

(4) Refusal to grant a discretionary exception from geographical limitations of general applicability.

(b) The provisions of this subpart shall otherwise constitute the administrative remedies provided by the Department to persons who are the subject of adverse action under §§ 51.70, 51.71 or 51.72.

§ 51.83 [Amended]

5. Section 51.83 is amended by revising the phrase "Administrator of" to read "Deputy Assistant Secretary for Passport Services in" and by removing "Security and".

§ 51.84 [Amended]

6. Section 51.84 is amended by revising the phrase "must possess the qualifications prescribed for practice before the Board of Appellate Review" to read "must be admitted to practice in any State of the United States, the District of Columbia, or any territory or possession of the United States".

7. Section 51.89 is revised to read as follows:

§ 51.89 Decision of Deputy Assistant Secretary for Passport Services.

The person adversely affected shall be promptly notified in writing of the decision of the Deputy Assistant Secretary for Passport Services, and, if the decision is adverse to that person, the notification shall state the reasons for the decision. The notification shall also state that the adversely affected person may request reconsideration within 60 days from the date of the notice of the adverse action. If no request is made within that period, the decision is considered final and not subject to further administrative review; a decision on a request for reconsideration is also administratively final. Nothing in this section, however, shall be considered to bar the adversely affect person from submitting a new passport application as provided for in subparts B through D of this part.

Dated: April 9, 1999.

Donna J. Hamilton,

Acting Assistant Secretary for Consular Affairs.

[FR Doc. 99-10116 Filed 4-21-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-99-021]

Special Local Regulations for Marine Events; Approaches to Annapolis Harbor, Spa Creek, and Severn River, Annapolis, Maryland

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation.

SUMMARY: This notice implements the special local regulations at 33 CFR 100.511 during the Blue Angels Airshow, an aerial demonstration to be held May 23 and 24, 1999, over the waters of Spa Creek and the Severn River, near the U.S. Naval Academy, Annapolis, Maryland. These Special local regulations are necessary to control vessel traffic in the vicinity of the U.S. Naval Academy due to the confined nature of the waterway and expected vessel congestion during the airshow. The effect will be to restrict general navigation in the regulated area for the safety of spectators and vessels transiting the event area.

EFFECTIVE DATES: 33 CFR 100.511 is effective from 10:30 a.m. to 4 p.m. on May 23, 1999 and from 12 noon to 4:00 p.m. on May 24, 1999.

FOR FURTHER INFORMATION CONTACT:

Chief Warrant Officer R.L. Houck, Marine Events Coordinator, Commander, Coast Guard Activities Baltimore, 2401 Hawkins Point Road, Baltimore, MD 21226-1971, (410) 576-2674.

SUPPLEMENTARY INFORMATION: The U.S. Naval Academy will sponsor the Blue Angels Airshow over the Severn River near the U.S. Naval Academy, Annapolis, Maryland. The event will consist of 6 high performance jet aircraft flying at low altitudes in formation over the Severn River. Therefore, to ensure the safety of spectators and transiting vessels, 33 CFR 100.511 will be in effect for the duration of the event. Under provisions of 33 CFR 100.511, a vessel may not enter the regulated area unless it receives permission from the Coast Guard Patrol Commander. Spectator vessels may anchor outside the regulated area but may not block a navigable channel. Because these restrictions will be in effect for a limited period, they should not result in a significant disruption of maritime traffic.

Dated: April 6, 1999.

Roger T. Rufe, Jr.,

Vice Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District.

[FR Doc. 99-10111 Filed 4-21-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD01-98-162]

RIN 2115-AE46

Special Local Regulations: Empire State Regatta, Albany, New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the Special Local Regulations for the Empire State Regatta. This action is necessary to update the course location and effective period for this annual event. This action is intended to restrict vessel traffic in a portion of the Hudson River.

DATES: This final rule is effective May 24, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354-4193.

FOR FURTHER INFORMATION CONTACT:

Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York (718) 354-4193.

SUPPLEMENTARY INFORMATION:

Regulatory History

On January 4, 1999, The Coast Guard published a notice of proposed rulemaking, entitled Special Local Regulations: Empire State Regatta, Albany, New York in the **Federal Register** (64 FR 66). The Coast Guard did not receive any letters commenting on the proposed rulemaking. No public hearing was requested, and none was held.

Background and Purpose

The Albany Rowing Center sponsors this annual crewing race with approximately 300 rowers competing in this event. The sponsor expects no spectator craft for this event. The race will take place on the Hudson River in the vicinity of Albany, New York. The sponsor held the race in a new location

in 1998 and is planning on holding the event in this new location in the future. This new course provides better viewing for spectators on shore, and it is also easier for the sponsor to set up. The regulated area encompasses all waters of the Hudson River from the Albany Rensselaer Swing Bridge, river mile 146.2, to Light 224 (LLNR 39015), river mile 147.5, located approximately 750 yards north of the I-90/Patruon Island Bridge. The new race course is 800 yards smaller than the previous course.

Discussion of Comments and Changes

The Coast Guard received no letters commenting on the proposed rule. This final rule is the same as the proposed rule except that the daily completion time for the event has been moved from 7 p.m. to 8 p.m. This change was made to provide a safety window for race completion and course removal in the event there is inclement weather. The Coast Guard is not publishing a Supplemental NPRM (SNPRM) for this change. A SNPRM is not necessary because the final rule is not materially different from the proposed rule, therefore the notice provided in the NPRM was sufficient for this final rule. This conclusion is based upon the following factors: the minimal extra time the regulations may be in effect, the extra time will only be required in case of inclement weather, the location of the event, and the minimal amount of commercial traffic affected.

Regulatory Evaluating

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Although this regulation prevents traffic from transiting a portion of the Hudson River during the race and afterwards while lane breakdowns are being conducted, the effect of this regulation will not be significant for several reasons: this is an annual marine event currently published in 33 CFR § 100.104, the limited amount of commercial traffic in this area of the river, commercial vessels can plan their transits up the river around the time the regulated area is in

effect as they will have advance notice of the event, it is an annual event with local support, the new course is 800 yards smaller than the previous course, the event's course has only been moved 1600 yards north of the previous regulated area, vessel traffic will still be able to transit the regulated area in accordance with 33 CFR § 100.104(c), and advance notifications will be made to the local maritime community by the Local Notice to Mariners and marine information broadcasts.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. § 601 *et seq.*), the Coast Guard considered whether this final rule will have a significant economic impact on a substantial number of small entities. *Small entities* include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

For the reasons stated in the Regulatory Evaluation section above, the Coast Guard certifies under 5 U.S.C. § 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. § 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4, 109 Stat. 48) requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain *Federal mandates*. A Federal mandate is a new or additional enforceable duty imposed on any State, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, \$100 million or more in any one year, the UMRA analysis is required. This final rule does not impose Federal mandates on any

State, local, or tribal governments, or the private sector.

Environment

In accordance with agency procedures for implementing the National Environmental Policy Act (NEPA), the Coast Guard has considered the environmental impact of the Special Local Regulations together with the impacts of the marine event with which it is associated. In accordance with these NEPA implementing procedures, listed in Commandant Instruction M16475.1C, Figure 2-1, paragraphs (34)(h) and (35)(a), this final rule is categorically excluded from further environmental analysis and documentation. A written Categorical Exclusion Determination is not required.

Other Executive Orders on the Regulatory Process

In addition to the statutes and Executive Orders already addressed in this preamble, the Coast Guard considered the following executive orders in developing this final rule and reached the following conclusions:

E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. This rule will not effect a taking of private property or otherwise have taking implications under this Order.

E.O. 12875, Enhancing the Intergovernmental Partnership. This rule will not impose, on any State, local, or tribal government, a mandate that is not required by statute and that is not funded by the Federal government.

E.O. 12988, Civil Justice Reform. This rule meets applicable standards in sections 3(a) and 3(b)(2) of this Order to minimize litigation, eliminate ambiguity, and reduce burden.

E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to safety disproportionately affecting children.

List of Subjects in 33 CFR Part 100

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

Regulation

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

PART 100—[AMENDED]

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

Authority: 33 U.S.C. 1233 through 1236; 49 CFR 1.46; 33 CFR 100.35.

2. Revise § 100.104 to read as follows:

§ 100.104 Empire State Regatta, Albany, New York.

(a) *Regulated area.* All waters of the Hudson River between the Albany Rensselaer Swing Bridge, river mile 146.2, and Light 224, (LLNR 39015), river mile 147.5, located approximately 750 years north of the I-90/Patruon Island Bridge.

(b) *Effective period.* This section is effective annually from 12 p.m. Friday through 8 p.m. Sunday, on the first weekend of June.

(c) *Special local regulations.* (1) The regulated area will be closed to all vessel traffic, except official patrol craft and sponsor craft, during the following times: Friday from 12 p.m. to 8 p.m.; Saturday from 6 a.m. to 8 p.m.; and on Sunday from 6 a.m. to 8 p.m.

(2) Vessels greater than 20 meters in length shall not transit the regulated area at any time during the effective period unless allowed to do so by the Coast Guard Patrol Commander.

(3) Vessels less than 20 meters in length may transit the regulated area at the conclusion of each day of racing. Transiting vessels will be escorted by official regatta patrol vessels specified in paragraph (c)(5) of this section. Approximate periods for transit will be: Friday at 8 p.m. through Saturday at 6 a.m.; and again on Saturday at 8 p.m. through Sunday at 6 a.m.

(4) Unless otherwise directed by the Coast Guard Patrol Commander, transiting vessels shall: proceed at no-wake speeds, remain clear of the race course area as marked by the sponsor-provided buoys, not interfere with races or any shells in the area, make no stops and keep to the eastern edge of the Hudson River.

(5) Official patrol vessels include Coast Guard and Coast Guard Auxiliary vessels, New York State and local police boats and other vessels so designated by the regatta sponsor or Coast Guard Patrol Commander.

(6) No person or vessel may enter or remain in the regulated area during the effective period unless participating in the event, or authorized to be there by the sponsor or Coast Guard patrol personnel.

(7) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U.S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast

Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(8) In the event of an emergency or as directed by the Coast Guard Patrol Commander, the sponsor shall dismantle the race course to allow the passage of any U.S. Government vessel or any other designated emergency vessel.

Dated: April 12, 1999.

R.M. Larrabee,

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

[FR Doc. 99-10115 Filed 4-21-99; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 50

[AD-FRL-6326-5]

RIN 2060-AI48

Revisions to Reference Method for the Determination of Fine Particulate Matter as PM_{2.5} in the Atmosphere

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: A new national network of fine particulate monitors is being established over the next two years. In order to assure that monitoring data are of the highest quality and are comparable both within and between air monitoring agencies, many specific design and performance requirements were detailed in 40 CFR part 50, appendix L. Other requirements were set forth in documents such as section 2.12 of the "Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Specific Methods," EPA/600/R-94/038b.

This direct final action revises two requirements for measurement of fine particulates in 40 CFR part 50. For transport of exposed filters from the sample location to the conditioning environment, 40 CFR part 50 will no longer specify that the protective shipping container be made of metal. For verification of sampler flow rate, 40 CFR part 50 will now specify that new calibrations shall be performed if the reading of the sampler's flow rate indicator or measurement device differs by more than ± 4 percent or more from the flow rate measured by the flow rate standard. The flow rate verification tolerance was previously set at ± 2 percent.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment 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 revise two requirements for measurement of fine particulate in 40 CFR part 50 should adverse comments be filed.

DATES: This rule is effective on June 21, 1999 unless the Agency receives adverse comments by May 24, 1999. Should the Agency receive such comments, it will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect. If adverse comments are timely received on an amendment, paragraph, or section of this rule and that provision may be addressed separately from the remainder of the rule, EPA may adopt as final those provisions of the rule that are not the subject of adverse comment, effective on June 21, 1999.

ADDRESSES: Comments should be submitted (in duplicate, if possible) to: Air Docket (A-95-54), US Environmental Protection Agency, Attn: Docket No. A-95-54, 401 M Street, SW, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Tim Hanley, Emissions, Monitoring, and Analysis Division (MD-14), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Telephone: (919) 541-4417, e-mail: hanley.tim@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Authority

Sections 110, 301(a), and 319 of the Clean Air Act as amended 42 U.S.C. 7409, and 7601(a).

II. Background

A new national network of fine particulate monitors is being established over the next two years. In order to assure that monitoring data are of the highest quality and are comparable both within and between air monitoring agencies, many specific design and performance requirements were detailed in 40 CFR part 50, appendix L. Other requirements were set forth in documents such as section 2.12 of the "Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Specific Methods," EPA/600/R-94/038b.

One design requirement detailed in 40 CFR part 50, appendix L, is the use of a protective metal container for transporting filter cassettes from