the SIP on May 24, 1995 at 60 FR 27411).

GAF Building Materials Corporation

The revision submitted on October 17, 1997, consists of the removal of the requirement to use asphalt sulfur content as an indication of the sulfur content of the fuel being burned, and a new process, when oil is being used as a fuel, for sampling and analyzing the mixture of No. 6 fuel oil and knockout oil. The old Order required the Company to sample and analyze the mixture of No. 6 fuel oil and knockout oil on a weekly basis at the burner inlet in order to determine the sulfur content and the heating value of the fuel. The revised Order requires GAF to sample and analyze the mixture of No. 6 fuel oil and knockout oil on a daily basis to determine the percent sulfur content of the blend and on a weekly basis to determine the heating value of the fuel mixture, at a point between the fuel oil storage tank and the combustion units. The new Order also revises all references made to any applicable ASTM Method or another EPA approved ASTM method (as listed in 40 CFR part 60, Appendix A, Method 19, Section 5.2.2).

III. Final Action

Based on the rationale set forth above, EPA is approving the Administrative Order revisions for LaFarge Corporation and North Star Steel Company, located in St. Paul, Minnesota, and GAF Building Materials, located in Minneapolis, Minnesota, as submitted by the State on October 17, 1997. These Orders are included as part of Minnesota's SIP to attain and maintain the NAAQS for PM, and SO_2. EPA has evaluated these SIP revisions and determined that the changes to operations at each facility, as described above, will not result in an increase of emissions and do not jeopardize the PM and SO_2 attainment demonstrations that had previously been submitted by the State and approved by EPA on February 15, 1994, at 59 FR 7218, and April 14, 1994, at 59 FR 17703, respectively.

EPA is publishing this action 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, EPA is proposing to approve the State Plan should adverse written comments be filed. This action will be effective without further notice unless EPA receives relevant adverse written comment by March 10, 1999. Should EPA 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 9, 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: Enhancing Intergovernmental Partnerships

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 13084: Consultation and Coordination With Indian Tribal Governments

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on these 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 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.'' 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.

D. 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.

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 direct final rule will not have a significant impact on a substantial number of small entities because plan approvals under section 111(d) do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal 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 (Act) preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of a State action. The Act forbids EPA to base its actions 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 Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 9, 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, Incorporation by reference, Intergovernmental relations, Particulate matter, Sulfur dioxide, Reporting and recordkeeping requirements.

Dated: January 19, 1999.

JoLynn Traub,

Acting Regional Administrator, Region 5.

Title 40 of the Code of Federal Regulations, chapter I, part 52, is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart Y—Minnesota

2. Section 52.1220 is amended by adding paragraph (c)(47) to read as follows:

§ 52.1220 Identification of plan.

* * * * *

(c) * * *

(47) On October 17, 1997, the State of Minnesota submitted amendments to three previously approved Administrative Orders for North Star Steel Company, LaFarge Corporation, and GAF Building Materials, all located in the Minneapolis-St. Paul area.

(i) Incorporation by reference.

(A) Amendments, both dated and effective September 23, 1997, to administrative orders and amendments approved in paragraphs (c)(29) and (c)(41) of this section, respectively, of this section for: LaFarge Corporation (Childs Road facility) and North Star Steel Company.

(B) Amendment Two, dated and effective September 18, 1997, to administrative order and amendment approved in paragraph (c)(30) of this section for GAF Building Materials.

[FR Doc. 99–2787 Filed 2–5–99; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1309

RIN 0970–AB31

Head Start Program

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families (ACF), HHS.

ACTION: Final rule.

SUMMARY: The Administration on Children, Youth and Families is issuing this final rule to implement the statutory provision that authorizes Head Start grantees to use grant funds to purchase facilities in which to operate Head Start programs.

EFFECTIVE DATES: March 10, 1999. The information collection requirements of §§ 1309.10, 1309.40 and 1309.41 shall be effective on the day they are approved by the Office of Management and Budget (OMB). The OMB approval numbers and date of approval of the information collection requirements will be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Douglas Klafehn, Deputy Associate Commissioner, Head Start Bureau, Administration for Children, Youth and Families, P.O. Box 1182, Washington, DC 20013; (202) 205–8572.

SUPPLEMENTARY INFORMATION:

I. Program Purpose

Head Start is authorized under the Head Start Act (42 U.S.C. 9801 *et seq.*). It is a national program providing comprehensive developmental services to low-income preschool children, primarily age three to the age of compulsory school attendance, and their families. To help enrolled children achieve their full potential, Head Start programs provide comprehensive health, nutritional, educational, social and other services. Also, section 645A of the Head Start Act provides authority to fund programs for families with infants and toddlers. Programs receiving funds under the authority of this section are referred to as early Head Start programs.

Head Start programs are required to provide for the direct participation of the parents of enrolled children in the development, conduct, and direction of local programs. Parents also receive training and education to foster their understanding of and involvement in the development of their children. In fiscal year 1997 Head Start served approximately 794,000 children through a network of over 2,000 grantee and delegate agencies.

While Head Start is intended to serve primarily children whose families have incomes at or below the poverty line, or who receive public assistance, Head Start regulations permit up to ten percent of the children in local programs to be from families who do not meet these low-income criteria. Tribal grantees can exceed this limit under certain conditions. The Act also requires that a minimum of ten percent of the enrollment opportunities in each program be made available to children with disabilities. Such children are expected to participate in the full range of Head Start services and activities with their non-disabled peers and to receive needed special education and related services.

II. Purpose of the Rule

The Administration for Children and Families (ACF) is establishing a final rule governing the purchase of facilities by Head Start grantees. The purpose of this Rule is to implement the statutory authority of Head Start grantees to use grant funds to purchase facilities in which to operate Head Start programs. This authority, found in section 644(f) of the Head Start Act (42 U.S.C. 9839), was granted in October 1992. The Act allows grantees to apply for grant funds to purchase facilities to carry out Head Start programs and directs the Secretary to establish uniform procedures for Head Start agencies to request such funds. Additional authority for this Rule is found in section 644(c) of the Head Start Act, which mandates the Secretary to prescribe rules or regulations to supplement section 644(f). In March 1994 Congress added provisions to section 644(f) allowing grantees to apply for approval of facility purchases made after December 31, 1986.

III. Summary of the Major Provisions of the Final Rule

A summary the major provisions of the final rule is as follows. The rule:

- Specifies what information must be included in the written application grantees must submit to request to use grant funds to purchase a facility, including what must be included in the cost comparison which grantees must submit as part of their application;
- Requires certain measures to be taken to protect the Federal interest in facilities purchased in whole or in part with ACF grant funds;
- Requires that grantees which acquire facilities with grant funds obtain specified types of insurance and maintain the property acquired in a manner consistent with the purpose for which funds were provided and in compliance with applicable building codes and standards; and
- Includes within the definition of ''facility'' modular units, and requires grantees which seek funding to purchase a modular unit to comply with these regulations, which include provisions applicable only to the purchase of modular units.

IV. Rulemaking History

On December 1, 1994, the Department published a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** (59 FR 61575), proposing to establish a rule to implement the