

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions, annex I, sec. 2(f)	Forward mast-head light not in forward quarter of ship, annex I, sec. 3(a)	After mast-head light less than 1/2 ship's length aft of forward mast-head light, annex I, sec. 3(a)	Percentage horizontal separation attained
USS HIGGINS	DDG 76	X	X	X	14.0

Dated: September 1, 1998.

Approved:

**R.R. Pixa,**

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).

[FR Doc. 99-919 Filed 1-14-99; 8:45 am]

BILLING CODE 3810-FF-M

**DEPARTMENT OF DEFENSE**

**Department of the Navy**

**32 CFR Part 706**

**Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment**

**AGENCY:** Department of the Navy, DOD.

**ACTION:** Final rule.

**SUMMARY:** The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS DULUTH (LPD 6) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

**EFFECTIVE DATE:** September 1, 1998.

**FOR FURTHER INFORMATION CONTACT:** Captain R.R. Pixa, JAGC, U.S. Navy,

Admiralty Counsel, Office of the Judge Advocate General, Navy Department, Washington Navy Yard, Washington, DC 20374-5066. Telephone Number: (202) 685-5040.

**SUPPLEMENTARY INFORMATION:** Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS DULUTH (LPD 6) is a vessel of the Navy which, due to its special construction and purpose, cannot fully comply with the following specific provisions of 72 COLREGS without interfering with its special functions as a naval ship: Annex I, section 2 (a)(i), pertaining to the height of the forward masthead light and Annex I, section 3(a), pertaining to the horizontal distance between the forward and after masthead lights. The Deputy Assistant Judge Advocate General (Admiralty) of the Navy has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

**List of Subjects in 32 CFR Part 706**

Marine safety, Navigation (water), and Vessels.

Accordingly, 32 CFR part 706 is amended as follows:

**PART 706—[AMENDED]**

1. The authority citation for 32 CFR part 706 continues to read as follows:

**Authority:** 33 U.S.C. 1605.

2. Table One of § 706.2 is amended by adding, in numerical order, the following entry for the USS DULUTH:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i), Annex I
USS DULUTH	LPD 6	4.4

3. Table Five of § 706.2 is amended by revising the entry for the USS DULUTH to read as follows:

**§ 706.2 Certifications of the Secretary of the Navy under Executive Order 11964 and 33 U.S.C. 1605.**

\* \* \* \* \*

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions. annex I, sec. 2(f)	Forward mast-head light not in forward quarter of ship. annex I, sec. 3(a)	After mast-head light less than 2 ship's length aft of forward mast-head light. annex I, sec. 3(a)	Percentage horizontal separation attained
USS DULUTH	LPD 6	N/A	N/A	X	56.8

Dated: September 1, 1998.

Approved:

**R.R. Pixa,**

*Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).*

[FR Doc. 99-918 Filed 1-14-99; 8:45 am]

BILLING CODE 3810-FF-M

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[CA 207-0121; FRL-6214-5]

**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:** Final rule.

**SUMMARY:** EPA is finalizing a limited approval and limited disapproval of a revision to the California State Implementation Plan (SIP) proposed in the **Federal Register** on August 7, 1998. This final action will incorporate this rule into the federally approved SIP. The intended effect of finalizing this action is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The rule controls VOC emissions from a variety of sources. Thus, EPA is finalizing a simultaneous limited approval and limited disapproval under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority because this revision, while maintaining the SIP, also does not fully meet the CAA provisions regarding plan submissions and requirements for nonattainment areas. As a result of this limited disapproval EPA will be required to impose highway funding or emission offset sanctions under the CAA unless the State submits and EPA approves a correction to the identified

deficiency within 18 months of the effective date of this disapproval. Moreover, EPA will be required to promulgate a Federal Implementation Plan (FIP) unless the deficiency is corrected within 24 months of the effective date of this disapproval.

**EFFECTIVE DATE:** This action is effective on February 16, 1999.

**ADDRESSES:** 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 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 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, Telephone: (415) 744-1199.

**SUPPLEMENTARY INFORMATION:**

**I. Applicability**

The rule being approved into the California SIP is San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Rule 4661, Organic Solvents. 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 are being replaced by SJVUAPCD Rule 4661 and are being rescinded from their respective SIPs with this action. A

detailed list of the rules being rescinded from the county SIPs can be found in the Technical Support Document (TSD) for Rule 4661 (dated July 1, 1998), which is available from the U.S. EPA, Region IX office.

**II. Background**

On August 7, 1998 in 63 FR 42308, EPA proposed granting limited approval and limited disapproval of SJVUAPCD Rule 4661, Organic Solvents into the California SIP. Rule 4661 was adopted by SJVUAPCD on December 17, 1992. This rule was submitted by the CARB to EPA on March 10, 1998. This rule was submitted in response to EPA's 1988 SIP Call and the CAA section 110(a)(2)(A) requirement. A detailed discussion of the background for the above rule and nonattainment area is provided in the proposed rule cited above.

EPA has evaluated the above rule for consistency with the requirements of the CAA and EPA regulations and EPA's interpretation of these requirements as expressed in the EPA policy guidance document referenced in the proposed rule. EPA is finalizing the limited approval of this rule in order to provide a uniform set of requirements for the entire San Joaquin Valley Air Basin, maintain the SIP, and alleviate problems associated with the listing of all applicable requirements in Title V source permits. EPA is also finalizing the limited disapproval of this rule and requiring the correction of the remaining deficiency. Section 4.2 of Rule 4661 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. 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 compliance problems. A detailed