foot contour line to the point where the contour intersects the north line of Section 10. T6N, R5W, MDM, immediately adjacent to Dry Creek on the Rutherford, CA map;

(13) Then northwesterly along Dry Creek approximately 6,500 feet to BM503, then northeasterly approximately 3,000 feet to the peak denoted as 1478, then southeasterly approximately 2,300 feet to the beginning of the creek known locally as Hopper Creek, then southeasterly along Hopper Creek approximately 2,300 feet to the point of beginning.

Signed: February 2, 1999.

John W. Magaw,

Director.

Approved: February 16, 1999.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 99–6735 Filed 3–18–99; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD11–99–001]

Drawbridge Operation Regulations; Mokelumne River, CA–12 Highway Bridge at Mile 3.0 at East Isleton, Sacramento County, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: Notice is hereby given that the U.S. Coast Guard has issued a temporary deviation to regulations governing opening of the California Department of Transportation (Caltrans) swing bridge over the Mokelumne River at East Isleton, CA (the Mokelumne River Bridge). The deviation has two parts. The first part specified the bridge need not open for the passage of vessels from 8 a.m. March 22, 1999 to 5 p.m. March 24, 1999. The purpose of this part of the deviation is to allow Caltrans to repair the east-end bridge jack turnbuckle. The bridge cannot be opened during that work. The second part specified the bridge would open upon the following advance notice during the period from 5 p.m. March 24, 1999, through 5 p.m. April 2, 1999: During the hours between 9 a.m. and 5 p.m. daily, upon 30 minutes advance notice; at all other times upon at least 4 hours advance notice given to the drawtender at the Rio Vista Bridge over the Sacramento River, mile 12.8. The purpose of this part of the deviation is to enable Caltrans to test and make final adjustments and conduct other maintenance that does not require taking the bridge out of service. However, during that period, workers and equipment will be on the movable span, and advance notice is needed to clear the span for openings.

DATES: The deviation is effective from 8 a.m. March 22, 1999, through 5 p.m. April 2, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Jerry Olmes, Bridge Administrator, Eleventh Coast Guard District, Building 50–6, Coast Guard Island, Alameda, CA 94501–5100, telephone (510) 437–3515.

SUPPLEMENTARY INFORMATION: On February 24, 1999, Caltrans requested to close the bridge from 8 a.m. March 22, 1999 through 5 p.m. March 24, 1999, and to operate the bridge on 30 minute advance notice from 5 p.m. March 24, 1999 through 5 p.m. April 2, 1999. When the bridge is closed to navigation, the vertical clearance is 7.0 ft. (2.1 m) above Mean High Water, and is 10.5 ft. (3.2m) above Mean Lower Low Water, and the clearances may be further reduced due to high seasonal flows from winter rains. Alternate routes are available, and waterway traffic is minimal during the winter months. The Coast Guard has contacted the marinas immediately upstream and downstream of the bridge and commercial waterway operators, none of whom have any objection to the proposal. Delaying repairs until later in the year would impact a greater number of waterway users.

This deviation from the normal operating regulations in 33 CFR 117.175 is authorized in accordance with the provisions of 33 CFR 117.35.

Dated: March 12, 1999.

C.D. Wurster,

Captain, U.S. Coast Guard, Acting Commander, Eleventh Coast Guard District.

[FR Doc. 99–6759 Filed 3–18–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 207–0136a FRL–6239–8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Sacramento Metropolitan and South Coast Air Quality Management Districts and San Joaquin Valley Unified Air Pollution Control 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 (SIP). This action is an administrative change which revises the definitions in Sacramento Metropolitan Air Quality Management (SMAQMD) Rule 101, San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Rule 1020, and South Coast Air Quality Management District (SCAQMD) Rule 1302. The intended effect of approving this action is to incorporate changes to the definitions for clarity and consistency and to update the Exempt Compound list in SMAQMD, SJVUAPCD, and SCAQMD rules to be consistent with the revised federal and state VOC definitions.

DATES: This rule is effective on May 18, 1999 without further notice, unless EPA receives adverse comments by April 19, 1999. If EPA receives such comment, it will publish a timely withdrawal in the **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

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

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Rd., Sacramento, CA 95826–3904

San Joaquin Valley Unified Air Pollution Control District, 1990 E. Gettysburg Ave., Fresno, CA 93726
South Coast Air Quality Management District, 21865 E. Copley Dr., Diamond Bar, CA 91765–4182

FOR FURTHER INFORMATION CONTACT:

Cynthia G. Allen, Rulemaking Office, AIR–4, Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1189.

SUPPLEMENTARY INFORMATION:

I. Applicability

The rules being approved into the California SIP include: SMAQMD Rule 101, General Provisions and Definitions; SJVUAPCD Rule 1020, Definition; and South Coast Rule 1302, Definitions (New Source Review). These rules were submitted by the California Air Resources Board to EPA on October 27, 1998 (Sacramento); May 18, 1998 (San Joaquin); and March 10, 1998 (South Coast).

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 SMAQMD, SJVUAPCD, and SCAQMD. 43 FR 8964, 49 CFR 81.305. In response to Section 110(a) of the Act and other requirements, the SMAQMD, SJVUAPCD, and SCAQMD submitted many rules which EPA approved into the SIP.

On June 16, 1995 (60 FR 31633) EPA published a final rule excluding acetone from the definition of VOC. On February 7, 1996 (61 FR 4588) EPA published a final rule excluding perchloroethylene from the definition of VOC. On October 8, 1996 (61 FR 52848) EPA published a final rule excluding HFC 43–10mee and HCFC 225ca and cb from the definition of VOC. On April 9, 1998 (63 FR 17331) EPA published a final rule excluding methyl acetate from the definition of VOC. These compounds were determined to have negligible photochemical reactivity and thus, were added to the Agency's list of Exempt Compounds.

This document addresses EPA's direct-final action for SMAQMD Rule 101, General Provisions and Definitions; SJVUAPCD Rule 1020, Definitions; and SCAQMD Rule 1302, Definitions (New Source Review). These rules were adopted by SMAQMD on September 3, 1998; by SJVUAPCD on December 18, 1997; and by SCAQMD on June 13, 1997. These rules were submitted by the California Air Resources Board to EPA on October 27, 1998 (Sacramento); May 18, 1998 (San Joaquin); and March 10, 1998 (South Coast). These submitted rules were found to be complete on May 21, 1998 (South Coast); July 17, 1998 (Sacramento); and December 18, 1998 (San Joaquin), pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51 Appendix V [1] and is being finalized for approval into the SIP.

The following are EPA's summary and final action for these rules:

III. EPA Evaluation and Action

In determining the approvability of a rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110, and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for this action, appears in various EPA policy guidance documents.[2]

This administrative action is necessary to make the VOC definition in the SMAQMD, SJVUAPCD, and SCAQMD rules consistent with federal and state definitions of VOC. This action will result in more accurate assessment of ozone formation potential, will remove unnecessary control requirements and will assist States in avoiding exceedences of the ozone health standard by focusing control efforts on compounds which are actual ozone precursors.

SMAQMD Rule 101, General Provisions and Definitions, has been revised to update the definition of ''Exempt Compounds''. In addition, this amendment adds and/or revise the following definitions: Section 203, Emission Unit, Section 205, On-Site, and Section 209, Section.

SJVUAPCD Rule 1020, Definitions, is a new rule for the SJVUAPCD but will replace the SIP rules for Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus and Tulare Counties. SJVUAPCD Rule, 1020 contains general definitions for terms used or referenced in various district rules. This new rule exempts ethane and acetone as volatile organic compounds because of recent EPA and ARB action, revises the definition of ''San Joaquin Valley Air Basin'' and ''Central Kern County Fields'' based on the recent California Air Resources Board realignment of air basin boundaries, and delete the definition of ''Cyclic Well'' to correct an inconsistency with a conflicting definition in Rule 4401 (Steam Enhanced Crude Oil Production Well Vents).

SCAQMD Rule 1302, Definitions (New Source Review), was submitted with amended South Coast Rule 102, Definition of Terms. Perchloroethylene is being added as a Group II Exempt Compound. The other three compounds are to be added to the list of Group I Exempt Compounds. The amendments will also allow the use of cyclic branched, or linear, completely methylated siloxanes (VMS) and parachlorobenzotrifluoride (PCBTF), currently listed as Group II Exempt Compounds, and perchloroethylene in operations regulated pursuant to Rules 1106.1, 1151, and 1171. In order to have a consistent VOC definition, the VOC definition in Rule 1302 is being removed and now refers to Rule 102 which was approved on (February 23, 1999, **Federal Register** pending). Thus, EPA is approving amended Rule 1302 into the SIP.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective May 18, 1999 without further notice unless the Agency receives adverse comments by April 19, 1999.

If the EPA receives such comments, then EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Any parties interested in commenting on this rule should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 18, 1999 and no further action will be taken on the proposed rule.

[1] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[2] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice'' (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988).

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, Regulatory Planning and Review.

B. Executive Order 12875

Under Executive Order 12875, Enhancing the Intergovernmental Partnership, 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, or EPA consults with those governments. If EPA complies by consulting, Executive Order 12875 requires EPA to 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 any written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 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 is does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, 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 those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, 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, Executive Order 13084 requires EPA to develop an effective process permitting elected officials 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.'' 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 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 Clean Air Act, preparation of 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).

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**. 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 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 May 18, 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, 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: March 5, 1999.

Laura Yoshii,

Deputy 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)(254)(i)(D)(3), (255)(i)(C), and (260)(i)(A) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(254) * * *

(i) * * *

(D) South Coast Air Quality Management District.

(*3*) Rule 1302, amended December 7, 1995.

* * * * *

(255) * * *

(i) * * *

(C) San Joaquin Valley Unified Air Pollution Control District.

(1) Rule 1020, amended December 18, 1997.

* * * * *

(260) New and amended regulations for the following APCDs were submitted on October 27, 1998, by the Governor's designee.

(i) Incorporation by reference.

(A) Sacramento Metropolitan Air Quality Management District.

(*1*) Rule 101, amended on September 3, 1998.

* * * * *

[FR Doc. 99–6650 Filed 3–18–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[OK–18–1–7415a; FRL–6312–S]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oklahoma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: We are approving the section 111(d) Plan submitted by the Oklahoma Department of Environmental Quality (ODEQ) on December 18, 1998, to implement and enforce the Emissions Guidelines (EG) for existing Municipal Solid Waste (MSW) Landfills . The EG require States to develop plans to reduce landfill gas emissions from all MSWs.

DATES: This direct final rule is effective on May 18, 1999, without further notice, unless we receive adverse comments by April 19, 1999. If we receive adverse comments, we will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: You should address comments on this action to Lt. Mick Cote, EPA Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202.

Copies of all materials considered in this rulemaking may be examined during normal business hours at the following locations: EPA Region 6 offices, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202, and at the Oklahoma Department of Environmental Quality offices, 707 North Robinson Avenue, Oklahoma City, OK 73101–1677.

FOR FURTHER INFORMATION CONTACT: Lt. Mick Cote at (214) 665–7219.

SUPPLEMENTARY INFORMATION:

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I. What Action Is Being Taken by EPA Today?

We are approving the Oklahoma State Plan, as submitted on December 18, 1998, for the control of landfill gas emissions from MSW landfills, except for those located in Indian Country. When we developed our New Source Performance Standard (NSPS) for MSW landfills, we also developed EG to control emissions from older MSW landfills. (See 61 FR 9905, March 12, 1996, and 63 FR 32743, June 16, 1998). The ODEQ developed a State Plan, as required by section 111(d) of the Clean Air Act (the Act), to adopt the EG into their body of regulations, and we are acting today to approve it.

We are publishing this action without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in a separate document in this **Federal Register** publication, we are proposing to approve the revision should significant, material, and adverse comments be filed. This action is effective May 18, 1999, unless by April 19, 1999, adverse or critical comments are received. If we receive such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a proposed rule. We 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, this action is effective May 18, 1999.

II. Why Do We Need To Regulate MSW Landfill Emissions?

Landfill gas contains a mixture of volatile organic compounds (VOCs), other hazardous air pollutants (HAPs), and methane. VOC emissions can contribute to ozone formation, which can cause adverse health effects to humans and vegetation. The health effects of HAPs include cancer, respiratory irritation, and damage to the nervous system. Methane emissions contribute to global climate change and can result in fires or explosions when they accumulate in structures on or off the landfill site. We presented our concerns with the health and welfare effects of landfill gases in the preamble to our proposed Federal regulations (56 FR 24468, May 30, 1991).

III. What Is a State Plan?

Section 111(d) of the Act requires that ''designated'' pollutants controlled