approach to runway 24 on the northeast end of Burke Lakefront Airport.

Dated: July 14, 1998.

G.S. Cope,

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

[FR Doc. 98–21186 Filed 8–6–98; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 52

[CA 207–0086; FRL–6138–7]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a limited approval and limited disapproval of a revision to the San Joaquin Valley Unified Air Pollution Control District's portion of the California State Implementation Plan (SIP) that concerns the control of volatile organic compound (VOC) emissions from a variety of sources.

The intended effect of proposing limited approval and limited disapproval of this rule is to regulate emissions of VOCs in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). EPA's final action on this proposed rule will incorporate this rule into the federally approved SIP. EPA has evaluated the rule and is proposing a simultaneous limited approval and limited disapproval under provisions of the CAA regarding EPA action on SIP submittals and general rulemaking authority because this revision, while maintaining the SIP, does not fully meet the CAA provisions regarding plan submissions and requirements for nonattainment areas.

DATES: Comments must be received on or before September 8, 1998.

ADDRESSES: Comments may be mailed to: Andrew Steckel, Rulemaking Office [AIR–4], Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rule and EPA's evaluation report of the rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule are also available for inspection at the following locations:

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

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

FOR FURTHER INFORMATION CONTACT: Yvonne Fong, Rulemaking Office, [AIR–4], Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1199.

SUPPLEMENTARY INFORMATION:

I. Applicability

San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Rule 4661, Organic Solvents is being proposed for approval into the California SIP. This rule was submitted by the California Air Resources Board (CARB) to EPA on March 10, 1998. Eighteen rules from the San Joaquin Valley Air Basin's eight counties will be rescinded from their respective SIPs upon final action by EPA on the version of SJVUAPCD Rule 4661 submitted March 10, 1998. A detailed list of the rules to be rescinded from the county SIPs can be found in the Technical Support Document (TSD) for Rule 4661 (July 1, 1998), which is available from the U.S. EPA, Region IX office.

II. Background

On March 3, 1978, EPA promulgated a list of ozone nonattainment areas under the provisions of the 1977 Clean Air Act (1977 CAA or pre-amended Act), that included the San Joaquin Valley Air Basin which encompassed the air pollution control districts of the following eight counties: Fresno, Kern,[1] Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. 43 FR 8964; 40 CFR 81.305. Because some of these areas were unable to meet the statutory attainment date of December 31, 1982, California requested under section 172(a)(2), and EPA approved, an extension of the attainment date to December 31, 1987.[2] On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the pre-amended Act, that the above district's portion of the SIP was 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, amendments to the 1977 CAA were enacted. Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q.

On March 20, 1991, the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) was formed. The SJVUAPCD has authority over the San Joaquin Valley Air Basin, which includes all of the above eight counties except for the Southeast Desert Air Basin portion of Kern County. Thus Kern County Air Pollution Control District (Kern) still exists, but only has authority over the Southeast Desert Air Basin portion of Kern County. The San Joaquin Valley Area is classified as serious.

The State of California submitted many rules to EPA for incorporation into its SIP on March 10, 1998, including the rule being acted on in this document. This document addresses EPA's proposed action for SJVUAPCD Rule 4661, Organic Solvents. The SJVUAPCD adopted Rule 4661 on December 17, 1992. This submitted rule was found to be complete on May 21, 1998 pursuant to EPA's completeness criteria that are set forth in 40 CFR Part 51, Appendix V[3] and is being proposed for limited approval and limited disapproval.

Rule 4661 controls the emission of volatile organic compounds (VOCs) from organic solvent use. VOCs contribute to the production of ground level ozone and smog. The eighteen county rules listed in the TSD for this rule were originally adopted as part of the district's effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone. SJVUAPCD Rule 4661 is a new rule which was adopted to meet EPA's SIP-Call and the section 110(a)(2)(A) CAA requirement and which will supercede those eighteen county rules. The following is EPA's evaluation and proposed action for SJVUAPCD Rule 4661.

III. EPA Evaluation and Proposed Action

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found

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[1] At the time, Kern County included portions of two air basins: the San Joaquin Valley Air Basin and the Southeast Desert Air Basin. The San Joaquin Valley Air Basin portion of Kern County was designated as nonattainment, and the Southeast Desert Air Basin portion of Kern County was designated as unclassified. The Southeast Desert portion of Kern County was subsequently redesignated as nonattainment and classified as serious on November 6, 1991. See 56 FR 56694.

[2] This extension was not requested for the following counties: Kern, Kings, Madera, Merced, and Tulare. Thus, the attainment date for these counties remained December 31, 1982.

[3] EPA adopted 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).

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 today's action, appears in ''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). In general, this guidance document has been set forth to ensure that VOC rules are fully enforceable and strengthen or maintain the SIP.

There is currently no version of SJVUAPCD Rule 4661, Organic Solvents in the SJVUAPCD portion of the California SIP. All the major requirements of SJVUAPCD Rule 4661, however, are derived from the eighteen county SIP rules listed in the TSD for this rule. The SJVUAPCD Rule 4661 submitted on March 10, 1998 includes the following provisions:

- Prohibits the discharge of more than 15 pounds per day or 3 pounds per hour of organic materials that come in contact with heat unless controlled to 85% (Section 5.1),
- Prohibits the discharge of more than 40 pounds per day or 8 pounds per hour of photochemically reactive solvent unless controlled to 85% (Section 5.2),
- Prohibits the discharge of more than 3,000 pounds per day or 450 pounds per hour of non-photochemically reactive solvent unless controlled to 85% (Section 5.3),
- Requires emissions of organic materials that occur when they are used for cleanup and that occur when drying products after their removal from any operation be included with other emissions when determining compliance with the rule (Sections 5.4 and 5.5),
- Specifies acceptable forms of controls (Section 5.6),
- Requires monitoring of all operating conditions necessary to determine the degree and effectiveness of controls (Section 5.7),
- Requires users of organic solvents to provide information on the composition, properties, and consumption of each solvent used (Section 5.8), and
- Limits the daily disposal of photochemically reactive solvent by any means which will permit its evaporation into the atmosphere to 1.5 gallons (Section 5.9).

EPA has evaluated SJVUAPCD submitted Rule 4661 for consistency with the CAA, EPA regulations, and EPA policy and has found that while Rule 4661 provides one set of requirements for the entire San Joaquin Valley Air Basin, it fails to maintain the clarity and enforceability of the original eighteen county rules that it seeks to replace.

Although approval of SJVUAPCD Rule 4661 and recision of the eighteen county rules will maintain the SIP and alleviate problems associated with the listing of all applicable requirements in Title V source permits, Rule 4661 still contains a deficiency that is required to be corrected pursuant to the section 110(a)(2)(A) and Part D requirements of the CAA.

Section 4.2 states that Rule 4661 shall not apply to any source which is in full compliance with the provisions of other applicable rules in Regulation IV (Prohibitions). This exemption does not specify that it applies only in situations where sources are in compliance with other SIP-approved rules. One way the District can correct this deficiency is by revising Section 4.2 to list the specific Regulation IV rules that have been approved into the SIP. A detailed discussion of this deficiency can be found in the TSD for this rule. Because of this deficiency, the rule is not fully approvable pursuant to section 110(a)(2)(A) of the CAA because it is not consistent with the interpretation of section 172 of the 1977 CAA as found in the Blue Book and may lead to rule enforceability problems.

Because of the above deficiency, EPA cannot grant full approval of this rule under section 110(k)(3) and part D. Also, because the submitted rule is not composed of separable parts which meet all the applicable requirements of the CAA, EPA cannot grant partial approval of the rule under section 110(k)(3). However, EPA may grant a limited approval of the submitted rule under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited because EPA's action also contains a simultaneous limited disapproval. In order to maintain the SIP, EPA is proposing a limited approval of SJVUAPCD Rule 4661 under sections 110(k)(3) and 301(a) of the CAA.

At the same time, EPA is also proposing a limited disapproval of this rule because it contains a deficiency under section 110(a)(2)(A) of the CAA, and, as such, the rule does not fully meet the requirements of part D of the Act. Under section 179(a)(2), if the Administrator disapproves a submission under section 110(k) for an area designated nonattainment, based on the submission's failure to meet one or more of the elements required by the Act, the Administrator must apply one of the sanctions set forth in section 179(b) unless the deficiency has been corrected within 18 months of such disapproval. Section 179(b) provides two sanctions available to the Administrator: highway funding and offsets. The 18 month period referred to in section 179(a) will begin on the effective date of EPA's final limited disapproval. Moreover, the final disapproval triggers the Federal implementation plan (FIP) requirement under section 110(c). It should be noted that the rule covered by this proposal has been adopted by the SJVUAPCD and is currently in effect in the district. EPA's final limited disapproval action will not prevent SJVUAPCD or EPA from enforcing this rule.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

IV. Administrative Requirements

A. Executive Orders 12866 and 13045

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

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

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under sections 110 and 30l, and subchapter I, part D of the 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 impose any new requirements, the Administrator certifies that it does not have a significant impact on any small

entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its action concerning SIPS on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

C. Unfunded Mandates

Under Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action proposed does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: July 30, 1998.

Felicia Marcus,

Regional Administrator, Region IX.

[FR Doc. 98–21208 Filed 8–6–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[OH116–1b; FRL–6134–4]

Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Ohio; Control of Landfill Gas Emissions From Existing Municipal Solid Waste Landfills

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: USEPA is proposing to approve the Ohio State Plan submittal for implementing the Municipal Solid Waste (MSW) Landfill Emission Guidelines. The State's plan submittal was made pursuant to requirements found in the Clean Air Act (CAA). The State's plan was submitted to USEPA in accordance with the requirements for adoption and submittal of State plans for designated facilities in title 40 of the Code of Federal Regulations part 60 (40 CFR part 60), subpart B. In the final rules section of this **Federal Register,** the USEPA is approving the State's request as a direct final rule without prior proposal because USEPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless USEPA receives relevant adverse written comment. Should USEPA receive such comment, it will publish a final rule informing the public that the direct final rule will not take effect and such public comment received will be addressed in a subsequent final rule based on the proposed rule. If no adverse written comments are received, the direct final rule will take effect and no further action will be taken on this proposed rule. USEPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before September 8, 1998.

ADDRESSES: Written comments may be mailed to J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR–18J), Region 5 at the address listed below.

Copies of the materials submitted by the Ohio Environmental Protection Agency (OEPA) may be examined during normal business hours at the following locations:

Regulation Development Section, Air Programs Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

OEPA, Division of Air Pollution Control, 1800 Watermark Drive, Columbus, OH 43215.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano at (312) 886–6036.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this **Federal Register.**

Dated: July 24, 1998.

David A. Ullrich,

Acting Regional Administrator, Region V.

[FR Doc. 98–21031 Filed 8–6–98; 8:45 am]

BILLING CODE 6560–50–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101–44

RIN 3090–AG77

Donations to Service Educational Activities

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the regulation issued by GSA for donations made to educational activities of special interest to the armed services. The changes are necessary to comply with subsection 203(j)(2) of the Federal Property and Administrative Services Act of 1949, as amended. Subsection 203(j)(2) requires all donations of surplus property under the control of the Department of Defense (DOD) to service educational activities (SEAs) to be made through State Agencies for Surplus Property (SASPs). Currently, SEAs acquire property directly from DOD disposal facilities.

DATES: Submit comments on or before September 8, 1998.

ADDRESSES: Mail comments to the Personal Property Management Policy Division (MTP), Office of Governmentwide Policy, General Services Administration, 1800 F Street, NW, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Martha Caswell, Director, Personal Property Management Policy Division (202–501–3846).

SUPPLEMENTARY INFORMATION: Under this rule, the SASPs will assume responsibilities that were previously performed by the DOD including: (1) distributing the donated property to the