

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 62

[USCG-1999-5036]

RIN 2115-AF14

**Conformance of the Western Rivers Marking System With the United States Aids to Navigation System**

AGENCY: Coast Guard, DOT.

ACTION: Final Rule; delay of implementation date.

**SUMMARY:** The U.S. Coast Guard is changing the date by which solid-color crossing dayboards in the Western Rivers Marking System (WRMS) will be replaced with checkered non-lateral dayboards used in the United States Aids to Navigation System (USATONS). This change is necessary to allow additional time to test and evaluate a redesigned crossing dayboard with reduced reflectivity. The previous implementation date of June 3, 1999 is changed to July 3, 2001.

**ADDRESSES:** The Coast Guard does not request comments with regard to this publication. However, you may mail comments to the Docket Management Facility, (USCG-1999-5036), U.S. Department of Transportation, room PL-401 Seventh Street, SW., Washington, DC 20590-0001, or deliver them to room PL-401 on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is (202) 366-9329. Any comments will be made available for inspection or copying at room PL-401, located on the Plaza Level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** For information regarding the Western Rivers Marking System or this notice, contact Mr. Dan Andrusiak, U.S. Coast Guard, G-OPN-2, (202) 267-0327. For information regarding the Docket Management Facility, contact Pat Chesley, Coast Guard Dockets Team Leader, or Dorothy Walker, Chief, Documentary Services Division, U.S. Department of Transportation, (202) 366-9330.

**SUPPLEMENTARY INFORMATION:****Regulatory History**

On June 3, 1996, the original implementation date for the replacement of the solid-colored

dayboards on the Western Rivers System was published in the **Federal Register** (61 FR 27780) using the incorrect date, "June 3, 1996." The error was corrected on June 10, 1996 in the **Federal Register** (61 FR 29449) to read, "June 3, 1999."

**Background**

A notice of proposed rulemaking was not published for this rule because this is a rule of agency procedure or practice under 5 U.S.C. 553(A).

After September 3, 1996, the Coast Guard began replacing solid-colored crossing dayboards on the Western Rivers System with diamond-shaped non-lateral dayboards, checkered red-and-white or green-and-white. The Coast Guard began this replacement initiative to unify the various aids to navigation marking system and because mariners can better see the checkered type dayboard than the solid-colored dayboard against the typical river bank background.

Further testing and evaluation of redesigned dayboards is necessary to ensure that their reflectivity is appropriate for the particular location of each individual dayboard. The further testing and evaluation will not result in redesigned dayboards that differ from the requirements of Title 33, Section 62.51 of the Code of Federal Regulations which describes crossing dayboards as diamond shaped non-lateral dayboards, checkered red-and-white or green-and-white. The delayed implementation date is July 30, 2001.

Dated: February 24, 1999.

**Ernest R. Riutta,**

*Rear Admiral, U.S. Coast Guard, Assistant Commandant for Operations.*

[FR Doc. 99-5110 Filed 3-1-99; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 33 CFR Part 117

[CGD08-99-006]

RIN 2115-AE47

**Drawbridge Operating Regulation; Bayou Chico, FL**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

**SUMMARY:** The Coast Guard is removing the operating regulation for the State Route 292 bascule span bridge across Bayou Chico, mile 0.3, at Pensacola, Florida. A new State Route 292 fixed bridge has opened and the bascule

bridge is being removed from the waterway. The regulation governing the bascule bridge operation is no longer needed.

**DATES:** This regulation becomes effective on April 1, 1999.

**ADDRESSES:** Documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, room 1313, 501 Magazine Street, New Orleans, Louisiana 70130-3396 between 7 a.m. and 4 p.m., Monday through Friday, except Federal holidays. The telephone number is (504) 589-2965. Commander (ob) maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Frank, Bridge Administration Branch, telephone number 504-589-2965.

**SUPPLEMENTARY INFORMATION:****Background**

A new State Route 292 fixed bridge across Bayou Chico, mile 0.5, at Pensacola, Florida, was opened to traffic on January 26, 1999. The old State Route 292 bascule bridge across Bayou Chico, mile 0.3, is presently being dismantled. Until it is completely dismantled, the draw will be maintained in the open to navigation position. When the drawbridge is removed, in mid April 1999, the operating regulation, § 117.265, will not be needed. This rule removes the regulation.

The Coast Guard has determined that good cause exists under the Administrative Procedure Act (5 U.S.C. 553) to forego notice and comment for this rulemaking because removing the bridge eliminates need for the regulation.

**Regulatory Evaluation**

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 of 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.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include (1) small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and (2) governmental jurisdictions with populations of less than 50,000.

Since the old State Route 292 bascule bridge across Bayou Chico, mile 0.3, at Pensacola, Florida, has been removed from service and is presently being dismantled, the rule governing the bridge is no longer needed. Therefore, 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 principals and criteria contained in Executive Order 12612 and has determined that this rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under Figure 2-1, CE # 32(e) of the NEPA Implementing Procedures, COMDINST M16475.IC, this final rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

For the reasons set out in the preamble, the Coast Guard is amending part 117 of title 33, Code of Federal Regulations, as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.255 also issued under the authority of Pub. L. 102-587, 105 Stat. 5039.

#### § 117.265 [Removed]

2. Section 117.265 is removed.

Dated: February 12, 1999.

**Paul J. Pluta,**

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

[FR Doc. 99-5108 Filed 3-1-99; 8:45 am]

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 60

[AD-FRL-6234-8]

RIN 2060-AH95

#### Amendment to National Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983, and Electric Arc Furnaces Constructed After August 17, 1983

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

**ACTION:** Direct final rule; amendments to rule.

**SUMMARY:** This action amends the national standards of performance for new stationary sources (NSPS) for electric arc furnaces (EAF) constructed after October 21, 1974, and on or before August 17, 1983 (40 CFR part 60, subpart AA), and the NSPS for EAF constructed after August 17, 1983 (40 CFR part 60, subpart AAa). Changes to both rules are being made to add alternative requirements for the monitoring of EAF capture systems in response to recommendations made by the Common Sense Initiative (CSI) subcommittee on iron and steel. The CSI was established by the Administrator to bring together affected stakeholders to find cleaner, cheaper, and smarter environmental management solutions.

In addition, the EPA is revising two definitions for consistency and making a number of editorial changes. The EPA does not believe that these editorial changes will affect the applicability or requirements of the rule.

**DATES:** This rule will be effective without further notice on May 3, 1999 unless the Agency receives adverse comments by April 1, 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 a public hearing is requested, the comment period will end 30 days after the date of the public hearing, in which case EPA will publish a document in

the **Federal Register** announcing the hearing information and the extended comment period.

**Public Hearing.** Anyone requesting a public hearing must contact the person listed below under **FOR FURTHER INFORMATION CONTACT** no later than March 12, 1999. If a hearing is held, it will take place on March 17, 1999, beginning at 10:00 a.m.

**ADDRESSES:** *Docket.* Docket No. A-79-33, containing information considered by the EPA in development of this action, is available for public inspection and copying between 8:00 a.m. and 5:30 p.m., Monday through Friday except for Federal holidays, at the following address: U.S. Environmental Protection Agency, Air and Radiation Docket and Information Center (MC-6102), 401 M Street, S.W., Washington, D.C. 20460; telephone (202) 260-7548. The docket is located at the above address in Room M-1500, Waterside Mall (ground floor). A reasonable fee may be charged for copying.

**Comments.** Written comments should be submitted to: Docket A-79-33, U.S. EPA, Air & Radiation Docket & Information Center, 401 M Street, S.W., Room 1500, Washington, D.C. 20460.

**Hearing.** Inquiries regarding a public hearing should be directed to the person listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kevin Cavender, Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541-2364.

#### SUPPLEMENTARY INFORMATION:

The EPA is publishing this rule without prior proposal because the Agency views these amendments as noncontroversial 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 amend 40 CFR part 60, subpart AA and 40 CFR subpart AAa should adverse comments be filed. This rule will be effective May 3, 1999 without further notice unless the Agency receives adverse comments by April 1, 1999.

If EPA receives such comments, the Agency will publish a timely withdrawal of the direct final rule informing the public that the rule will not take effect. All public comments received will be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period on this rule. Parties interested in commenting on this rule should do so