

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism Assessment

The Coast Guard has analyzed this action in accordance with the principles and criteria of Executive Order 12612 and has determined that this rule does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard considered the environmental impact of this rule and concluded that under section 2-1, paragraph (34) (h) of Commandant Instruction M16475.1C this rule is excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements.

Temporary Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary § 100.35–T08–060 is added as follows:

§ 100.35–T08–060 Tennessee River at Chattanooga, Tennessee

(a) *Regulated area.* All the waters of the Tennessee River Mile 463.5. to 464.5.

(b) *Special Local Regulation.* (1) All persons and vessels not registered with the sponsors as participants or official patrol vessels are considered spectators. The “official patrol” consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol the event.

(2) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(3) When hailed or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given: failure to do so may result in a citation.

(4) The Patrol Commander is empowered to forbid and control the

movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and property and can be reached on VHF-FM Channel 16 by using the call sign “PATCOM”.

(c) *Effective date.* These regulations will be effective from 9:00 p.m. to 10:00 p.m. on October 16, 1999.

Dated: October 7, 1999.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 99–27090 Filed 10–13–99; 1:29 pm]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–99–174]

Drawbridge Operation Regulations; Acushnet River, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, First Coast Guard Division, has issued a temporary deviation from the drawbridge operation regulations governing the operation of the New Bedford Fairhaven (RT–6) swing bridge, mile 0.0, across the Acushnet River between New Bedford and Fairhaven, Massachusetts. This deviation from the regulations allows the bridge owner to require a two hour advance notice for openings, 8 p.m. to 4 a.m., October 19, 1999, through October 20, 1999. This action is necessary to facilitate electrical modifications at the bridge.

DATES: This deviation is effective October 19, 1999, through October 20, 1999.

FOR FURTHER INFORMATION CONTACT: John McDonald, Project Officer, First Coast Guard District, at (617) 223–8364.

SUPPLEMENTARY INFORMATION: The New Bedford Fairhaven (RT–6) swing bridge, mile 0.0, across the Acushnet River between New Bedford and Fairhaven, Massachusetts, has a vertical clearance of 8 feet at mean high water, and 12 feet at mean low water in the closed position. The bridge owner, Massachusetts Highway Department (MHD), requested a temporary deviation from the operating regulations to facilitate electrical modifications at the bridge. The existing operating regulations listed at 33 CFR 117.585 require the bridge to open on signal

during the time period MHD has requested that a two-hour advance notice be given for bridge openings.

This deviation to the operating regulations allows the owner of the New Bedford Fairhaven (RT–6) swing bridge to require a two-hour advance notice for bridge openings from 8 p.m. to 4 a.m., October 19, 1999, through October 20, 1999. Requests for bridge openings can be made by calling (508) 992–2384 or on marine radio channel 13 VHF/FM. Vessels that can pass under the bridge without an opening may do so at all times.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: October 5, 1999.

R.M. Larrabee,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 99–26944 Filed 10–14–99; 8:45 am]

BILLING CODE 4910–15–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC–083–1–9938a; FRL–6453–8]

Approval and Promulgation of Implementation Plans: Approval of Revisions to the North Carolina State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: On March 19, 1997, the State of North Carolina, through the North Carolina Department of Environment and Natural Resources (NCDENR) submitted revisions to the North Carolina State Implementation Plan (SIP). Rules 15A NCAC 2D .0530 and 2Q .0104 and .0107 are revised to amend cross-references and incorporate the latest edition of the Code of Federal Regulations for Prevention of Significant Deterioration (PSD). Rules 15A NCAC 2D .0518, .0902, .0909, and .0954 are revised to change the mechanism and procedures for activating the Reasonably Available Control Technology (RACT) rules for volatile organic compounds (VOCs) and nitrogen oxides (NOx) in the Raleigh/Durham and Greensboro/Winston-Salem/High Point ozone maintenance areas. Rules 15A NCAC 2D .0907, .0910, and .0911 are being

repealed to remove unnecessary or elapsed compliance schedules.

DATES: This direct final rule is effective December 14, 1999, without further notice, unless EPA receives adverse comment by November 15, 1999. If adverse comment is received, EPA 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: All comments should be addressed to: Gregory Crawford at the U.S. Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303.

Copies of the state submittal(s) are available at the following addresses for inspection during normal business hours:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303-8960.

North Carolina Department of Environment and Natural Resources, Division of Air Quality, 1641 Mail Service Center, Raleigh, North Carolina 27699.

FOR FURTHER INFORMATION CONTACT: Gregory Crawford, Regulatory Planning Section, Air Planning Branch, Air Pesticides and Toxics Management Division at 404/562-9046.

SUPPLEMENTARY INFORMATION:

I. Background

On March 19, 1997, the State of North Carolina Department of Environment and Natural Resources submitted revisions to amend or repeal multiple sections in the North Carolina Administrative Code. These amendments addresses Subchapters 2D-Air Pollution Control Requirements and 2Q-Air Quality Permits Requirements. Detailed descriptions of the amendments are listed under "Analysis of the State's Submittal."

II. Analysis of State's Submittal

15 A NCAC 2D .0530, Prevention of Significant Deterioration

This regulation was amended to incorporate the latest edition of the Code of Federal Regulations concerning the PSD program. The general statutes for this regulation have been amended to remove the automatic default issuance language when the Division of Air Quality (DAQ) fails to act on the

permit application in a timely manner (90 days).

15A NCAC 2Q. 0104, Where To Obtain and File Permit Application

This regulation was amended to remove a cross-reference to a repealed rule.

15A NCAC 2Q. 0107, Confidential Information

This regulation was amended to correct a cross-reference to the general statute that establishes the requirements for information to be treated as confidential by the DAQ.

15A NCAC 2D. 0518, Miscellaneous Volatile Organic Compound Emissions

This regulation was amended to correct a cross-reference.

15A NCAC 2D .0902 (c-i), Applicability

This regulation was amended to correct a cross reference and change the mechanism and procedures for activating the RACT for VOCs and NOx in the Raleigh/Durham and Greensboro/Winston-Salem/High Point areas. The amendment also deletes the unnecessary or elapsed compliance schedules for the areas.

15A NCAC 2D .0909, Compliance Schedules for Sources in New Nonattainment Areas

This regulation was amended to correct a cross-reference and to amend the applicability language.

15A NCAC 2D. 0954, Stage II Vapor Recovery

This regulation was amended to correct cross-references in the section.

15A NCAC 2D. 0907, Compliance Schedules for Sources in Nonattainment Areas, 0910, Alternative Compliance Schedules, and .0911, Exception From Compliance Schedules

These regulations are being repealed. The schedules in these rules are obsolete.

III. Final Action

EPA is approving the aforementioned changes to the SIP because they are consistent with the Clean Air Act and EPA requirements.

The EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal 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 December 14, 1999, without further notice unless the Agency receives adverse comments by November 15, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and 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. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on December 14, 1999, and no further action will be taken on the proposed rule.

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, entitled "Regulatory Planning and Review."

B. Executive Orders on Federalism

Under E.O. 12875, 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. If the mandate is unfunded, EPA must 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 written communications from the governments, and a statement supporting the need to issue the regulation.

In addition, E.O. 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.

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999),) which will take effect on November 2, 1999. In the interim, the current Executive Order

12612, (52 FR 41685 (October 30, 1987)), on federalism still applies. This rule will not have a substantial direct effect on 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 12612. The rule affects only one State and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

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 does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects 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. If the mandate is unfunded, EPA must 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, E.O. 13084 requires EPA to develop an effective process permitting elected 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. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use "voluntary consensus standards" (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. 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 December 14, 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, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: September 23, 1999.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

Chapter I, title 40, 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 II—North Carolina

2. Section 52.1770(c) is amended by revising the entries for Sections .0518, .0530, .0902, .0907, .0909, .0910, .0911, .0954, and .0107 and by adding section .0104 to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) EPA approved regulations.

EPA APPROVED REGULATIONS FOR NORTH CAROLINA

State citation	Title/subject	Adoption date	EPA approval date	Explanation
Subchapter 2D		Air Pollution Control Requirements		
*	*	*	*	*
Section .0518	Miscellaneous Volatile Organic Compound Emissions.	11/21/96	10/15/99	
*	*	*	*	*
Section .0530	Prevention of Significant Deterioration.	11/21/96	10/15/99	
*	*	*	*	*
Section .0902	Applicability	11/21/96	10/15/99	
*	*	*	*	*
Section .0907	Compliance Schedules for Sources in Nonattainment Areas.	11/21/96	10/15/99	[Repealed]
*	*	*	*	*
Section .0909	Compliance Schedules for Sources in New Nonattainment Areas.	11/21/96	10/15/99	
Section .0910	Alternate Compliance Schedules ..	11/21/96	10/15/99	[Repealed]
Section .0911	Exceptions for Compliance Schedules.	11/21/96	10/15/99	[Repealed]
*	*	*	*	*
Section .0954	Stage II Vapor Recovery	11/21/96	10/15/99	
*	*	*	*	*
Subchapter 2Q		Air Quality Permits Requirements		
Section .0104	Where to Obtain and File Permit Applications.	11/21/96	10/15/99	
Section .0107	Confidential Information	11/21/96	10/15/99	

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BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 76**

[FRL-6455-4]

Acid Rain Program—Nitrogen Oxides Emission Reduction Program, Rule Revision in Response to Court Remand

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to revise the regulations for the Acid Rain Nitrogen Oxides Emission Reduction Program under title IV of the Clean Air Act in response to a remand by the U.S. Court of Appeals for the District of Columbia Circuit. In

December 1996, EPA issued regulations setting nitrogen oxides (NO_x) emission limits for specified types of existing, coal-fired boilers, including cell burner boilers, that are subject to such limits starting in 2000. In February 1998, the Court upheld the regulations except for one provision addressing what boilers qualify as cell burner boilers. The Court vacated and remanded that provision. EPA is revising the regulations, consistent with the Court's decision, to treat, as a cell burner boiler, any boiler subject to the limits starting in 2000, constructed as a cell burner boiler, and converted to the burner configuration of a wall-fired boiler. Under the regulations, a cell burner boiler must meet an annual average NO_x emission limit of 0.68 lb/mmBtu. The NO_x emission limits under title IV will reduce the serious, adverse effects of NO_x emissions on human health, visibility, ecosystems, and materials.

DATES: This rule is effective on December 14, 1999 without further

notice, unless EPA receives adverse comment by November 29, 1999. If we receive such comment, we will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: *Comments:* Commenters must identify all written comments with the appropriate docket number (Docket No. A-95-28) and must submit them in duplicate to EPA Air Docket Section (6102), Waterside Mall, Room M1500, 1st Floor, 401 M Street, SW, Washington, DC 20460.

Docket. Docket No. A-95-28, containing supporting information used in developing the proposed rule, is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday, at EPA's Air Docket Section, Waterside Mall, Room 1500, 1st Floor, 401 M Street, SW, Washington, DC 20460. EPA may charge a reasonable fee for copying.

FOR FURTHER INFORMATION CONTACT: Dwight C. Alpern, at (202) 564-9151,