

## DISTRICT QUARTERLY REPORT—2ND QUARTER 2004—Continued

District docket	Location	Type	Effective date
09-04-038	Lake Michigan	Security Zone	6/10/2004
09-04-039	Lake Huron, MI	Safety Zone	6/12/2004
09-04-040	Brownstown, Lake Erie, MI	Safety Zone	6/12/2004
09-04-041	St. Mary's River	Safety Zone	6/18/2004
09-04-042	Detroit River	Security Zone	6/17/2004
09-04-043	Detroit River	Security Zone	6/17/2004
09-04-045	Detroit River	Safety Zone	6/20/2004
09-04-046	Ottawa River	Safety Zone	6/26/2004
09-04-048	Saginaw River, Bay City, MI	Safety Zone	6/25/2004
13-04-021	Columbia River	Safety Zone	4/20/2004
13-04-024	Sitcum Waterway, Commencement Bay, Puget	Security Zone	5/1/2004
13-04-027	Budd Inlet	Security Zone	6/6/2004

## COTP QUARTERLY REPORT—2ND QUARTER 2004

COTP Docket	Location	Type	Effective date
Jacksonville 04-042	Fernandina Beach, FL	Safety Zone	4/30/2004
Jacksonville 04-048	St. Johns River, Palatka, FL	Safety Zone	5/28/2004
Jacksonville 04-049	St. Johns River, Green Cove Springs, FL	Safety Zone	5/31/2004
Jacksonville 04-050	St. John's River	Safety Zone	6/11/2004
Jacksonville 04-060	St. Johns River, Jacksonville, FL	Security Zone	5/11/2004
Jacksonville 04-061	Indian River, FL	Safety Zone	6/26/2004
Jacksonville 04-087	Jacksonville, FL	Safety Zone	6/24/2004
Los Angeles 04-002	Point Mugu, CA	Security Zone	6/9/2004
Los Angeles 04-003	Long Beach, CA	Safety Zone	6/21/2004
Miami 04-027	Red Bull Flugtag, Miami, FL	Safety Zone	4/24/2004
Miami 04-032	Sun Fest Fireworks, West Palm Beach, FL	Safety Zone	4/30/2004
Miami 04-063	Million Dollar Rubber Duck Race, Miami River, ...	Safety Zone	6/13/2004
Mobile 04-009	Biloxi, MS	Safety Zone	4/24/2004
Morgan City 04-005	Atchafalaya River	Security Zone	4/12/2004
Pittsburg 04-002	Allegheny River	Safety Zone	4/7/2004
Pittsburg 04-005	Allegheny River	Safety Zone	4/24/2004
Pittsburg 04-006	Sillegeny River	Safety Zone	5/7/2004
Port Arthur 04-005	Sabine River	Safety Zone	4/28/2004
San Diego 04-006	Oceanside Harbor, CA	Safety Zone	4/3/2004
San Diego 04-008	Parker, AZ	Safety Zone	4/17/2004
San Diego 04-009	Colorado River, Between Laughlin Bridge	Safety Zone	5/7/2004
San Diego 04-010	Crazy Horse Campground, Lake Havasu, AZ	Safety Zone	5/15/2004
San Diego 04-012	Lake Havasu	Safety Zone	6/5/2004
San Diego 04-013	Colorado River	Safety Zone	6/5/2004
San Diego 04-014	Crazy Horse Campground, Lake Havasu, AZ	Safety Zone	6/26/2004
Savannah 04-040	Savannah River, Savannah, GA	Security Zone	4/24/2004
Savannah 04-059	Savannah River	Security Zone	4/7/2004
Savannah 04-080	Brunswick River, Brunswick, GA	Security Zone	6/5/2004
SF Bay 04-005	San Francisco Bay	Safety Zone	4/13/2004
SF Bay 04-008	San Francisco Bay, CA	Safety Zone	5/19/2004
SF Bay 04-009	Solando County, CA	Safety Zone	4/29/2004
SF Bay 04-011	Suisin Bay	Security Zone	5/12/2004
SF Bay 04-013	Middle River	Safety Zone	6/3/2004
SF Bay 04-015	Suisin Bay	Safety Zone	6/25/2004
SF Bay 04-017	San Francisco Bay	Security Zone	6/27/2004

[FR Doc. 04-17015 Filed 7-26-04; 8:45 am]

BILLING CODE 4910-15-M

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 52**

[CA 298-0459a; FRL-7784-3]

**Revisions to the California State Implementation Plan, South Coast Air Quality Management District**

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve revisions to the South Coast Air Quality Management District portion of the California State Implementation Plan (SIP). These revisions concern volatile organic compound (VOC) emissions from solvent cleaning operations. We are approving a local rule that regulates these emission sources under the Clean

Air Act as amended in 1990 (CAA or the Act).

**DATES:** This rule is effective on September 27, 2004, without further notice, unless EPA receives adverse comments by August 26, 2004. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

**ADDRESSES:** Send comments to Andy Steckel, Rulemaking Office Chief (AIR-4), U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901, or e-mail to [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov), or submit comments at <http://www.regulations.gov>.

You can inspect copies of the submitted SIP revisions, EPA's technical support document (TSD), and public comments at our Region IX office during normal business hours by appointment. You may also see copies of the

submitted SIP revisions by appointment at the following locations:

Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room B-102, 1301 Constitution Avenue, NW., (Mail Code 6102T), Washington, DC 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 1001 "I" Street, Sacramento, CA 95814.

South Coast Air Quality Management District, 21865 East Copley Drive, Diamond Bar, CA 91765.

A copy of the rule may also be available via the Internet at <http://www.arb.ca.gov/drdb/drdbtxt.htm>. Please be advised that this is not an EPA website and may not contain the same version of the rule that was submitted to EPA.

**FOR FURTHER INFORMATION CONTACT:** Francisco Dóñez, EPA Region IX, (415) 972-3956, [Donez.Francisco@epa.gov](mailto:Donez.Francisco@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Throughout this document, "we," "us" and "our" refer to EPA.

**Table of Contents**

- I. The State's Submittal
  - A. What rule did the State Submit?
  - B. Are there other versions of this rule?
  - C. What is the purpose of the submitted rule revisions?
- II. EPA's Evaluation and Action
  - A. How is EPA evaluating the rule?
  - B. Does the rule meet the evaluation criteria?
  - C. Public comment and final action
- III. Statutory and Executive Order Reviews

**I. The State's Submittal**

*A. What Rule Did the State submit?*

Table 1 lists the rule we are approving with the dates that it was adopted by the local air agency and submitted by the California Air Resources Board (CARB).

TABLE 1.—SUBMITTED RULE

Local agency	Rule #	Rule title	Adopted	Submitted
SCAQMD .....	1171	Solvent Cleaning Operations .....	11/7/03	1/15/04

On March 1, 2004, this rule submittal was found to meet the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

*B. Are There Other Versions of This Rule?*

We approved a version of Rule 1171 into the SIP on June 3, 2003 (68 FR 33005). The SCAQMD adopted revisions to the SIP-approved version on November 7, 2003 and CARB submitted them to us on January 15, 2004.

*C. What Is the Purpose of the Submitted Rule Revisions?*

VOCs help produce ground-level ozone and smog, which harm human health and the environment. Section 110(a) of the CAA requires states to submit regulations that control VOC emissions. The purposes of the changes to SCAQMD 1171 are as follows.

- Section (h)(2)(H) adds a sunset date of June 30, 2005 to the exemption for the cleaning of architectural coating application equipment, and establishes a VOC content limit of 25 grams per liter of material effective July 1, 2005.
- The exemption language in Section (h)(1), pertaining to solvents with no more than 25 grams of VOC per liter of material, has been updated and clarified.
- The table of VOC limits in Section (c)(1) has been revised to eliminate

outdated information and to reflect the most current limits for each solvent cleaning activity.

- Minor clarifications to the rule language have been added, including a definition for "architectural coating" in Section (b)(4).

The TSD has more information about this rule.

**II. EPA's Evaluation and Action**

*A. How Is EPA Evaluating the Rule?*

Generally, SIP rules must be enforceable (see section 110(a) of the Act), must require Reasonably Available Control Technology (RACT) for major sources in nonattainment areas (see section 182(a)(2)(A)), and must not relax existing requirements (see sections 110(l) and 193). The SCAQMD regulates an ozone nonattainment area (see 40 CFR part 81), so Rule 1171 must fulfill RACT.

Guidance and policy documents that we use to help evaluate specific enforceability and RACT requirements consistently include the following:

1. Portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044, November 24, 1987.
2. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations," EPA, May 25, 1988 (the Bluebook).

3. "Guidance Document for Correcting Common VOC & Other Rule Deficiencies," EPA Region 9, August 21, 2001 (the Little Bluebook).

*B. Does the Rule Meet the Evaluation Criteria?*

We believe this rule is consistent with the relevant policy and guidance regarding enforceability, RACT, and SIP relaxations. The TSD has more information on our evaluation.

*C. Public Comment and Final Action*

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted rule because we believe it fulfills all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of the same submitted rule. If we receive adverse comments by August 26, 2004, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on September 27, 2004. This will incorporate this rule into the federally enforceable SIP.

### III. Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use" (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4).

This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus

standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2).

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 September 27, 2004. 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, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: June 17, 2004.

**Nancy Lindsay,**

*Acting 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 paragraph (c)(328)(i)(B) to read as follows:

#### § 52.220 Identification of plan.

\* \* \* \* \*

(c) \* \* \*

(328) \* \* \*

(i) \* \* \*

(B) South Coast Air Quality Management District.

(1) Rule 1171, adopted on November 7, 2003.

\* \* \* \* \*

[FR Doc. 04-16710 Filed 7-26-04; 8:45 am]

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Parts 52 and 81

[Docket #: AK-04-002a; FRL-7792-3]

#### Approval and Promulgation of State Implementation Plans: State of Alaska; Fairbanks Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality Planning Purposes

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

**ACTION:** Direct final rule.

**SUMMARY:** On June 21, 2004, the State of Alaska submitted a carbon monoxide (CO) maintenance plan for the Fairbanks nonattainment area to EPA for approval. The State concurrently requested that EPA redesignate the Fairbanks CO nonattainment area to attainment for the National Ambient Air Quality Standard (NAAQS) for CO. In this action, EPA is approving the maintenance plan and redesignating the Fairbanks CO nonattainment area to attainment.

**DATES:** This direct final rule will be effective on September 27, 2004, without further notice, unless EPA receives comments by August 26, 2004. If comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. AK-04-002, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.