

Juneau .....	May 11 .....	Egan Room, Centennial Hall .....	3:00–5:00 p.m.; 7:00–10:00 p.m.
Sitka .....	May 12 .....	Mausseau Room, Centennial .....	3:00–5:00 p.m.; 7:00–10:00 p.m.
Seattle .....	May 14 .....	Klondike Gold Rush, NHP Theater .....	3:00–5:00 p.m.; 7:00–10:00 p.m.

The first 2 hours of each meeting will be an open house, discussion session. Representatives of the NPS will be available to answer questions and hear your comments in a more informal setting. The rest of the meeting will be a public hearing; a brief introduction by the hearing facilitator will be followed by public testimony on the plan.

The environmental assessment evaluates the proposed action and four alternatives for managing commercial fishing in the marine waters of the park.

The proposed action (Alternative One) would allow commercial fishing by qualified fishers in non-wilderness marine waters of Glacier Bay proper to continue for 15 years; commercial fishing in wilderness waters would end at the time the regulations go into effect. Commercial fishing would generally be authorized to continue in non-wilderness waters outside Glacier Bay proper under a cooperative fisheries management plan developed by the NPS and State of Alaska.

**Alternative Two—No Action**—This alternative would enforce the existing statutory and regulatory prohibitions regarding commercial fishing activities within the marine waters of the park. Enforcement of NPS regulations would result in the immediate cessation of all commercial fisheries in all park waters with no opportunity to phase out fishing through limited exemptions.

**Alternative Three**—This alternative incorporates marine reserve concepts consistent with the park's purposes. Specifically, this alternative would focus on protecting those species for which the park serves as an appropriate marine reserve (i.e., resident species) while allowing continued harvest of species that are subject to harvest outside park waters (i.e., transient species).

**Alternative Four**—This alternative would allow local individuals to continue commercial fishing throughout Glacier Bay National Park. This alternative would prohibit only those fisheries that cannot be sustained or that cause unacceptable habitat degradation.

**Alternative Five**—This alternative would implement a fisheries plan described in a NPS proposed regulations released in 1991. It would end all commercial fishing activities in the park after seven years, and until that time would allow commercial fishing in non-wilderness waters by traditional methods.

Dated: April 16, 1998.

**Paul R. Anderson,**

*Acting Regional Director, Alaska Region.*

[FR Doc. 98-11080 Filed 4-29-98; 8:45 am]

BILLING CODE 4310-70-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[Region II Docket No. NY25-2-173a, FRL-5995-5]

### Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision

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

**ACTION:** Proposed rule.

**SUMMARY:** The EPA proposes to approve the State Implementation Plan (SIP) revision for ozone concerning the control of volatile organic compounds submitted by the New York State Department of Environmental Conservation. The SIP revision consists of amendments to the New York Code of Rules and Regulations, Part 230, "Gasoline Dispensing Sites and Transport Vehicles." These revisions were submitted to comply with the gasoline vapor recovery provisions of the Clean Air Act. In the final rules section of this **Federal Register**, EPA is approving New York's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision and anticipates no relevant adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to that direct final rule no further activity is contemplated in relation to this proposed rule. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this proposal. Any parties interested in commenting on this proposal should do so at this time.

**DATES:** Comments must be received on or before June 1, 1998.

**ADDRESSES:** All comments should be addressed to: Ronald J. Borsellino, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866.

Copies of the State submittal are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007-1866.

New York State Department of Environmental Conservation, Division of Air Resources, 50 Wolf Road, Albany, New York 12233.

**FOR FURTHER INFORMATION CONTACT:** Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10278, (212) 637-4249.

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

Dated: March 30, 1998.

**William Muszynski,**

*Acting Regional Administrator, Region 2.*

[FR Doc. 98-11382 Filed 4-29-98; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[CA 034-0070; FRL-6006-7]

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

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing a limited approval and limited disapproval of revisions to the California State Implementation Plan (SIP) which concern the control of volatile organic compound (VOC) and oxides of sulfur (SO<sub>x</sub>) emissions from petroleum refinery vacuum-producing devices or systems, including hot wells and accumulators.

The intended effect of proposing limited approval and limited disapproval of this rule is to regulate emissions of VOCs and SO<sub>x</sub> 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 these revisions, while strengthening the SIP, also do not fully meet the CAA provisions regarding plan submissions and requirements.

**DATES:** Comments must be received on or before June 1, 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 9 office during normal business hours. Copies of the submitted rule are also available for inspection at the following locations: *Environmental Protection Agency*, Air Docket, 401 "M" Street, SW., Washington, DC 20460; *California Air Resources Board*, Stationary Source Division, Rule Evaluation Section, 1220 "L" Street, Sacramento, CA 95814; *South Coast Air Quality Management District*, 21865 E. Copley Drive, Diamond Bar, CA 91765-4182.

**FOR FURTHER INFORMATION CONTACT:** Stanley Tong, Rulemaking Office [AIR-4], Air Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901. Telephone: (415) 744-1191.

**SUPPLEMENTARY INFORMATION:**

**I. Applicability**

The rule being proposed for approval into the California SIP is South Coast Air Quality Management District (SCAQMD), Rule 465, Vacuum-Producing Devices or Systems. This rule was submitted by the California Air Resources Board (CARB) to EPA on June 19, 1992.

**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 Los Angeles—South Coast Air Basin Area. 43 FR 8964, 40 CFR 81.305. Because the Los Angeles—South Coast Air Basin was 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. On May 26, 1988, EPA notified the Governor of California, pursuant to section 110(a)(2)(H) of the pre-amended Act, that SCAQMD'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. 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 pursuant to pre-amended section 172(b) as interpreted in pre-amendment guidance.<sup>1</sup> EPA's SIP-Call used that guidance to indicate the necessary corrections for specific nonattainment areas. The Los Angeles—South Coast Air Basin is classified as extreme<sup>2</sup> for VOCs; therefore, this area is subject to the RACT fix-up requirement and the May 15, 1991 deadline.<sup>3</sup>

SCAQMD amended Rule 465, Vacuum-Producing Devices or Systems on November 1, 1991. The State of California submitted many revised RACT rules to EPA for incorporation into its SIP on June 19, 1992, including the rule being acted on in this document. This document addresses EPA's proposed action for SCAQMD Rule 465. This submitted rule was found to be complete on August 27, 1992 pursuant to EPA's completeness criteria that are set forth in 40 CFR Part 51, Appendix V<sup>4</sup> and is being proposed

<sup>1</sup> 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); and the existing control technique guidelines (CTGs).

<sup>2</sup> South Coast Air Quality Management District retained its designation and was classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 56 FR 56694 (November 6, 1991).

<sup>3</sup> This **Federal Register** action for the South Coast Air Quality Management District excludes the Los Angeles County portion of the Southeast Desert Air Quality Management Area (AQMA), otherwise known as the Antelope Valley Region in Los Angeles County, which is now under the jurisdiction of the Antelope Valley Air Pollution Control District as of July 1, 1997.

<sup>4</sup> 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).

for limited approval and limited disapproval.

The Los Angeles—South Coast Air Basin is classified as attainment for SO<sub>2</sub> (40 CFR 81.305). Therefore, for purposes of controlling SO<sub>2</sub>, this rule need only comply with the general provisions of Section 110 of the Act and not Part D.

Rule 465 controls VOC and SO<sub>x</sub> emissions from petroleum refinery vacuum-producing devices or systems. VOCs contribute to the production of ground level ozone and smog. SCAQMD Rule 465 was originally adopted as part of the District's effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone and has been revised in response to EPA's SIP-Call and the section 182(a)(2)(A) CAA requirement. The following is EPA's evaluation and proposed action for SCAQMD Rule 465.

**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 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 the various EPA policy guidance documents listed in footnote 1. Among those provisions is the requirement that a VOC rule must, at a minimum, provide for the implementation of RACT for stationary sources of VOC emissions. This requirement was carried forth from the pre-amended Act.

For the purpose of assisting state and local agencies in developing RACT rules, EPA prepared a series of Control Technique Guideline (CTG) documents which specify the minimum requirements that a rule must contain in order to be approved into the SIP. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for what is RACT for specific source categories. Under the CAA, Congress ratified EPA's use of these documents, as well as other Agency policy, for requiring States to "fix-up" their RACT rules. See section 182(a)(2)(A). The CTG applicable to SCAQMD Rule 465 is entitled, "Control of Refinery Vacuum Producing Systems, Wastewater Separators and Process Unit Turnarounds", EPA-450/2-77-025. Further interpretations of EPA policy are found in the Blue Book. In general, these guidance documents have been set forth to ensure that VOC rules are fully

enforceable and strengthen or maintain the SIP.

While the Los Angeles—South Coast Air Basin is in attainment with the SO<sub>2</sub> NAAQS, many of the general SIP requirements regarding enforceability, for example, are still appropriate for the SO<sub>x</sub> components of the rule. In determining the approvability of the SO<sub>x</sub> components, EPA also evaluated this rule in light of the "SO<sub>2</sub> Guideline Document", EPA-452/R-94-008.

On August 11, 1992, EPA approved into the SIP a version of Rule 465, Vacuum Producing Devices or Systems, that had been adopted by South Coast Air Quality Management District on May 7, 1976. SCAQMD submitted Rule 465, Vacuum Producing Devices or Systems includes the following significant changes from the current SIP:

- Deletes a provision which exempted exhaust gases with gross heating values of less than 2500 kilogram calories per cubic meter.
- Deletes a provision which exempted vacuum systems with uncontrolled emission rates of organic gases with less than 20 pounds per day.
- Adds a section on definitions.
- Adds test methods for determining control device efficiency, exempt VOC compounds and sulfur concentration.

EPA has evaluated SCAQMD submitted Rule 465 for consistency with the CAA, EPA regulations, and EPA policy and has found that the revisions result in a clearer, more enforceable rule. Although SCAQMD Rule 465 will strengthen the SIP, this rule contains deficiencies which should be corrected pursuant to the section 182(a)(2)(A) requirement of Part D of the CAA. SCAQMD Rule 465 contains the following deficiencies:

- The definition of exempt compounds includes a section titled "Group II (Under Review)". Carbon Tetrachloride is listed within this group as an exempt compound. The listing of Carbon Tetrachloride as an exempt compound is inconsistent with EPA's definition of exempt compounds as found in 62 FR 44926 dated August 25, 1997.
- The rule does not state explicitly any recording, reporting, or record retention requirements, which sources must fulfill to assess and ensure compliance.

A detailed discussion of rule deficiencies can be found in the Technical Support Document for Rule 465 (3/23/98), which is available from the U.S. EPA, Region 9 office. These deficiencies may lead to enforceability problems and are not consistent with the interpretation of section 172 of the 1977 CAA as found in the Blue Book. As

a result, the rule is not approvable pursuant to section 182(a)(2)(A) of the CAA.

Also, because of the above deficiencies, EPA cannot grant full approval of this rule under section 110(k)(3) and part D. 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 strengthen the SIP, EPA is proposing a limited approval of SCAQMD submitted Rule 465 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 deficiencies that have not been corrected as required by section 182(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 document has been adopted by the SCAQMD and is currently in effect in the District. EPA's final limited disapproval action will not prevent SCAQMD 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 Order 12866

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

##### 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 301, 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, I certify 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 the 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, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds, Sulfur oxides.

**Authority:** 42 U.S.C. 7401-7671q.

Dated: April 16, 1998.

**Felicia Marcus,**

*Regional Administrator, Region IX.*

[FR Doc. 98-11508 Filed 4-29-98; 8:45 am]

BILLING CODE 6560-50-P

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 272

[FRL-6005-6]

#### Hazardous Waste Management Program: Final Authorization and Incorporation by Reference of State Hazardous Waste Management Program for Oklahoma

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

**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to incorporate by reference EPA's approval of the Oklahoma Department of Environment Quality's (ODEQ) hazardous waste for Non-HSWA Cluster VI, RCRA Clusters I, II, III and IV and to approve its revisions to that program submitted by the State of Oklahoma. In the final rules section of this **Federal Register**, the EPA is approving the State's request as an immediate final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the immediate final rule. If no adverse written comments are received in response to that immediate final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse written comments, a second **Federal Register** notice will be published before the time the immediate final rule takes effect. The second notice may withdraw the immediate final rule or identify the issues raised, respond to the comments and affirm that the

immediate final rule will take effect as scheduled. Any parties interested in commenting on this action should do so at this time.

**DATES:** Written comments on this proposed rule must be received on or before June 1, 1998.

**ADDRESSES:** Written comments may be mailed to Alima Patterson, Regional 6 Authorization Coordinator, Grants and Authorization Section (6PD-G), Multimedia Planning and Permitting Division, at the address listed below. Copies of the materials submitted by ODEQ may be examined during normal business hours at the following locations: EPA Region 6 Library, 12th Floor, 1445 Ross Avenue, Dallas, Texas 75202-2733, Phone number: (214) 665-6444; or the Oklahoma Department of Environmental Quality, 1000 Northeast Tenth Street, Oklahoma City, Oklahoma, 73117-1212, Phone number: (405) 271-5338.

**FOR FURTHER INFORMATION CONTACT:**

Alima Patterson (214) 665-8533.

**SUPPLEMENTARY INFORMATION:**

For additional information see the immediate final rule published in the rules section of this **Federal Register**.

**Lynda F. Carroll,**

*Acting Regional Administrator, Region 6.*

[FR Doc. 98-11386 Filed 4-29-98; 8:45 am]

BILLING CODE 6560-50-P

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

#### 50 CFR Part 226

[I.D. No. 101097A]

#### Designated Critical Habitat; Central California Coast and Southern Oregon/Northern California Coast Coho Salmon

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Proposed rule; re-opening of comment period.

**SUMMARY:** NMFS is re-opening the public comment period on proposed regulations to designate critical habitat for Central California Coast and Southern Oregon/Northern California Coast coho salmon (*Oncorhynchus kisutch*). These proposals were made on November 25, 1997, under provisions of the Endangered Species Act of 1973 (ESA). NMFS has received a request for additional time to complete the review and compilation of information. NMFS

finds the request to be reasonable and hereby re-opens the comment period until June 10, 1998.

**DATES:** Comments on the proposed rule must be received before June 10, 1998.

**ADDRESSES:** Comments should be sent to: Garth Griffin, NMFS, Protected Resources Division, 525 NE Oregon St. - Suite 500, Portland, OR 97232-2737; or Craig Wingert, NMFS, Southwest Region, Protected Species Management Division, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Garth Griffin at (503) 231-2005, Craig Wingert at (562) 980-4021, or Joe Blum at (301) 713-1401.

**SUPPLEMENTARY INFORMATION:**

#### Background

On October 31, 1996, NMFS published its determination to list the Central California Coast Evolutionarily Significant Unit (ESU) of coho salmon as threatened under the ESA (61 FR 41514). Subsequently, on May 6, 1997, NMFS published its determination to list the Southern Oregon/Northern California Coast coho salmon ESU as threatened under the ESA (62 FR 24588). On November 25, 1997 (62 FR 62741), NMFS published a proposed rule identifying critical habitat for each ESU and identified a 60-day comment period (which ended January 26, 1998) to solicit information relevant to the proposal. During the comment period, three public hearings were held between December 8-11, 1997 in Gold Beach, Oregon; Eureka, California; and Santa Rosa, California.

Requests for an extension of the public comment period were received from a California Congressional representative, as well as several county and private organizations and private citizens in northern California and southern Oregon. Reasons given for these requests included additional time required under state law to assemble county governments for a review of the proposal, and time needed to assess the scope and impact of the proposed rule. NMFS determined that the requests were reasonable and re-opened the comment period until April 26, 1998.

A request for an additional extension of the public comment period has been received from a California Congressional representative. The reason given for this request is to allow additional time for review of the potential impacts of the proposed critical habitat designation on local communities and private landowners. NMFS finds the request to be reasonable and hereby re-opens the comment period.